

the RECONSTRUCTION

After the Civil War, some on the Union side wanted to patch up the country and some wanted to punish the South. Those out for vengeance mostly won.

by William P. Hoar

“It is our duty to live,” said the surrounded Robert E. Lee. “What will become of the women and children of the South if we are not here to protect them?” Issuing General Order Number Nine in April of 1865 before surrendering at Appomattox Court House, General Lee told his troops he was “compelled to yield to overwhelming numbers and resources.” The terms of capitulation

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* Wade would have succeeded President Andrew Johnson had the latter been successfully impeached, and Ben Wade was so sure of the outcome he had his own Cabinet chosen before the vote in the Senate was taken.

were magnanimous, and within a month the War Between the States was effectively over. But the so-called Reconstruction that followed was a mockery of that term and amounted to destruction and tyranny for half the nation.

Leaning Toward Leniency

President Abraham Lincoln had in 1863 proposed leniency toward the South, planning widespread pardons and a “10-percent plan” whereby a rebelling state would be recognized as having regained all rights in the Union when 10 percent of the 1860 voters took a loyalty oath and agreed to end slavery. This was done in Louisiana, Arkansas, and Tennessee even before the hostilities on the battlefield had ceased.

Opposing Lincoln’s plans were the Radical Republicans, a gang of conspirators out for vengeance and power. For example,

in 1864 the Radical-dominated Congress passed a bill sponsored by Senator Benjamin Wade* of Ohio and Congressman Henry Davis of Maryland which set as the price of readmission an oath of *past* loyalty to the Union of a majority of a state’s 1860 voters — a practical impossibility.

President Lincoln pocket vetoed it. Clearly the president and the conspirators had very different plans for post-war America.

A subsequent Wade-Davis manifesto sneered at the president’s “dictation of his political ambition,” berated the veto as a “stupid outrage on the legislative authority of the people,” warned that Lincoln had “presumed on the forbearance which the supporters of his Administration had so long practiced,” and bluntly told the president of the United States to “confine himself to his executive duties.”

It was in such a climate that Lincoln

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was assassinated less than a week after Appomattox by a conspiracy that also struck at key members of his Cabinet. Senator Benjamin H. Hill of Georgia, a pro-Union man who like Robert E. Lee had rallied to the Stars and Bars, immediately declared of the murder: "God help us if that is true. It is the worst blow that has yet been struck the South."

Certainly that was true in the matter of what was to be done with the freed Negroes. Radical Republicans were well aware that Abraham Lincoln had asserted: "I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races. I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor of intermarry with white people. And I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality."

Succeeding the murdered Lincoln was

Andrew Johnson, his vice president on a coalition Union ticket, a former Democrat senator and military governor of Tennessee. At the onset, the Radicals thought they had their own man in the White House. Had not Johnson talked of hanging "traitors" and stated "treason must be made infamous, and traitors must be impoverished"? But the new president attempted to carry out Lincoln's plan to bind up the wounds of the nation and restore liberty to the South, causing him to meet quick and venomous opposition from the Congress. The Radicals had misread Johnson. Like Lincoln, commented historian Claude G. Bowers in *The Tragic Era*, Johnson "did not like slavery; like Lincoln, he recognized the constitutional rights of slavery; like Lincoln, he did not care for abolitionists; like Lincoln, he was more interested in the preservation of the Union, with or without slavery; and like Lincoln, he thought the war was waged for the preservation of the Union and for no other purpose." In fact, contrary to the legalistic posturing of the Radicals, both held that

the Southern states had not seceded — a constitutional impossibility — but had merely tried unsuccessfully to secede.

Stirring Sentiment Against the South

President Johnson's Amnesty Proclamation of May 29, 1865 effectively renewed Lincoln's pledge of December of 1863. The new president's terms for restoration to the Union were repudiation of Confederate debt; repeal of the secession ordinances; and abolition of slavery. Indeed, by December of 1865, every Confederate state (except Texas, which followed four months later) had accepted the terms to be returned to good standing in the Union. "In the subsequent elections," noted James P. Shenton in *The Reconstruction*, "Alexander E. Stephens, former Vice-President of the Confederacy, 4 Confederate generals, 5 Confederate colonels, 6 Confederate Cabinet officers, and 58 Confederate Congressmen were elected to the 39th Congress from the South. The prevalence of recent rebels in state and local governments was no less emphatic."

To be sure, these men were the leaders in the South. But the election of the former rebels was fanned by propaganda into outrage in the North. After all, it was noted, only white males had the vote. And this for a paltry pledge of allegiance to the Union against which they had so recently made war.



Not the end of conflict: When Robert E. Lee surrendered his army in April 1865, the Civil War was nearly over. But while both Presidents Lincoln and Johnson had promised the South generous terms of surrender, Radical Republicans stirred up hate in the North to prevent leniency.

Meanwhile, emancipation of the slaves was formalized as the now-occupied Southern states ratified the 13th Amendment. The former slaves, mostly illiterate, were led to believe they would each receive “forty acres and a mule” and the right to confiscate the property of their former masters. To compound the hostility and further humiliate the South, black troops were sent to oversee the white population. One out of four white Southern males between the ages of 17 and 45 had died in the war and a like number was wounded. Bitterness and chaos thrived in occupied Dixie. Claude Bowers wrote in *The Tragic Era*:

This, then, was the combination against the peace of a fallen people — the soldiers inciting the blacks against their former masters, the [Freedmen’s] Bureau agents preaching political and social equality, the white scum of the North fraternizing with the blacks in their shacks, and the thieves of the Treasury stealing cotton under the protection of Federal bayonets. And in the North, demagogic politicians and fanatics were demanding immediate negro suffrage and clamoring for the blood of Southern leaders. Why was not Jeff Davis hanged; and why was not Lee shot?†

Vagrancy, drunkenness, and violent crime mounted, with no little help from Northern carpetbaggers and Southern scalawags. In an attempt to bring order, a number of states legally adopted Black Codes prohibiting the often uneducated and illiterate Blacks from sitting on juries, carrying weapons, committing adultery, being vagrants, and violating curfew and segregation laws. The Black Codes did at least, reported John Alexander Carroll and Odie B. Faulk in *Home of the Brave*, “recognize the right of freedmen to own and inherit property, to make contracts, and to sue in court — and they made it very plain that blacks were expected to return to work, for they said that blacks had to have a steady occupation and they carried heavy penalties for violations of labor contracts.”

The Northern Radicals would have

† Yet, even in 1867, Blacks could vote in only six Northern states. (*The Reconstruction*)



Turnabout at the polls: Only two years after their enslavement ended, Freedmen voted in New Orleans. In much of the South, the Army brought still-illiterate Blacks and white carpetbaggers to the polls, and kept most Southern Whites away.

none of this, and the Congress that convened in December of 1865 refused to seat the duly elected representatives from the former Confederacy. Ironically, these controversial codes which the Radicals so self-righteously castigated

did not differ materially from similar statutes in the Northern States. Even some of the harshest laws, those which were received with wide-spread indignation throughout the North, could almost be duplicated by laws at that time in force in such states as Rhode Island and Connecticut. Even the phraseology, the using of the words master, mistress and servant, which was deemed objectionable and suggestive by Northern Republicans, could be found in Northern statutes. [*The Struggle Between President Johnson And Congress Over Reconstruction*, Charles E. Chadsey]

Northern Radicals — led by Senator Charles Sumner of Massachusetts and Representative Thaddeus Stevens of Pennsylvania — meant to treat the states of the South like conquered provinces. “I have never,” claimed the vengeful Stevens, “desired blood punishment to any great

extent. But there are punishments quite as appalling and longer remembered than that. They are more advisable, because they would reach greater numbers. Strip proud nobility of their bloated estates; reduce them to a level with plain republicans; send them forth to labor and teach their children to enter the workshops or handle a plow, and you will thus humble the proud traitors.” The land belonging to Confederates, he urged, should be taken from them and sold to their slaves at \$10 an acre.

Stevens, by the way, was a bachelor who lived with a mulatress — though historians disagree on the extent of her role in his household.

Lashing Out Right and Left

In February of 1866, President Johnson vetoed an extension of the notorious Freedmen’s Bureau which was causing so much trouble in the South. Moreover, he reiterated that the states should determine the matter of suffrage as directed by the Constitution. Each move the president made deepened his political grave in the North. But the president believed that the Radical conspirators wanted nothing less than destruction of the Republic. In a public speech, he decried the attempt

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to centralize power in the hands of a few at the federal level, and referred to the Joint Committee on Reconstruction as an “irresponsible central directory” which had assumed “nearly all the powers of Congress” without “even consulting the legislative and executive departments of the Government.... Suppose I should name to you those whom I look upon as being opposed to the fundamental principles of this Government, and as laboring to destroy them. I say Thaddeus Stevens, of Pennsylvania; I say Charles Sumner, of Massachusetts; I say Wendell Phillips [president of the Anti-Slavery Society], of Massachusetts.”

The battle was joined. And the Radical-led Congress overrode Johnson’s veto of not only the Freedmen’s Bureau but also of the Civil Rights Bill. When the president pointed out the unconstitutionality of granting full citizenship to four million former slaves while 11 states were not recognized in the Congress, the Radicals incorporated language from their Civil Rights Act into the 14th Amendment and submitted it to the states. With the exception of Tennessee, 10 of the 11 Southern states rejected it — as did California, Delaware, Kentucky, and Maryland.

During this period, Robert E. Lee was avoiding politics as much as possible. But in an interview he had to observe:

The [Congressmen of the] Radical party are likely to do a great deal of harm, for we wish now for good feeling to grow up between North and South, and the President, Mr. Johnson, has been doing much to strengthen the feeling in favor of the Union among us. The relations between the Negroes and the whites were formerly friendly, and would remain so if legislation be not passed in favor of the blacks, in a way that will only do them harm. [The Radicals] are working as though they wished to keep alive by their proposals in Congress the bad blood in the South against the North. If left alone

the hostility which must be felt after such a war would rapidly decrease, but it may be continued by incessant provocation.

And the Radicals knew how to be provocative.

Since the Southern states refused to ratify the 14th Amendment, Congress arbitrarily and unconstitutionally put them out of the Union. “The newly elected 40th Congress convened in March rather than in December of 1867, and on March 2 passed an act dividing the old Confederacy, with the exception of Tennessee, into five military districts.” (*The Reconstruction*, Shenton)

Blacks in these districts were enfranchised, though they were still without the vote in much of the North, while white former Confederates were disenfranchised. Under this series of Reconstruction Acts, only when the new “reconstructed” non-Union governments passed the 14th Amendment could they be admitted to the Union, a clear violation of the Constitution

which stipulates that only the legislatures of sovereign states may vote on Amendments.

As the constitutional scholar Dan Smoot has pointed out: “Congress denied the southern states judicial relief, by intimidating the Supreme Court into silence — threatening to abolish the Court’s appellate jurisdiction, or to abolish the Court itself, by constitutional amendment. Army bayonets escorted illiterate negroes and white carpetbaggers to the polls, keeping most southern whites away. In Louisiana, an Army general even presided over the state legislature which ‘ratified’ the Fourteenth Amendment.”

Even so, counting the votes of six “reconstructed” governments plus two more Northern states, ratification left the total of those states approving at one short of the required three-fourths because New Jersey and Ohio became outraged at the power grab and withdrew their ratifications. The obliging secretary of state nonetheless determined, and the Radical Congress agreed, that the unratified 14th Amendment was now part of the Constitution. We live with that decision and its many destructive consequences to this day.

Also over President Johnson’s veto, the Congress passed the Tenure of Office Act, prohibiting the president from removing Cabinet officers without approval of Congress; and the Command of the Army Act,



Festering hate: After Northern Radicals largely disenfranchised the white vote in the South, using the military to back their edicts, former Confederate soldiers formed groups to intimidate and clash with Northern occupiers. The legacy was a bitterness in the South that would last for generations.



Impeachment: Worried that the plans of Northern Radicals would tear apart the country rather than mend wounds, President Andrew Johnson spoke out against the Radicals. Though he was almost impotent in effect, his efforts still brought about his impeachment.

violating his constitutional authority as commander-in-chief. The Radicals were strengthened in the elections, having encouraged mobs around the country to attack the president when he sought to take his case to the people:

Never in history had a President gone forth on a greater mission — to appeal for constitutional government and restoration of union through conciliation and common sense; and never had one been so scurvily treated. City officials in Baltimore, Philadelphia, Cincinnati, Indianapolis, and Pittsburgh had refused an official welcome; the Governors of Ohio, Indiana, Illinois, Michigan, Missouri, and Pennsylvania had not appeared; and in the more than forty congressional districts traversed, but one Radical Congressman had paid a call of courtesy. [*The Tragic Era*]

All Democrats were murderers, went the cry, and the air was filled with charges of “copperhead,” “rebel hounds,” impeachment of the president, and even the implication that Johnson was involved in the assassination of Lincoln.

The Freedmen’s Bureau in the South joined in preaching this liturgy of hate.

Carpetbaggers and scalwags organized the Blacks into voting blocs in Union or Loyal Leagues. Historian Bowers reported:

Night meetings, impressive, flamboyant ceremonies, solemn oaths, passwords, every possible appeal to the emotions and senses, with negroes on guard down the road to challenge prowlers, much marching and drilling — all mystery. And then incendiary speeches from Northern politicians promising the confiscation of the white man’s land. Discipline, too — iron discipline. Intimidation, likewise — the death penalty for voting the Democratic ticket. Strangers arriving mysteriously in the night with warnings that the native whites were deadly enemies. Promises of arms, too — soon to be fulfilled. And the negroes moved as a race into the clubs. And woe to the negro who held back, or asked advice of an old master. This, they were taught, was treason to race, to party. Persuasion failing, recourse was had to the lash, and many a negro had welts on his back.

The white reaction to this was the original

Ku Klux Klan, headed at its founding by the legendary Confederate General Nathan Bedford Forrest.

In Washington, even though his power over the executive departments and the military had been usurped by the conspirators, the Radicals now decided to impeach President Johnson and replace him with one of their own: Senate president *pro tempore* Benjamin Wade. The president had decided to test the constitutionality of the Tenure of Office Act by discharging Secretary of War Edwin Stanton, a conspirator and Radical informant who had, in fact, been appointed not by him but by Lincoln. The Joint Committee on Reconstruction, that “irresponsible central directory,” responded by bringing 11 charges against the president. Eight of these referred to the Stanton firing; one to the Army Act; one, drawn up by the Radical haranguer Benjamin Butler, charged the president with having in “a loud voice” made “certain intemperate, inflammatory and scandalous harangues” against Congress, bringing “the high office of president of the United States into contempt, ridicule, and disgrace, to the great scandal of all citizens”; and, finally, a catchall charge was added by Thaddeus Stevens on the ground that it would be easiest to pass.

Johnson was indeed impeached by the House and tried in the Senate, with Chief Justice Salmon Chase presiding. After a trial of more than two months and every conceivable sort of pressure and bribery, the Senate failed in May of 1868 to convict on what was thought the most promising charge. The margin was one vote — a vote generally credited to Senator Edmund Ross of Kansas, though a total of seven Radicals had refused to follow the party line. Not one of the seven ever again held elective office.

Corruption and Cronyism

The hamstrung Andrew Johnson finished out his term, and was denied nomination in 1868 as a Democrat. The Republicans gained control of both the executive and legislative branches in the fall of 1868 with the election of Ulysses S. Grant. His platform endorsed Radical Reconstruction and called for giving Blacks the vote in the South but leaving it up to the states elsewhere. With the South under occupation and effectively disenfranchised, the people

of the North were inflamed by politicians “waving the bloody shirt.” As one Radical politician put it: “The cure for all the evils we endure — all of them spawned by rebellion — is not to be found in conciliation ... but in sustaining the party that restored the Union to the Fathers, clad now in the white robes of freedom, unsullied and irreproachable.” Indeed, in short order, the voters of the State of Mississippi — such as they were — sent a black man to fill the seat in the U.S. Senate formerly held by Jefferson Davis.

In 1869, the Radicals passed the 15th Amendment, providing for black male suffrage — even in the North — and approval of the amendment was made a condition of “readmission” to the Union for Virginia, Texas, Mississippi, and Georgia. A Force Act became law in 1870 and a Ku Klux Klan Act the following year, authorizing the suspension of a writ of habeas corpus. Martial law was in force. Claude Bowers wrote of South Carolina:

Came then the terror, with wholesale arrests, with business all but suspended, with every citizen at the mercy of a dishonest enemy with

a private grudge. The trials were mockeries of justice, the United States Circuit Court at Columbia a shambles.... The juries were defiantly packed with partisans, and an astonishing number of Radical politicians became jurors. Thus a dastardly conspiracy was manipulated by officials of the Federal Government! In Charleston, the scenes were similar. As if by magic the Democrats and Conservatives seemed to disappear. The courts could find no one for jury service but negroes, carpetbaggers, and scalawags. Some of the accused were deservedly convicted; others were youths of little education who had joined the Klan for a lark.

Louisiana was especially hard hit by its “reconstruction” government, which incurred a debt of 48 million dollars in four and a half years, prompting an outraged citizen to remark: “We are all ruined here and to hold property is to be taxed to death by our African communists.” In South Carolina printing costs in 15 months under the Republicans exceeded the total cost for 78 years before the war. Three-

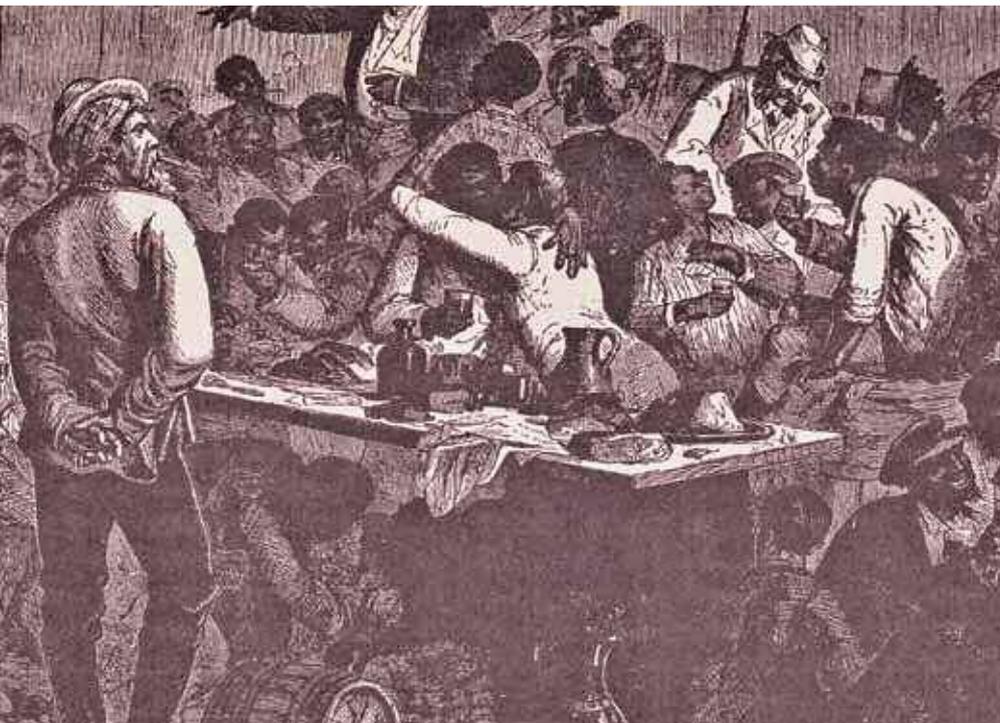
quarters of the South Carolina legislators in 1873 were blacks who were uneducated in matters of government but knew a good time when they saw it:

In refurbishing the state house, five-dollar clocks were replaced by new ones costing \$600; \$4 looking glasses by \$600 mirrors; and \$1 chairs by new ones at \$60 each. Taxes paid for a free restaurant for members where ham, oysters, and champagne were served. [*Quest of a Hemisphere*, Donzella Cross Boyle]

A carpetbagger named “Honest” John Patterson was quoted as saying, “There are five years more of good stealing in South Carolina.”

Indeed, enough liquor was consumed in the office next to the clerk of the South Carolina Senate to have amounted to one gallon per legislator per day. Not to mention the fine foods and furnishing for the homes of the legislators’ mistresses. *The Tragic Era* paints the scene:

Amid the cracking of peanuts, the shouting, laughing, stamping, members are seen leaving and returning in a strange state of exaltation — they come and go in streams. Let us follow the trail to the room adjoining the office of the clerk of the Senate. We learn that it is open from eight in the morning till two or four the next morning, and now, as we push in, it is crowded. A barroom! Solons are discussing politics over sparkling glasses of champagne, supplied by taxpayers. Here gallons of wine and whiskey are consumed daily. Members enter blear-eyed in the early morning for an eye-opener or a night-cap — some are too drunk to leave at 4 A.M. Champagne? Wine? Whiskey? Gin? Porter? Ale? — and the member orders to his taste. Does a special brand of liquor or fine cigars appeal especially? Boxes are ordered to the member’s hotel or boarding-house. “One box of champagne, one box of sherry wine, three boxes cigars” — this is the order for one negro member. When the chairman of the Claims Committee found one box of wine delivered to his lodging,



Pouring out money: During Reconstruction, former Confederates were denied the vote, so carpetbaggers, scalawags, and illiterate former slaves took over Southern legislatures and proceeded to throw parties, tax, and spend more — spending the South into poverty.

he indignantly wrote: “This is a mistake; the order calls for two boxes of wine. Please send the other.” ...

A clubby crowd, too, these “loyal” men of South Carolina; for when Speaker Moses and Whipper, a negro member who owned fast horses, arranged a race on a thousand-dollar bet, and Moses lost, did not the Legislature within three days vote a gratuity to the Speaker to cover his loss, “for the dignity and ability with which he has presided.”

But the disenfranchisement of Whites was gradually lifted in the South, and in 1874, the Democrats won a majority in the U.S. House of Representatives for the first time since the war. Grant had easily been re-elected in 1872 and was now more conciliatory, being also confronted with scandal after scandal in his own administration. In fact, by the end of 1875, only the Southern states of Louisiana, South Carolina, and Florida were ruled by the Radicals. At long last the Reconstruction period was drawing to a close.

“Much was lost in the destruction of the Old South that men have not ceased to regret,” observed Richard M. Weaver in his classic *The Southern Tradition at Bay*. “Most of the poetic virtues — honor, dignity, fealty, valor — were made to look outmoded and futile, and have since had to sneak in by the back door and apologize for themselves.” Indeed the period ended with a stolen election.

The presidential returns of 1876 saw Democrat Samuel Tilden win the popular vote over Republican Rutherford B. Hayes, and in an honest count, he probably won the electoral vote as well. However, the Radical Republicans still controlled the voting boards in three contested Southern states — South Carolina, Louisiana, and Florida — and there would be no honest tally there. Congress decided the dispute by one vote in an Electoral Commission. The commission was to have been made up of five Republicans and five Democrats from Congress, two Democratic Justices from the Supreme Court and two Republican Justices, and one independent. But the Illinois Legis-

lature then elected the one independent Justice to the U.S. Senate, leaving but four remaining Justices from which to choose, all of them being Republicans. Each vote by the resulting commission was eight to seven along straight partisan lines, accounting for a one-vote electoral margin in favor of Hayes.

The Democrats threatened to filibuster in the House, which they controlled, but were appeased by the Compromise of 1877, which promised a withdrawal of federal troops from the three remaining “reconstructed” states; various federal aid; and appointment of an ex-Confederate to the patronage-laden post of Postmaster General.

With these conditions fulfilled to seat Hayes as president, and in the absence of federal bayonets, the three remaining carpetbag-scalawag governments soon fell. The conservative Democrats were back in control of the then Solid South, and could begin what reconstruction they could as each state saw fit — starting with repeal of local Radical legislation. The South might forgive, but it would not forget. ■