

RECONSTRUCTION—  
CONGRESSIONAL TYRANNY,  
1867–1877

By Katherine Dang

## PRESUPPOSITIONS

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- There would not have been an American Civil War unless America had *let go of the principles of representative government* for the principles of a democratic republic, let go of exercising the powers of local self government for gaining the prize of national power in the competition between political factions, let go of political principles for the arbitrary, collective will of the majority *in society*.
    - Reason referring to and guided by divine revelation let go for reason guided by self revelation and self realization.
    - Self government let go for self reliance. Local self government let go for nationalization of local matters.
    - Individual liberty of conscience let go for social conscience and the collective sharing of guilt.
    - The idea that civil government using its powers specifically for the protection of the individual life, liberty and property is let go for the idea that civil government using its powers specifically for the enforcement of a democratic, social good and morality.
  - The *physical destruction* wrought by the invading Union forces was enormous, and the old social and economic order founded on slavery had collapsed completely, *with nothing to replace it*.
    - the 11 Confederate states somehow had to be restored to their positions in the Union, ‘get them into that *proper* practical relation’
    - the place of the emancipated slaves in America undetermined and unresolved
  - The Reconstruction experience led to an increase in sectional bitterness, an intensification of the racial issue, and the development of one-party politics in the South.
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## Civil War and Reconstruction, 1860-1877

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January 1863	Emancipation Proclamation—An indispensable military measure
July 1863	The Battle of Gettysburg—The Turning Point of the Civil War
November 1863	Gettysburg Address
December 1863	Proclamation of Amnesty and Reconstruction <ul style="list-style-type: none"><li>• Lincoln began preparing his plan to reunify the North and South after the war's end.</li><li>• Lincoln believed that the South had never legally seceded from the Union</li><li>• Lincoln's reconstruction was based on forgiveness.</li><li>• Lincoln's intention was to reunite the once-united states.</li><li>• Lincoln hoped that the proclamation would rally northern support for the war and persuade weary Confederate soldiers to surrender.</li></ul>
March 1865	Abraham Lincoln's Second Inaugural Address
March 1865	Creation of Freedmen's Bureau
April 1865	General Lee surrenders at Appamattox Abraham Lincoln's assassination; President Johnson made Lincoln's policy his own.
December 1865	13th Amendment to the Constitution to protect the freedmen from the "Black Codes" (one law for the black and another for the white man) and <i>to abolish slavery</i> <ul style="list-style-type: none"><li>• Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.</li><li>• Section 2. Congress shall have power to enforce this article by appropriate legislation.</li><li>• The Ku Klux Klan, a secret society of white supremacists formed to terrorize blacks. Klansmen, who wore white hoods to conceal their identities, harassed and beat blacks, carpetbaggers (northern opportunists), and scalawags (southern Unionists), and sometimes even conducted lynchings—mob killings of blacks, usually by hanging. ". . . the darkest part of the Reconstruction days," Booker T. Washington</li></ul>

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April 1866

## Congress passes the Civil Rights Act passed over President Johnson's veto

- The act declared that all persons born in the United States (except Native Americans) were now citizens, without regard to race, color, or previous condition. As citizens they could make and enforce contracts, sue and be sued, give evidence in court, and inherit, purchase, lease, sell, hold, and convey real and personal property. Persons who denied these rights to former slaves were guilty of a misdemeanor and upon conviction faced a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both.
- President Johnson vetoed this bill as well, but Radical Republicans managed to secure enough votes to override it.
- Although most Black Codes were abolished, some state legislatures revised and implemented less severe codes.
- The Supreme Court rules the Civil Rights Act unconstitutional

August 1866

## President Johnson declared the 'insurrection' at an end, 'and that peace, order, tranquillity and civil authority now exist in and throughout the whole of the United States of America'.

- The constitutional conventions declared invalid the ordinances of secession, repudiated the state war debts, declared slavery abolished, and amended the former state constitutions. Elections were promptly held under these constitutions, and by the new year 1866 regular civil administrations were functioning in all the Confederate States except Texas.
- Congress refused to endorse what Johnson had done. A joint committee of six senators and nine representatives was formed instead to oversee the management of the former Confederacy. The committee considered the confederate states to be "*conquered provinces*" and they were effectively put under the trusteeship of Congress.
- *All of Lincoln's and Johnson's work of reconstruction was undone*

March 1867

## First and Second Reconstruction Acts or The *Military* Reconstruction Act

- reduced the secessionist states to little more than conquered territory, dividing them into five military districts, each governed by a Union general.
  - Congress declared: martial law in the territories, dispatching troops to keep the peace and protect former slaves; southern states needed to redraft their constitutions, ratify the Fourteenth Amendment, and provide suffrage to blacks in order to seek readmission into the Union. To further safeguard voting rights for former slaves, Congress passed the Second Reconstruction Act, placing *Union troops in charge of voter registration*.
  - Congress overrode two presidential vetoes from Johnson to pass the bills.
  - For a period varying from two to nine years the Southern States were governed by majorities composed of lately emancipated slaves, led by *carpet-baggers* and *scalawags* .
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July 1868

## 14th Amendment to the Constitution over President Johnson's veto

- *citizenship* granted to freedmen
- no individual in rebellion, aiding and abetting rebellion or giving comfort to rebellion shall hold any civil or military office
- formulated by Congress order to get around the apparent unconstitutionality of the Civil Rights Bill.

March 1869

## Ulysses S. Grant elected 18th President of the United States

February 1870

## 15th Amendment to the Constitution

- *The right of citizens of the United States to vote* shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude; granting all American males the right to vote
- Congress: feared that black suffrage might be revoked in the future, so they decided to amend the Constitution to solidify this right; believed that giving blacks the right to vote would weaken southern elites, who had regained political power in the South; and forced reluctant northern states to give blacks the right to vote.
- Congress also required secessionist states that had not yet reentered the Union to ratify the amendment in order to rejoin. By 1870, three-quarters of the Union had ratified the amendment, and it became law.

February 1871

## Ku Klux Klan Act or the Civil Rights Act of 1871 to try to curb the tide of violence and intimidation used to scare the freedmen from the polls during elections

May 1872

## Amnesty Act

- returned political rights to Confederates soldiers, thereby removing voting and office holding restrictions

September 1873

## Panic of 1873

- The northern economy crashed after the largest banking house went bankrupt. Democrats, through the use of violence and intimidation, regained political power in Virginia, North Carolina, Tennessee, Georgia, Alabama, Arkansas, and Texas

April 1877

## Union troops were withdrawn and Reconstruction ended

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## Lincoln's Object: 'get [the Confederate states] into that *proper practical relation*'

### • Lincoln's Three- Point Reconstruction Plan

- Lincoln in his last speech, on 11 April 1865, declared that this question whether the Southern States were in or out of the Union was a 'pernicious abstraction;. 'Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad.'
  - A general amnesty would be granted to all who would take an oath of loyalty to the United States and pledge to obey all federal laws pertaining to slavery
  - High Confederate officials and military leaders were to be temporarily excluded from the process
  - When one tenth of the number of voters who had participated in the 1860 election had taken the oath within a particular state, then that state could launch a new government and *elect representatives to Congress*.
- Maintaining the principle of local self government, gradualism, and "with malice toward none".
  - self-reconstruction by the states with little assistance from Washington.
  - he offered to pardon all Confederates
  - he pledged to protect private property; returned confiscated property to white southerners
  - he did not want to punish Southerners or reorganize southern society
  - he wanted Reconstruction to be a short process in which secessionist states could draft new constitutions as swiftly as possible so that the United States could exist as it had before

### • The Lincoln plan was not acceptable to Congress upon Constitutional grounds, upon hatred engendered by the war and mostly upon the ground of *party politics*

- **Article I, Section. 5.**
  - Clause 1: Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.
  - Clause 2: Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member. —*Constitution of The United States*
- It seemed monstrous that traitors and rebels should be readmitted to full fellowship in the Union they had repudiated.
- If the Southern States returned a solid Democratic contingent to Congress, as appeared inevitable, the reunited Democratic party would have a majority in both Houses. (Further, the abolition of slavery meant the abolition of the old federal ratio of representation by which a slave counted only as three-fifths of a freeman; hence the Southern delegation in the Lower House would be increased by several members on the basis of the census of 1860.)

# The Emancipated Slaves

- The Congress-created Freedmen's Bureau and assisted by former abolitionist organizations in the North, the Bureau *succeeded in establishing schools* for thousands of Blacks during the late 1860s.
  - *"Thus did the United States government definitely assume charge of the emancipated Negro as the ward of the nation.* It was a tremendous undertaking. Here, at a stroke of the pen, was erected a government of millions of men,—and not ordinary men, either, but black men emasculated by a peculiarly complete system of slavery, centuries old; and now, suddenly, violently, they come into a new birthright, at a time of war and passion, in the midst of the stricken, embittered population of their former masters. Any man might well have hesitated to assume charge of such a work, with vast responsibilities, indefinite powers, and limited resources. Probably no one but a soldier would have answered such a call promptly; and indeed no one but a soldier could be called, for Congress had appropriated no money for salaries and expenses. The Freedman's Bureau of the War Department, created by Congress in March 1865, and given general powers of relief and guardianship over negroes and refugees, was an absolute necessity to keep them alive, and did much to solve the problem of readjustment before *it became a political machine of the Radical party.*" —W. E. DuBois
  - "During the whole of the Reconstruction period our people throughout the South *looked to the Federal Government for everything*, very much *as a child looks to its mother*. This was not unnatural. The central government *gave them freedom*, and the whole Nation had been enriched for more than two centuries by the labour of the Negro. Even as a youth, and later in manhood, I had the feeling that it was cruelly wrong in the central government, at the beginning of our freedom, to fail to make some provision for the general education of our people in addition to what the states might do, so that the people would be the better prepared for the duties of citizenship.  
"It is easy to find fault, to remark what might have been done, and *perhaps*, after all, and under all the circumstances, *those in charge* of the conduct of affairs *did the only thing that could be done at the time*. Still, as I look back now over the entire period of our freedom, I cannot help feeling that it would have been wiser if some plan could have been put in operation which would have made the possession of a *certain amount of education or property, or both*, a test for the exercise of the franchise, and a way provided by which this test should be made to *apply honestly and squarely to both the white and black races.*"—Booker T. Washington, *Up From Slavery*, 1900
- A natural aversion towards manual labor by associating it with slavery
  - "It could not have been expected that a people who had spent generations in slavery, and before that generations in the darkest heathenism, could at first form any proper conception of what an education meant. In every part of the South, during the Reconstruction period, schools, both day and night, were filled to overflowing with people of all ages and conditions, some being as far along in age as sixty and seventy years. The ambition to secure an education was most praiseworthy and encouraging. *The idea*, however, was too prevalent *that, as soon as one secured a little education*, in some unexplainable way he would be *free from most of the hardships of the world, and, at any rate, could live without manual labour.*"—Booker T. Washington, *Up From Slavery*, 1900

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- . . . “at Hampton, for the first time, I learned what education was expected to do for an individual. Before going there I had a good deal of the then rather prevalent idea among our people that to secure an education meant to have a good, easy time, free from all necessity for manual labour. At Hampton I not only learned that it was not a disgrace to labour, but learned to love labour, not alone for its financial value, but for labour's own sake and for the independence and self-reliance which the ability to do something which the world wants done brings. At that institution I got my first taste of what it meant to live a life of unselfishness, my first knowledge of the fact that the happiest individuals are those who do the most to make others useful and happy.” —Booker T. Washington, *Up From Slavery*, 1900

- Blacks would support the Republican Party *en masse*, so ratifying the Fifteenth Amendment guaranteed Republicans this support.

- “Though I was but little more than a youth during the period of Reconstruction, I had the feeling that mistakes were being made, and that things could not remain in the condition that they were in then very long. I felt that the *Reconstruction policy*, so far as *it related to my race, was in a large measure on a false foundation, was artificial and forced*. In many cases it seemed to me that *the ignorance of my race was being used as a tool with which to help white men into office, and that there was an element in the North which wanted to punish the Southern white men by forcing the Negro into positions over the heads of the Southern whites*. I felt that the Negro would be the one to suffer for this in the end. Besides, the general political agitation *drew the attention of our people away from* the more fundamental matters of perfecting themselves in the industries at their doors and *in securing property*.”

—Booker T. Washington, *Up From Slavery*, 1900

- Soon, *black voters* gained majorities in South Carolina, Alabama, Louisiana, Florida, and Mississippi and *were able to facilitate Republican plans for Reconstruction*. These voters elected many black politicians in the majority states and throughout the South: fourteen black politicians were elected to the U.S. House of Representatives, and two to the Mississippi State Senate.
  - A system of sharecropping emerged
    - emancipation enabled southern blacks to rent their own plots of land, farm them, and provide for their families
    - many former plantation owners divided their lands and rented out each plot, or share, to a black family. The family farmed their own crops and rented their plot of land in exchange for a percentage of their crop's yield. Some poor, landless whites also became sharecroppers, farming lands owned by wealthy planter elites. By 1880, the vast majority of farmers in the South were sharecroppers.
    - the economic prospects for blacks under the sharecropping system were usually poor. Many former slaves ended up sharecropping on land owned by their former masters, and the system kept blacks tied to their shares—their rented plots of land—and thereby indebted to white landowners. Moreover, because cotton prices dropped steadily from about fifty cents per pound in 1864 to a little over ten cents per pound by the end of Reconstruction, sharecroppers' incomes were meager. Most black farmers were able to purchase items only on credit at local shops—almost always owned by their landlords—and thus went deep into debt.
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# Congressional Usurpation of Power

- Interference of the national into local state governments by **overriding** President Johnson's vetoes by Congressional majority and establishing its own, unconstitutional Reconstruction Acts
  - Johnson, *a Democrat*, believed that the national government should *stay out of the economic and social affairs of its people*.
    - he disapproved of legislation that affected the American economy.
    - Congress attempts to dissolve the plantation system, reorganize the southern economy, and protect the civil rights of blacks.
  - the Freedmen's Bureau was an example of the federal government assuming political power reserved to the states
    - Early in 1866, Congress voted to renew the charter that had created the Freedmen's Bureau, *in retaliation* for the fact that Johnson had stripped the bureau of its power.
    - Congress also revised the charter to include special legal courts that would override southern courts. Johnson, however, vetoed the renewed Freedmen's Bureau, once again arguing that the *federal government should not deprive the states of their judicial powers*. Johnson also claimed that it was not the federal government's responsibility to provide special protection for blacks.
    - Congress's first attempt to override the veto failed, a second attempt succeeded in preserving the bureau.
    - Congress terminated it in 1872.
- Congress also passed a series of bills in 1867 to limit **President Johnson's power**, one of which was the Tenure of Office Act.
  - The bill sought to *protect prominent Republicans* in the Johnson administration by forbidding their removal without congressional consent. Although the act applied to all officeholders whose appointment required congressional approval, Republicans were specifically aiming to keep Secretary of War Edwin M. Stanton in office, because Stanton was the Republicans' conduit for controlling the U.S. military. Johnson ignored the act. Congress eventually put Edwin M. Stanton back in office over the president's objections.
  - House Republicans, tired of presidential vetoes that blocked Military Reconstruction, impeached Johnson by a vote of 126–47 for violating the Tenure of Office Act.
    - Johnson's trial in Congress exposed the real reason that House Republicans impeached the president: *he had ignored them in the process of crafting Reconstruction policies, and they wanted retaliation*.
    - Congress fell one vote shy of convicting Johnson. Johnson had stubbornly opposed Congress, but he had not violated the Constitution and was not guilty of committing "high crimes and misdemeanors."
    - If Congress had removed a president from office simply on the basis of a power struggle between the president and Congress, they might have endangered the system of separation of powers—a fundamental principle of the U.S. Constitution that protects the nation from the *tyranny of any department*

## CONCLUSIONS

- Congressional Reconstruction was Constitutional, but the members of *Congress* would/could not rise above regional hatred and temptation for retaliation against the Southern states for their rebellion, and, thus, in turn *effected a rebellion* of their own kind
  - Congress was *furios* that Johnson had organized his own Reconstruction efforts in the South without their consent.
  - To challenge Presidential Reconstruction, Congress established the Joint Committee on Reconstruction in late 1865, and the committee began to devise *stricter requirements* for readmitting southern states.
  - Congress abused Constitutional principles to punish the Southerners as conquered foes.
  - Congress endeavored to use the Constitution to exert *Northern power and supremacy* over the Southerners.
  - The security of individual property was sacrificed for the politics of party and political power.
  - In the name of collective, societal guilt the innocent paid the price for Congressional tyranny and corruption.
  - The Northern leaders, not content with establishing the ascendancy of their party in the South, aimed ultimately at *establishing a centralized, parliamentary government for the Union*.
    - The majority of Congress, not the Supreme Court, was to be the ultimate judge of the powers of Congress; and the President a mere figurehead. An opening move in this game was the Tenure of Office Act, which made it impossible for the President to control his administration.
- Only in a legal sense was slavery dead.
  - The daily lives of blacks and poor whites changed little.
  - Southerners all but ignored rights legislation successfully passed by Congress
  - The newly formed southern governments established public schools, but they were still segregated and did not receive enough funding
  - Many former slaves ended up sharecropping on land owned by their former masters, and the system kept blacks tied to their shares—their rented plots of land—and thereby indebted to white landowners.
  - The black slaves were left to free themselves.
- *Only* in the narrow sense of *territorial* integrity had the Union been restored.
  - America exists yet to *regain the high level of individual character and conscience required to maintain Constitutional principles*, which are impossible to attain unless Americans separate themselves from the socialization and standardization of *modern progressive education*, a philosophy *denying* the worth of individual life, liberty, and property while promoting group thinking, compromise and

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collective consensus in matters of conscience.

- America is yet to be cured of the original causes of the Civil War: party spirit, regional discrimination and the spirit of change without real advantage or improvement

