

# 11

## **HEADING TOWARD THE CIVIL WAR AND RECONSTRUCTION (1845-1877)**

### **POLITICAL AND JUDICIAL ACTIVITY BEFORE THE WAR**

The election of 1844 pitted **James Polk**, a Democrat expansionist, against Whig leader Henry Clay. Remember: We met Henry Clay for the first time when he was a young man and a “war hawk” instigating war against England in 1812, but he later became a voice of compromise. One of Polk’s slogans—“54°40’ or Fight”—meant that America’s Northwestern border should be extended to the 54°40’ latitude, deep in Canadian territory. Polk’s supporters also wanted the immediate annexation of Texas as well as expansion into the Mexican-claimed territories of New Mexico, Arizona, and

California. Clay, too, favored expansion, but at a slower rate. He also hoped to avoid war by negotiating with Mexico and Britain for the land America wanted. The election was close, but Polk won. In the last days of his administration, President Tyler proposed the annexation of Texas, arguing that Polk's victory amounted to a mandate for annexation. Again, the vote was close and divided along sectional lines. The annexation vote passed, the United States annexed Texas, and Mexico broke off diplomatic relations. Under these circumstances, war with Mexico seemed likely.

## THE POLK PRESIDENCY

Polk realized almost immediately upon taking office that, campaign rhetoric aside, the United States could hardly afford to fight two territorial wars at the same time, particularly if one was against Great Britain. Consequently, he conceded on demands for expansion deep into Canada and set about instead to negotiate a more reasonable American-Canadian border. The **Oregon Treaty**, signed with Great Britain in 1846, allowed the United States to acquire peacefully what is now Oregon, Washington, and parts of Idaho, Wyoming, and Montana. It also established the current northern border of the region.

Reasonably certain that war in the Northwest could be avoided, Polk concentrated on efforts to claim the Southwest from Mexico. He tried to buy the territory, and when that failed, he provoked Mexico until it attacked American troops. Mexico was already provoked by the annexation of Texas. Texas had gained its independence earlier, in 1835-1836 ("Remember the Alamo!"). Polk then used that attack to argue for a declaration of war. Congress granted the declaration, and in 1846 the **Mexican-American War** began. Whigs such as first-term member of the House of Representatives Abraham Lincoln questioned Polk's claim that the Mexicans had fired first, but Congress declared war anyway.

The Mexican-American War did not have universal support from the American public. Abolitionists, largely in the North but elsewhere as well, feared that new states in the West would become slave states, thus tipping the balance in Congress in favor of proslavery forces. Opponents argued that Polk had provoked Mexico into war at the request of powerful slaveholders, and the idea that a few slave owners had control over the government became popular. Those rich Southerners who allegedly were "pulling the strings" were referred to as the **Slave Power** by abolitionists. The **gag rule** in 1836 raised suspicions of a Slave Power, and the defeat of the **Wilmot Proviso**, a congressional bill prohibiting the extension of slavery into any territory gained from Mexico, reinforced those suspicions. The failure of the proviso, which had been strongly supported in the North, led to the formation of the **Free-Soil Party**, a regional, single-issue party devoted to the goals of the Wilmot Proviso. Many Southerners, on the other hand, felt that there should be no federal restrictions on the extension of slavery into the new territories. The two sides were growing farther apart and more rigid in their determination not to give in.

While debate raged on, so too did the Mexican War, which went very well for American forces. The United States prevailed so easily in Texas that Polk ordered troops across the Southwest and into California, hoping to grab the entire region by war's end. When the United States successfully invaded Mexico City, the war was over. In the **Treaty of Guadalupe Hidalgo** (1848), Mexico handed over almost all of the modern Southwest: Arizona, New Mexico, California, Nevada, and Utah. This is known as the **Mexican Cession**. The United States, in return, paid \$15 million for the land.

The addition of this new territory greatly increased the nation's potential wealth, especially when gold was found at Sutter's Mill during the year that the treaty was signed. However, it also posed major problems regarding the status of slavery. Although both Democrats and Whigs tried to skirt the issue, the electorate was interested in nothing but the slavery question. The Democrats' strong support in the South guaranteed that the party would never oppose slavery, and when forced to confront the issue, they introduced the concept of **popular sovereignty**. Popular sovereignty meant that the territories themselves would decide, by vote, whether to allow slavery within their borders. When the Whigs

also refused to oppose slavery, the party split. Antislavery Whigs (also known as “Conscience Whigs”) began to join the Free-Soil Party, leaving the Whig Party in the hands of the “Cotton Whigs.” The Whigs managed to win the election of 1848 by running another nondescript military hero, **Zachary Taylor**, but the party was on its way out. The political upheaval caused by the slavery issue eventually proved too divisive to the Whigs (not to mention the entire country). In 1856 the Whigs did not even field a presidential candidate; they were finished as a national power, just as the Federalist party had died after the War of 1812. But a new national party was emerging—Republicans.

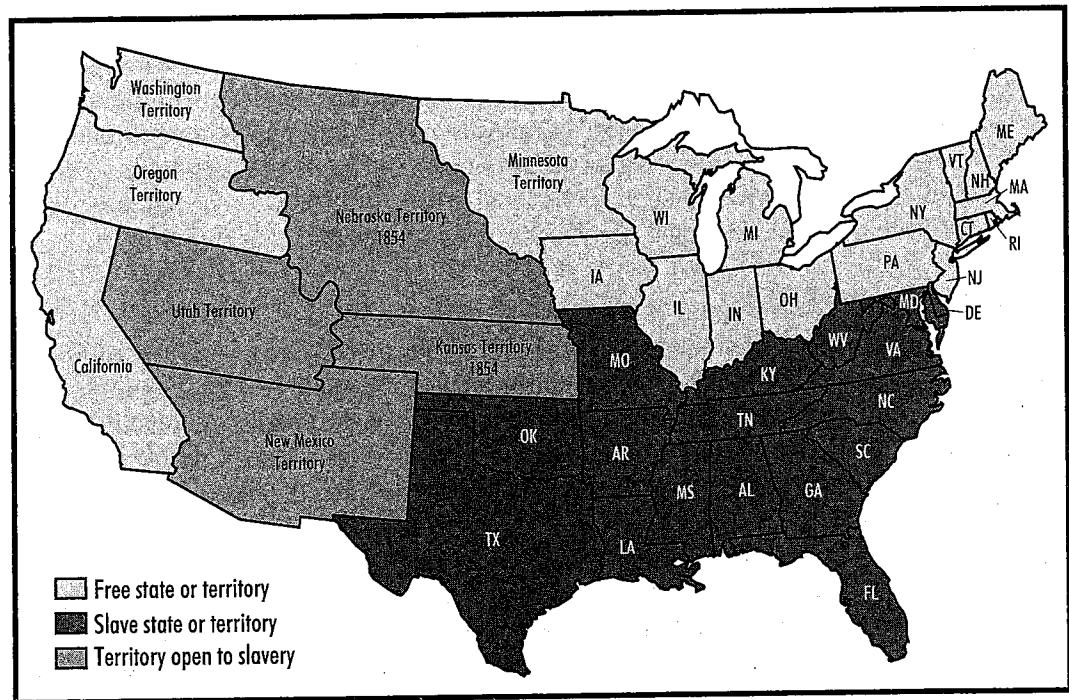
## THE COMPROMISE OF 1850

Sectional strife over the new territories started as the ink was drying on the Treaty of Guadalupe Hidalgo. During the Gold Rush, settlers had flooded into California, and the populous territory wanted statehood. Californians had already drawn up a state constitution. That constitution prohibited slavery, and so, of course, the South opposed California’s bid for statehood. At the very least, proslavery forces argued, southern California should be forced to accept slavery, in accordance with the boundary drawn by the Missouri Compromise of 1820. The debate grew so hostile that Southern legislators began to discuss openly the possibility of secession.

Democrat **Stephen Douglas** (not to be confused with abolitionist Frederick Douglass) and Whig Henry Clay hammered out what they thought to be a workable solution, known as the **Compromise of 1850**. When presented as a complete package, the compromise was defeated in Congress. Douglas, however, realized that different groups supported different parts of the compromise, and so he broke the package down into separate bills. He managed to organize majorities to support each of the component bills, and thus ushered the entire compromise through Congress. Together, the bills admitted California as a free state and enacted a stronger **fugitive slave law**. They also created the territories of Utah and New Mexico, but left the status of slavery up to each territory to decide only when it came time for each to write its constitution, thus reinforcing the concept of **popular sovereignty**. The Compromise of 1850 abolished the slave *trade*, not slavery itself, in Washington, D.C. Proponents of this provision argued that it was immoral to “buy and sell human flesh in the shadow of the nation’s capitol.”

The last two accomplishments were seriously flawed: The definition of popular sovereignty was so vague that Northerners and Southerners could interpret the law entirely differently so as to suit their own positions. The fugitive slave law, meanwhile, made it much easier to retrieve escaped slaves and required free states to cooperate in their retrieval. Abolitionists considered it coercive, immoral, and an affront to their liberty.

Antislavery sentiments in the North grew stronger in 1852 with the publication of *Uncle Tom’s Cabin*, a sentimental novel written by a then-obscure writer named Harriet Beecher Stowe. Stowe, a Northerner, based her damning depictions of plantation life on information provided her by abolitionist friends. She wisely avoided political preaching, instead playing on people’s sympathies. The book sold more than a million copies and was turned into a popular play that toured America and Europe. Like Thomas Paine’s *Common Sense* during the Revolutionary War era, it was an extremely powerful piece of propaganda, awakening antislavery sentiment in millions who had never before given the issue much thought. It was in this atmosphere that **Franklin Pierce**, perceived in both the North and South as a moderate, was elected president in 1852.



Kansas-Nebraska Act, 1854

## THE KANSAS-NEBRASKA ACT AND "BLEEDING KANSAS"

After California, no new states would be admitted to the Union until 1858. However, the contentious status of the new territories proved increasingly problematic. Settlers entering the Kansas and Nebraska territories found no established civil authority. Congress also wanted to build railways through the territory, but they needed some form of government to impose order, secure land (a task that included driving out Native Americans), and supervise construction.

Stephen Douglas sought to address these issues with the **Kansas-Nebraska Act of 1854**. Again, Douglas formulated and ushered through Congress a law that left the fate of slavery up to residents without specifying *when* or *how* they were to decide. To make matters worse, by opening the two territories to slavery, the Kansas-Nebraska Act repealed the Missouri Compromise, thus further destabilizing the political situation. Northerners considered the new law a betrayal, regarding it as further evidence of the Slave Power's domination of government. In response, many Northern states passed laws weakening the fugitive slave act. These laws, called **personal liberty laws**, required a trial by jury for all alleged fugitives and guaranteed them the right to a lawyer. Southerners, who thought the fugitive slave law would be the final word on the issue, were furious.

The Kansas-Nebraska Act also drove the final stake into the heart of the Whig party. Anti-slavery Whigs, growing more impassioned about the issue and more convinced that the national party would never take a strong stand, joined Northern Democrats and former Free-Soilers (whose single issue was effectively defeated by Kansas-Nebraska) to form a new party, the **Republicans**. Though not abolitionist, the Republicans were dedicated to keeping slavery out of the territories. They also championed a wide range of issues, including the further development of national roads, more liberal land distribution in the West, and increased protective tariffs. As a result, the Republicans appealed to a wider constituency than the Free-Soilers had. Midwestern merchants and farmers, Western settlers, and Eastern importers all found something to like in the Republican platform. The Republican party grew quickly in the North, where it won a majority of congressional seats in 1854.

Another new party formed during this period. The **American** party, often called the **Know-Nothings** because they met privately and remained secretive about their political agenda, rallied around a single issue: hatred of foreigners (**nativism**), a perennial favorite in U.S. politics. The party grew quickly and dominated several state legislatures. It also spread some ugly anti-Irish, anti-German, and anti-Catholic propaganda. For a while it appeared that the Know-Nothings, and not the Republican party, would become the Democrats' chief competition. Yet before it could reach that pinnacle, the party self-destructed, primarily because its Northern and Southern wings disagreed over slavery.

The Kansas-Nebraska Act also provoked violence in the territories. Both abolitionists and proslavery groups rushed into the territories, planning to form governments in hopes of winning the two future states for their side. Just prior to the election for Kansas's legislature, thousands of proslavery Missourians (called **Border Ruffians**) temporarily relocated in Kansas, resulting in an illegal, proslavery government. The new legislature, which President Pierce recognized, promptly declared Kansas a slave territory. Abolitionists refused to accept this outcome and set up their own government. Proslavery forces took Pierce's recognition as a license to expel the abolitionists, and they demolished the abolitionist city of Lawrence. In retaliation, radical abolitionist **John Brown** led a raid on a proslavery camp, murdering five. After that, the gloves *really* came off, as gangs from both sides roamed the territory and attacked the opposition. More than 200 people died in the conflict, which is how Kansas came to be known as **Bleeding Kansas**, or **Bloody Kansas**, during this period.

The events in Kansas further polarized the nation. The passions raised were even reflected in Congress when Preston Brooks, nephew of proslavery Congressman **Andrew Butler**, pummeled abolitionist Senator Charles Sumner on the head with a cane. The crisis destroyed Pierce's political career, and the Democrats chose **James Buchanan** as their 1856 candidate. Buchanan's greatest political asset was that he had been out of the country for the previous four years and so could avoid blame for the disastrous results of the Kansas-Nebraska Act. In a sectional vote, Buchanan won the election, carrying the South, while Republican John Frémont carried the North. The Know-Nothings ran Millard Fillmore, who won 20 percent of the vote. It was the Know-Nothings' last hurrah.

## **BUCHANAN, DRED SCOTT, AND THE ELECTION OF 1860**

As president, **James Buchanan** tried to maintain the status quo. He worked to enforce the fugitive slave act and opposed abolitionist activism in the South and West. Like many of the nation's leaders at the time, he was at a loss when it came to a permanent solution to the question of slavery. He hoped merely to maintain the Union until a solution presented itself.

Months after Buchanan took office, the crisis over slavery escalated when the Supreme Court ruled in *Dred Scott v. Sandford*. Scott, a former slave whose master had taken him to territories where slavery was illegal, declared himself a free man and sued for his freedom. Scott won the case, then lost the appeal, and the case finally wound up in the Supreme Court where Scott lost. At a time when many wanted to ignore the big questions surrounding slavery, Chief Justice Roger Taney (who wrote the majority decision) chose to attack them head-on. Taney's one-sided, proslavery decision declared that slaves were property, not citizens, and further, that no black person could ever be a citizen of the United States. Because blacks were not citizens, Taney argued, they could not sue in federal courts, as Scott had done. Moreover, he ruled that Congress could not regulate slavery in the territories, as it had done in passing the Northwest Ordinance in 1787 under the Articles of Confederation government and again in 1820 with the Missouri Compromise. This part of the decision not only nullified the now obsolete Missouri Compromise, but also the Kansas-Nebraska Act and the Wilmot Proviso, the latter of which was still championed by many Northerners and abolitionists.

In exercising judicial review and declaring the Missouri Compromise unconstitutional, Taney and the Court were in essence saying that slavery could go anywhere; the Republicans' goal of prevent-

ing the spread of slavery into the new territories was destroyed by the Court's ruling. The *Dred Scott* decision was thus a major victory for Southerners and a turning point in the "decade of crisis."

In the North, the Supreme Court decision was viciously denounced. Even those who lacked strong abolitionist sentiments feared that the decision tilted the balance of power too far in the South's favor. Many, including the press, regarded the decision as further proof of a Slave Power that, if left unchecked, would soon dominate the entire country, perhaps even forcing slavery on those states that did not want it. Meanwhile, the Democratic party was dividing along regional lines, raising the possibility that the Republicans might soon control the national government.

1858 was an off-year election, and it was in this politically charged atmosphere that the famous Lincoln-Douglas debates took place. Students often think the debates were for the presidential election, but they weren't. Douglas faced stiff competition for his Illinois Senate seat from **Abraham Lincoln**, a rising star in the newly formed Republican party. The race for Illinois's Senate seat gained national attention in part because of the railroad and telegraph. Stephen Douglas was viewed as the leading Democrat in the United States Senate, while Lincoln had gained his reputation as a Whig opposed to the Mexican War and Kansas-Nebraska Act.

In many ways, the Lincoln-Douglas debates gave voice to the issues and concerns that divided a nation heading for civil war. It was in this campaign that Lincoln delivered his famous "House Divided" speech ("this nation cannot exist permanently half slave and half free"), while Douglas destroyed his political career in his attempt to defend popular sovereignty in what became known as the **Freeport Doctrine**. Douglas tried to depict Lincoln as an abolitionist, but Lincoln skillfully backed Douglas into a corner when he pushed him to reconcile popular sovereignty with the *Dred Scott* decision. Douglas suggested that slavery could not exist where local laws did not protect it. In essence, he contended, voters and residents of a territory could exclude slavery simply by not protecting a man's "property." Douglas alienated both Northern and Southern voters by his ambiguous stance on popular sovereignty and effectively destroyed any chance he might have had for winning the presidency in 1860.

Adding fuel to the secessionist fire was **John Brown's** raid on **Harper's Ferry** in 1859. Brown hoped to spark a slave revolt but failed. After his execution, news spread that Brown had received financial backing from Northern abolitionist organizations. Brown became a martyr for the cause, celebrated throughout the North.

When it came time for the Democrats to choose their 1860 presidential candidate, their convention split. Northern Democrats backed Douglas; Southerners backed John Breckinridge. A new party centered in the Upper South, the Constitutional Union party, nominated John Bell. The Republicans nominated Abraham Lincoln. Lincoln received only 40 percent (a plurality) of the popular vote, but he won more than 50 percent (a majority) of the electoral vote.

Immediately after the election, Southern leaders who wanted to maintain the Union tried to negotiate and came up with the Crittendon Compromise. All hope of resolution died, however, when Lincoln refused to soften the Republican demand that all territories be declared free. Lincoln probably had no other political option, as to do otherwise would have been to abandon the principles of those who had supported his election. Lincoln and other Northern leaders were banking on the hope that the South was bluffing and would not secede.

In December 1860, three months before Lincoln's inauguration, South Carolina seceded from the Union. Within months seven states had joined South Carolina to form the **Confederate States of America**; the states chose **Jefferson Davis** to lead the Confederacy. Cautiously, Lincoln decided to maintain control of federal forts in the South while waiting for the Confederacy to make a move. On April 12, 1861 it did, attacking and capturing **Fort Sumter**. No one died in this first battle of America's bloodiest war, the **Civil War**.



## THE CIVIL WAR AND RECONSTRUCTION (1860–1877)

For many people of the era, the Civil War was not solely (or even primarily) about slavery. It is worth noting that Missouri, Kentucky, Maryland, and Delaware, the **Border States**, were slave states that fought for the Union. Except for active abolitionists, most Northerners believed they were fighting to preserve the Union. Most Southerners felt they were fighting for their **states' rights** to govern themselves. Many on both sides thought that slavery was simply the issue that had caused the argument over states' rights to escalate to war. As late as 1862 Lincoln stated: "If I could save the Union without freeing *any* slaves I would do it, and if I could save the Union by freeing *all* the slaves I would do it... What I do about slavery, and the colored race, I do because I believe it helps to save the Union."

The Civil War took place not only on the battlefields but also in political, economic, and social realms. Although you do not need to know the military details of any specific battles for the AP exam, you should know the political or diplomatic consequences of battles like Gettysburg or Antietam, and you do need to know how political, social, and economic conditions influenced the outcome of the war.

### THE CIVIL WAR AND THE CONFEDERACY

Ironically, as the Southern states fought to maintain the right to govern themselves locally, the Confederate government brought them under greater central control than they had ever experienced. Jefferson Davis understood the North's considerable advantages in population, transportation, and economics, and he knew that the weak, poorly organized state governments of the South could not mount an effective defense. Davis took control of the Southern economy, imposing taxes and using the revenues to spur industrial and urban growth; he took control of the railroads and commercial shipping; and he created a large government bureaucracy to oversee economic developments. Davis, in short, forced the South to compensate quickly for what it had lost when it cut itself off from Northern commerce. When Southerners opposed his moves, he declared martial law and suspended the writ of *habeas corpus*, a traditional protection against improper imprisonment, in order to maintain control.

Davis had some success in modernizing the Southern economy, but the Confederacy lagged too far behind in industrialization to catch up to the Union. Rapid economic growth, furthermore, brought with it rapid **inflation**. Prices rose so quickly that paychecks and payments for crops became worthless almost as soon as they were made, plunging many Southerners into poverty. In 1862 the Confederacy imposed **conscription** (a military draft), requiring many small farmers to serve in the Confederate Army. This act caused even greater poverty in the country, as many families could not adequately tend their farms without their men.

Confederate conscription also created class conflict. The government allowed the wealthy to hire surrogates to perform military service in their place and exempted anyone who owned more than 20 slaves from military service (on the grounds that the large plantations these men ran fed the Confederacy and its army). In effect, the wealthy did not have to serve, while the poor had no choice. As a result, **class tensions** increased, leading ultimately to widespread desertions from the Confederate Army. Toward the end of the war, it also led many Southerners in small towns to ignore the government and try to carry on as if there was no war. Many resisted when asked to feed, clothe, or house passing troops.

### THE CIVIL WAR AND THE UNION

The Northern economy received a boost from the war as the demand for war-related goods, such as uniforms and weapons, spurred manufacturing. The loss of Southern markets harmed the economy at first, but soon the war economy brought about a boom period. A number of entrepreneurs became

extremely wealthy; many succumbed to the temptations of greed, overcharging the government for services and products (**war profiteering**). Some sold the Union government worthless food and clothing (called **shoddy**) while government bureaucrats looked the other way (for the price of a bribe). Corruption was fairly widespread, eventually prompting a yearlong congressional investigation.

Like the South, the North experienced a period of accelerated inflation, although Northern inflation was nowhere as extreme as its Southern counterpart. (In the North, prices rose between 10 and 20 percent annually; in the South, the inflation rate was well over 300 percent.) Workers, worried about job security (in the face of mechanization) and the decreasing value of their wages, formed **unions**. Businesses, in return, blacklisted union members, forced new employees to sign contracts in which they promised not to join unions, and used violence to break strikes. The Republican Party, then (as now) believing that government should help businesses but regulate them as little as possible, supported business in its opposition to unions.

Lincoln, like Davis, oversaw a tremendous increase in the power of the central government during the war. He implemented economic development programs without waiting for congressional approval, championed numerous government loans and grants to businesses, and raised tariffs to protect Union trade. He also suspended the writ of *habeas corpus* in the border states, to make it easier to arrest secessionists, especially in Maryland. During the war, Lincoln initiated the printing of a **national currency**. Previously, each state had circulated its own bank notes, especially since the demise of the second **National Bank** under Jackson.

## EMANCIPATION OF THE SLAVES

As previously stated, neither the Union nor the Confederacy initially declared the Civil War to be a war about slavery. The Constitution protected slavery where it already existed, so many opponents (including Republicans) were opposed to the *extension* of slavery into the new territories. As a presidential candidate, Lincoln had argued for gradual emancipation, compensation to slaveholders for liberated slaves, and the colonization of freed slaves somewhere outside the United States, perhaps in Africa. When the Union dissolved and the South left Congress, Lincoln was faced with a legislature much more progressive in its thoughts on slavery than he was. The **Radical Republican** wing of Congress wanted immediate emancipation. To that end, the radicals introduced the **confiscation acts** in Congress. The first (1861) gave the government the right to seize any slaves used for "insurrectionary purposes." The second (1862) was much wider in scope, allowing the government to liberate any slave owned by someone who supported the rebellion, even if that support was limited to paying taxes to the Confederate government. The second confiscation act, in effect, gave the Union the right to liberate all slaves. This act had little effect, however, because Lincoln refused to enforce it.

Soon after, however, Lincoln took his first cautious steps toward emancipation. In September 1862, following the Union victory at Antietam, Lincoln issued the **Emancipation Proclamation**. Note that the Emancipation Proclamation did not free all the slaves. Instead, it stated that on January 1, 1863, the government would liberate all slaves residing in those states still "in rebellion." Throughout the war, Lincoln refused to acknowledge secession and insisted on referring to the Confederate states as "those states in rebellion." The Proclamation did not liberate the slaves in the border states such as Maryland, nor did it liberate slaves in Southern counties already under the control of the Union Army. Again, legally, Lincoln had no power to abolish slavery in areas governed by the U.S. Constitution. Abolitionists complained that the Proclamation liberated slaves only where the Union had no power to enforce emancipation and maintained slavery precisely where it could liberate the slaves. The Proclamation also allowed Southern states to rejoin the Union *without* giving up slavery. On the positive side, the Emancipation Proclamation finally declared that the Civil War was, for the Union, a war against slavery, and thus changed the purpose of the war, much as the Declaration of Independence had changed the purpose of the Revolutionary War.



The Emancipation Proclamation had an immediate effect on the war. **Escaped slaves and free blacks** enlisted in the Union Army in substantial numbers (a total of nearly 200,000), greatly tipping the balance in the Union's favor. Furthermore, the infusion of new, enthusiastic recruits to the Union Army discouraged European nations from recognizing and trading with the Confederate government. This prevented the Confederacy from forging the military alliances it needed, and it weakened the Confederate economy.

Not until two years later, while campaigning for reelection, did Lincoln give his support to complete emancipation. Just before the Republican convention, Lincoln lobbied for a party platform that called for a constitutional amendment prohibiting slavery; the result was the **Thirteenth Amendment**. After his reelection, Lincoln considered allowing defeated Southern states to reenter the Union and to vote on the Thirteenth Amendment. He tried to negotiate a settlement with Southern leaders along those lines at the **Hampton Roads Conference**. Lincoln also offered a five-year delay on implementing the amendment if it passed, as well as \$400 million in compensation to slave owners. Jefferson Davis's commitment to complete Southern independence scuttled any chance of compromise.

## THE ELECTION OF 1864 AND THE END OF THE CIVIL WAR

As the 1864 presidential election approached, popular opinion in both the North and South favored an end to the war. Lincoln's opponent, General George McClellan, campaigned on a peace platform. In the South, citizens openly defied the civil authority.

It should be reemphasized that less than one percent of the Southern population owned more than 100 slaves, and as the war dragged on, many small, non-slaveholding farmers resented the Confederacy and the war, which they now believed was being waged merely to protect the planter aristocracy's lifestyle. In the North, some "War Democrats" conceded that the war was necessary to preserve the Union. Others, however, namely the **Copperheads**, accused Lincoln of instigating a national social revolution and criticized his administration's policies as a thinly disguised attempt to destroy the South. Nowhere, however, was opposition to the war more violent than in New York City, where racial, ethnic, and class antagonisms exploded into draft riots in July of 1863. Irish immigrants, mostly the poor working-class who were already victims of **nativism**, resented being drafted into a war being fought to end slavery. Many immigrants feared that once freed, former slaves would migrate into Northern cities and compete with them for low-paying labor jobs. And yet, both sides fought on.

Just when a stalemate might have forced an end to the war, things began improving for the North. Victories throughout the summer of 1864 played a large part in helping Lincoln gain reelection. By the early spring of 1865, a Union victory was virtually assured, and the government established the **Freedman's Bureau** to help newly liberated blacks establish a place in postwar society. The Bureau helped with immediate problems of survival (food, housing) and developed social institutions, such as schools. Some historians see the Freedman's Bureau as the first federal, social welfare program in U.S. history. In April 1865 the Confederate leaders surrendered. Sadly, John Wilkes Booth assassinated Lincoln just five days later.

The Civil War was fought at enormous cost. More than 3 million men fought in the war, and of them, more than 500,000 died. At least as many were seriously wounded. Both governments ran up huge debts during the war, and much of the South was decimated by Union soldiers. During **Sherman's March** from Atlanta to the sea in the fall of 1864, the Union Army burned everything in its wake (to destroy Confederate morale and deplete the South's material resources), foreshadowing the wide-scale warfare of the twentieth century. From a political perspective, the war permanently expanded the role of government. On both sides government grew rapidly to manage the economy and the war.

## RECONSTRUCTION AND JOHNSON'S IMPEACHMENT

At war's end, three major questions faced the reunited nation. First, under what conditions would the Southern states be readmitted to the Union? Second, what would be the status of blacks in the postwar nation? Black leaders hoped that their service in the military would earn blacks equal rights. The newly liberated slaves, called freedmen, were primarily interested in the chance to earn wages and own property. And third, what should be done with the rebels?

Reconstruction may be seen as both a time period and a process. As a time period, Reconstruction usually refers to the years between 1865 and 1877, that is, from the end of the Civil War until the end of military reconstruction when the Union army withdrew from the South. The *process* of reconstruction, however, was complicated and complex, and some argue it continues to this day. Reconstruction involved readmitting the Southern states that had seceded from the Union; physically reconstructing and rebuilding Southern towns, cities, and property that had been destroyed during the war; and finally, integrating newly freed blacks into American society. It is this last process that has proven to be most difficult.

The process of reconstruction had begun even before the Civil War ended, although not without controversy. As president of the United States and commander-in-chief of the armed forces, Lincoln had claimed that he had the authority to determine the conditions under which the Southern states might be readmitted to the Union. Lincoln had no intention of punishing the South and wanted to end the war and reunite the nation quickly and painlessly, as his immortal words from his second inaugural address indicate: "With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

Lincoln's plan is usually referred to as the **Ten-Percent Plan** and simply required that 10 percent of those voters who had voted in the 1860 election swear an oath of allegiance to the Union and accept emancipation through the Thirteenth Amendment. These men would then reorganize their state government and reapply for admission into the Union. Congress had another vision, however. It viewed the Southern states as "conquered territory" and as such, **Radical Republicans** in Congress argued, were under the jurisdiction of Congress, not the President. Most Republicans agreed that Lincoln's plan was too lenient and enacted the **Wade-Davis Bill** in July of 1864. This act provided that former Confederate states be ruled by a military governor and required 50 percent of the electorate to swear an oath of allegiance to the United States. A state convention would then be organized to repeal their ordinance of secession and abolish slavery within their state.

It should be noted that neither Lincoln's Ten-Percent Plan nor the Wade-Davis Bill made any provisions for black suffrage. Lincoln pocket-vetoed the Wade-Davis Bill, effectively destroying it. (A pocket veto can only occur at the end of a congressional session. If the president does not sign a bill within 10 days and Congress adjourns within those 10 days, the bill dies and must be reintroduced when Congress reconvenes. Unlike a regular veto, which requires the president to explain his objections to a bill and can subsequently be overridden, a pocket veto does not need to be explained nor is it subject to another congressional vote. It cannot be overridden.) Lincoln was assassinated the following year.

With Lincoln's assassination, Vice President **Andrew Johnson** assumed the presidency. Johnson, a Southern Democrat, had opposed secession and strongly supported Lincoln during his first term. In return, Lincoln rewarded Johnson with the vice presidency. When the war ended, Congress was in recess and would not reconvene for eight months. That left the early stages of Reconstruction entirely in Johnson's hands.

Johnson had lifted himself from poverty and held no great love for the South's elite planters, and at first he seemed intent on taking power away from the old aristocracy and giving it to the yeomen. **Johnson's Reconstruction Plan**, which was based on a plan approved by Lincoln, called for the creation of provisional military governments to run the states until they were readmitted to the Union. It also required all Southern citizens to swear a **loyalty oath** before receiving amnesty for the rebellion. However, it barred many of the former Southern elite (including plantation owners, Confederate officers, and government officials) from taking that vow, thus prohibiting their participation in the new governments. According to this plan, the provisional governments would hold state constitutional conventions, at which time the states would have to write new constitutions eliminating slavery and renouncing secession. Johnson did not require the states to enfranchise blacks by giving them the vote.

The plan did not work, mostly because Johnson **pardoned** many of the Southern elite who were supposed to have been excluded from the reunification process. After the states drafted new constitutions and elected new governments, former Confederate officials were again in positions of great power. Furthermore, many of their new constitutions were only slight revisions of previous constitutions. Southern legislators also passed a series of laws defining the status of freedmen. These laws, called **black codes**, limited freedmen's rights to assemble and travel, and also instituted curfew laws and laws requiring blacks to carry special passes. In the most egregious instances, state legislatures simply took their old slave codes and replaced the word *slaves* with *freedmen*. When Congress reconvened in December 1865, the new Southern senators included the vice president of the Confederacy and other Confederate officials. Northern congressmen were not pleased. Invoking its constitutional right to examine the credentials of new members, Congress voted not to seat the new Southern delegations. Then, it set about examining Johnson's Reconstruction plan.

Congress was divided among conservative Republicans, who generally agreed with Johnson's plan; moderates, who were a large enough contingent to swing a vote in one or the other direction; and Radical Republicans. The Radical Republicans wanted to extend democracy in the South. Following the Civil War, most important political positions were held by appointees; very few officials were directly elected. (Of course, women could not vote and black men could vote only in a few northern states at this time.) The most radical among the Radical Republicans advocated a reconstruction program that punished the South for seceding. Historians of the time suggested that revenge was the real motivation behind the passage of the Thirteenth Amendment, although contemporary historians have dismissed this idea. Some radicals went so far as to suggest that land be confiscated from the rich and redistributed among the poor, including the freedmen. This idea of giving something like "40 acres and a mule" to each freedman never gained much ground.

All Republicans agreed that Johnson's Reconstruction needed some modification, but Johnson refused to compromise. Instead, he declared Reconstruction over and done with, vetoing a compromise package that would have extended the life of the Freedman's Bureau and enforced a uniform civil rights code on the South. Congress overrode Johnson's vetoes, which only increased tension between the two branches of the federal government.

In response, the radicals drew up the plan that came to be known as **Congressional Reconstruction**. Its first component was the **Fourteenth Amendment** to the Constitution. The amendment (1) stated that if you are born in the United States, you are a citizen of the United States and you are a citizen of the state where you reside; (2) prohibited states from depriving any citizen of "life, liberty, or property without due process of law"; (3) prevented states from denying any citizen "equal protection of the law"; (4) gave states the choice either to give freedmen the right to vote or to stop counting them among their voting population for the purpose of congressional apportionment; (5) barred prominent Confederates from holding political office; and (6) excused the Confederacy's war debt.

The first three points remain the most significant, to this very day, and are the basis for most lawsuits involving discrimination and civil rights. In fact, through a series of cases over the years, most of the first 10 amendments have been extended to the states through the due process clause of the Fourteenth Amendment. It is helpful to remember that the Bill of Rights protects the individual from the federal government, while the Fourteenth Amendment protects you from the state government. The Fourteenth Amendment was intended to clarify the status of newly freed slaves, address the issue of citizenship raised by the Dred Scott decision, and limit the effects of the black codes. The radicals hoped to force states to either extend suffrage to black men or lose power in Congress. In the "Swing Around the Circle" public speaking tour, Johnson campaigned against the amendment and lost. In the congressional election of 1866, the North voted for a Congress more heavily weighted toward the radical end of the political spectrum.

The new Congress quickly passed the **Military Reconstruction Act of 1867**. It imposed martial law on the South; it also called for new state constitutional conventions and forced the states to allow blacks to vote for convention delegates. The act also required each state to ratify the Fourteenth Amendment and to send its new constitution to Congress for approval. Aware that Johnson would oppose the new Reconstruction, Congress then passed a number of laws designed to limit the president's power. As expected, Johnson did everything in his power to counteract the congressional plan. The conflict reached its climax when the House Judiciary Committee initiated **impeachment proceedings** against Johnson, ostensibly for violating the Tenure of Office Act (which stated that the president had to secure the consent of the Senate before removing his appointees once they'd been approved by that body; Johnson had fired Secretary of War Edwin Stanton, a Radical Republican) but really because he was getting in the way of Reconstruction. Johnson was acquitted by one vote in the Senate, but the trial rendered Johnson politically impotent, and he served the last few months of his presidency and retired.

With a new president, **Ulysses S. Grant**, in office, Congress forged ahead in its efforts to remake the South. The **Fifteenth Amendment**, proposed in 1869, finally required states to enfranchise black men. (Women's suffrage would have to wait another half-century.) Ironically, the Fifteenth Amendment passed only because Southern states were required to ratify it as a condition of reentry into the Union; a number of Northern states opposed the amendment.

## THE FAILURE OF RECONSTRUCTION

Reconstruction had its share of successes while the North occupied the South. New state constitutions officially allowed all Southern men to vote (previous constitutions had required voters to own property) and replaced many appointed government positions with elected positions. New Southern governments, directed mostly by transplanted Northern Republicans, blacks, and Southern moderates, created public schools and those social institutions such as orphanages popularized in the North during the reform movement of the 1830s. The new governments also stimulated industrial and rail development in the South through loans, grants, and tax exemptions. The fact that blacks were serving in Southern governments represented a huge step forward, given the seemingly insurmountable restrictions placed on blacks only a few years earlier, though it would prove to be only a temporary victory.

However, ultimately, Reconstruction failed. Although government industrialization plans helped rebuild the Southern economy, these plans also cost a lot of money. High tax rates turned public opinion, already antagonistic to Reconstruction, even more hostile. Opponents waged a propaganda war against Reconstruction, calling Southerners who cooperated **scalawags** and Northerners who ran the programs **carpetbaggers**. (The name came from the suitcases they carried, implying they had come to the South merely to stuff their bags with ill-gotten wealth.) Many who participated in Reconstruction were indeed corrupt, selling their votes for money and favors.

It should be noted that Northerners were just as guilty as Southerners of corruption. The period following the Civil War is also known as "The Gilded Age," to suggest the tarnish that lay beneath the layer of gold. This is the era of political machines and "bosses," which will be discussed in a later chapter. Political scandal was not new at the time, and in fact, Grant's administration was wracked with political scandals and intrigue; Grant himself was supposedly innocent and oblivious to the goings on in his administration. Grant had no political experience when he became president; in fact, he was elected because he was a popular war hero, not an experienced political leader. Like Jackson, Grant appointed his friends and supporters to governmental positions, not necessarily those men most qualified, let alone those with the most integrity.

Unfortunately, although Grant was honest, his friends were not. A series of scandals broke out in 1872, of which the two most infamous involved the **Credit Mobilier** and the **Whiskey Ring**. The Credit Mobilier was a fraudulent, private construction company that fleeced the United States government by padding federal contracts and skimming off the profits of the Union Pacific Railroad. The scandal involved several leading Republicans, including Schuyler Colfax, Grant's vice president. The Whiskey Ring was a group of distillers who bribed federal officials and tax collectors to avoid paying millions of dollars in taxes on their product. Among the 238 men indicted in this scandal was the president's private secretary, another general who had served with Grant in the Civil War. These scandals, and there were others during Grant's second administration, diverted the public's attention away from the postwar conditions in the South.

Though the Civil War was officially over, a war of intimidation began, spearheaded by the **Ku Klux Klan**. The Klan targeted those who supported Reconstruction; it attacked and often murdered scalawags, black and white Republican leaders, community activists, and teachers. The Klan successfully intimidated many of its opponents, preventing a more complete implementation of Reconstruction.

Also, because Reconstruction did nothing to redistribute the South's wealth or guarantee that the freedmen would own property, it did very little to alter the basic power structure of the region. Southerners knew that when the Northerners left, as they inevitably would, things would return to a condition much closer to the way they were before Reconstruction. As early as 1869, the federal government began sending signals that it would soon ease up restrictions. President Grant enforced the law loosely, hoping to lessen tensions and thereby hasten an amicable reunion. Worse, throughout the 1860s and 1870s, the Supreme Court consistently restricted the scope of the Fourteenth and Fifteenth Amendments. In the *Slaughter-House* cases, the court ruled that the Fourteenth Amendment applied only to the federal government, not to state governments, an opinion the court strengthened in *United States v. Cruikshank*. In *United States v. Reese*, the court cleared the way for "grandfather clauses," poll taxes, literary tests, property requirements, and other restrictions on voting privileges. Soon nearly all Southern states had restrictive laws that effectively prevented blacks from voting. Finally, because Grant's administration was so thoroughly corrupt, it tainted everything with which it was associated, including Reconstruction.

During the 1872 election, moderates calling themselves Liberal Republicans abandoned the coalition that supported Reconstruction. Angered by widespread corruption, this group hoped to end federal control of the South. Although their candidate, Horace Greeley, did not defeat Grant, they made gains in congressional and state elections. As a result, Grant moved further away from the radical position and closer to conciliation. Several congressional acts, among them the Amnesty Act of 1872, pardoned many of the rebels, thus allowing them to reenter public life. Other crises, such as the financial Panic of 1873, drew the nation's attention away from Reconstruction. By 1876 Southern Democrats had regained control of most of the region's state legislatures. These Democrats called themselves "Redeemers," and their use of the word redemption suggested they intended to reverse Republican reconstruction policies as they returned to power.

The election of 1876 was one of the more infamously contested elections in American history, with both political parties accusing the other of fraud. Samuel J. Tilden, then governor of New York and a political reformer who had gone after “Boss” Tweed (the most notorious among the political bosses of the time), won the popular vote by a small margin but needed to win the electoral vote to gain the presidency. (Remember that according to the Constitution, if no one candidate receives a majority of electoral votes, the election is thrown into the House of Representatives. You should remember, for example, that Andrew Jackson lost the presidency to John Quincy Adams through a “corrupt bargain” in 1824.) In one of the ironies of history, Republicans challenged the election returns that favored Tilden in South Carolina, Louisiana, and Florida (Florida was also the subject of election controversy in the 2000 election). Congress eventually stepped in to resolve the disputed election and created a special bipartisan electoral commission consisting of senators, representatives, and Supreme Court justices. Through a series of informal negotiations, a deal was struck that has come to be known as the **Compromise of 1877**. It was agreed that if Rutherford B. Hayes won the presidential election, he would end military reconstruction and pull federal troops out of South Carolina and Louisiana, thereby enabling Democrats to regain control of those states. Military reconstruction was thus ended, and it was business as usual in the South. Many historians feel that the federal government dropped the ball in 1877, for in many ways, life for blacks got worse, and it would take almost another 100 years for the federal government to live up to the ideal expressed in the Declaration of Independence: “that all men are created equal.”

### **SOUTHERN BLACKS DURING AND AFTER RECONSTRUCTION**

At the end of the Civil War, the former slaves were thrust into an ambiguous state of freedom. Most reacted cautiously, remaining on plantations as sharecroppers where they had been relatively well treated but fleeing from those with cruel overseers. Many set out in search of family members from whom they had been separated. The Freedman’s Bureau helped them find new jobs and housing and provided money and food to those in need. The Freedman’s Bureau also helped establish schools at all levels for blacks, among them Fisk University and Howard University. Unfortunately, the Freedman’s Bureau was terribly underfunded and had little impact once military reconstruction came to an end.

When it became evident that the government would not redistribute land, blacks looked for other ways to work their own farms. The Freedman’s Bureau attempted to establish a system in which blacks contracted their labor to whites, but the system failed. Instead, blacks preferred **sharecropping**, in which they traded a portion of their crop in return for the right to work someone else’s land. The system worked at first, but unscrupulous landowners eventually used the system as a means of keeping poor farmers in a state of near slavery and debt. Abuses of the sharecropping system grew more widespread at the end of Reconstruction, at which point no court would fairly try the case of a sharecropper against a landowner. Sharecropping existed well into the middle of the twentieth century and actually included more whites than blacks.

Disenchantment with white society led many freedmen to found communities as far removed from the sphere of whites as possible. Black churches continued to serve as another means by which the black community could bond and gain further autonomy. When Reconstruction ended, many blacks anticipated the fate that awaited them in the South and left. The **Great Migration** into Northern cities like Chicago and Detroit would not take place, however, until World War I.