Reconstruction and the New South
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...few periods in the history of the United States have produced as much bitterness or created such enduring controversy as that of Reconstruction—the years following the Civil War when Northerners attempted to reunite their shattered nation. Those who lived through Reconstruction viewed it in sharply different ways.

Many white Southerners, it was a vicious and destructive period—when vindictive Northerners inflicted humiliation and revenge on the prostrate South and unnecessarily delayed a genuine reunion of the sections. Northern defenders of Reconstruction, in contrast, argued that their policies were the only way to keep unrepentant Confederates from restoring Southern society as it had been before the war, without forceful federal intervention, it would be impossible to stop the re-emergence of a backwoods aristocracy and the continued subjugation of former slaves; it would be no way, in other words, to prevent the same social problems that had produced the Civil War in the first place.

Most African Americans at the time, and to many people since, Reconstruction was only for other reasons.

Neither a vicious tyranny, as white Southerners charged, nor a thoroughgoing reform, as many Northerners claimed, it was, rather, a small but important first step in the effort by former slaves to secure civil rights and economic power. Reconstruction did not provide African Americans with either the legal protections or the material resources to assure them anything like real equality. And when it came to an end, finally, in the late 1870s—as a result of an economic crisis, a lack of political will in the North, and organization, at times violent, resistance by white Southerners—the freed slaves found themselves abandoned by the federal government to face a system of economic pecuniary and legal subordination alone.

For the remainder of the nineteenth century, those blacks who continued to live in what came to be known as the New South were unable effectively to resist oppression. And yet for all its shortcomings, Reconstruction did help African Americans create institutions and legal precedents that they carried with them into the twentieth century and that became the basis for later efforts to win freedom and equality.

- Fourteenth Amendment ratified
- Ulysses S. Grant elected president
- Congress passes Fifteenth Amendment
- First "redeemer" governments elected in South
- "Reconstruction" states readmitted to Union
- "Extermination acts" passed
- Alabama claims settled
- Liberal Republicans defect
- Grant re-elected president
- Commercial and financial panic disrupts economy
- Specie Resumption Act passed
- "Whiskey ring" scandal discredits Grant administration
- Rutherford B. Hayes elected president after disputed election
- Last federal troops withdrawn from South after Compromise of 1877
- Last Southern states "redeemed"
- 1877 Rutherford B. Hayes wins Control of Virginia legislature
- 1880 Joel Chandler Harris publishes *Uncle Remus*
- 1883 Supreme Court upholds segregation in private institutions
- 1890s "Jim Crow" laws passed throughout South
- Lynchings increase in South
- 1895 Booker T. Washington outlines Atlanta Compromise
- 1896 Plessy v. Ferguson upholds "separate but equal" racial facilities
- 1898 Williams v. Mississippi validates literacy tests for voting
Few periods in the history of the United States have proved as much bitterness or created such enduring controversy as Reconstruction—the years following the Civil War when Northerners attempted to reunite their shattered nation. Those who lived through Reconstruction viewed it in sharply different ways. Many white Southerners, it was a vicious and destructive experience—a time when vindictive Northerners inflicted humiliation and revenge on the prostrate South and unnecessarily destroyed a genuine reunion of the sections. Northern defenders of Reconstruction, in contrast, argued that their policies were the only way to keep repentant Confederates from restoring Southern slavery as it had been before the war; without forceful federal intervention, it would be impossible to stop the re-emergence of a backwater aristocracy and the continued subjugation of former slaves; and it would be no way, in other words, to prevent the same social problems that had produced the Civil War in the first place.

Most African Americans at the time, and to many people of races since, Reconstruction was notable for other reasons. Neither a vicious tyranny, as white Southerners charged, nor a thoroughgoing reform, as many Northerners claimed, it was, rather, a small but important first step in the effort by former slaves to secure civil rights and economic power. Reconstruction did not provide African Americans with either the legal protections or the material resources to assure them anything like real equality. And when it came to an end, finally, in the late 1870s—as a result of an economic crisis, a lack of political will in the North, and organized, at times violent, resistance by white Southerners—the freed slaves found themselves abandoned by the federal government to face a system of economicpeonage and legal subordination alone.

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THE PROBLEMS OF PEACEMAKING

In 1865, as it became clear that the war was almost over, no one in Washington knew quite what to do. Abraham Lincoln could not negotiate a treaty with the defeated government; he continued to insist that the Confederate government had no legal right to exist. Yet neither could he simply readmit the Southern states into the Union as if nothing had happened.

The Aftermath of War and Emancipation

What happened to the South in the Civil War was a catastrophe with no parallel in America’s experience as a nation. Towns had been gutted, plantations burned, fields neglected, bridges and railroads destroyed. Many white Southerners, stripped of their slaves through emancipation and stripped of the capital they had invested in now worthless Confederate bonds and currency, had almost no personal property. Many families had to rebuild their fortunes without the help of adult males. Some white Southerners faced starvation and homelessness.

More than 258,000 Confederate soldiers had died in the war—more than 20 percent of the adult white male population of the region; thousands more returned home wounded or sick. Almost all surviving white Southerners had lost people close to them in the fighting. A cult of ritualized mourning developed throughout the region in the late 1860s, particularly among white women—many of whom wore mourning clothes (and jewelry) for two years or longer.

At the same time, white Southerners began to romanticize the “Lost Cause” and its leaders, and to look back nostalgically at the South as it had existed before the terrible disruptions of war. Such Confederate heroes as Robert E. Lee, Stonewall Jackson, and (later) Jefferson Davis were treated with extraordinary reverence, almost as religious figures. Communities throughout the South built elaborate monuments to their war dead in town squares. The tremendous sense of loss that pervaded the white South reinforced the determination of many whites to protect what remained of their now-vanished world.

RICHMOND, 1865 By the time Union forces captured Richmond in early 1865, the Confederate capital had been under siege for months and much of the city lay in ruins, as this photograph reveals. On April 4, President Lincoln, accompanied by his son Tad, visited Richmond. As he walked through the streets of the shattered city, hundreds of former slaves emerged from the rubble to watch him pass. “No triumphal march of a conqueror could have equaled in moral sublimity the humble manner in which he entered Richmond,” a black soldier serving with the Union army wrote. “It was a great deliverer among the delivered. No wonder tears came to his eyes.” (Library of Congress)
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If conditions were bad for many Southern whites, they were far worse for most Southern blacks—the 4 million men and women emerging from bondage. Some of them had also seen service during the war—as servants to Confederate officers or as teamsters and laborers for the Southern armies. Nearly 200,000 had fought for the Union, and 58,000 had died. Others had worked as spies or scouts for Union forces in the South. Many more had flocked to the Union lines to escape slavery. Even before Emancipation, thousands of slaves in many parts of the South had taken advantage of wartime disruptions to leave their owners and move off in search of freedom. As soon as the war ended, hundreds of thousands more former slaves—young and old, healthy and sick—left their plantations. But most had nowhere to go. Many of them trudged to the nearest town or city, roamed the countryside camping at night on the bare ground, or gathered around Union occupation forces, hoping for assistance. Others spent months, even years, searching for relatives from whom they had been separated. Virtually none, of course, owned any land or property. Most had no possessions except the clothes they wore.

In 1865, in short, Southern society was in disarray. Blacks and whites, men and women faced a future of great uncertainty. Yet people of both races faced this future with some very clear aspirations. For both blacks and whites, Reconstruction became a struggle to define the meaning of freedom. But the former slaves and the defeated whites had very different conceptions of what freedom meant.

**Competing Notions of Freedom**

For African Americans, freedom meant above all an end to slavery and to all the injustices and humiliation they associated with it. But it also meant the acquisition of rights and protections that would allow them to live as free men and women in the same way white people did. "If I cannot do like a white man, I am not free."

Blacks differed with one another on how to achieve that freedom. Some demanded a redistribution of economic resources, especially land, because, as a convention of Alabama freedmen put it in a formal resolution, "The property which they hold was nearly all earned by the sweat of our brows." Others asked simply for legal equality, confident that given the same opportunities as white citizens they could advance successfully in American society. But whatever their particular demands, virtually all former slaves were united in their desire for independence from white control. Freed from slavery, blacks throughout the South began almost immediately to create autonomous African-American communities. They pulled out of white-controlled churches and established their own. They created fraternal, benevolent, and mutual aid societies. When they could, they began their own schools.

For most white Southerners, freedom meant something very different. It meant the ability to control their own destinies without interference from the North or the federal government. And in the immediate aftermath of the war, they attempted to exercise this version of freedom by trying to restore their society to its antebellum form. Slavery had been abolished in the former Confederacy by the Emancipation Proclamation, and everywhere else (as of December 1865) by the Thirteenth Amendment. But many white planters wanted to continue slavery in an altered form by keeping black workers legally tied to the plantations. When these white Southerners fought for what they considered freedom, they were fighting above all to preserve local and regional autonomy and white supremacy.
A MONUMENT TO THE LOST CAUSE: This monument in the town square of Monroe, Georgia, was typical of many such memorials erected all across the South after the Civil War. They served both to commemorate the Confederacy dead and to remind white southerners of what was by the 1870s already widely known and romanticized as the "Lost Cause." (Tom Sudderth/Corbis)

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A FREEDMEN'S BUREAU SCHOOL. African-American students and teachers stand outside a school for former slaves, one of many run by the Freedmen's Bureau throughout the defeated Confederacy in the first years after the war. (U.S. Military History Institute, Carlisle, Pennsylvania, photo by Jim Enos)

The federal government kept troops in the South after the war to preserve order and protect the freedmen. In March 1865, Congress established the Freedmen's Bureau, an agency of the army directed by General Oliver O. Howard. The Freedmen's Bureau distributed food to millions of former slaves. It established schools staffed by missionaries and teachers who had been sent to the South by Freedmen's Aid Societies and other private and church groups in the North. It made modest efforts to settle blacks on lands of their own. (The bureau also offered considerable assistance to poor whites, many of whom were similarly destitute and homeless after the war.) But the Freedmen's Bureau was not a permanent solution. It had authority to operate for only one year; and in any case it was far too small to deal effectively with the enormous problems facing southern society. By the time the war ended, other proposals for reconstructing the defeated South were emerging.

Issues of Reconstruction

The terms by which the southern states rejoined the Union had important implications for both major political parties. The Republican victories in 1860 and 1864 had been a result in large part of the division of the Democratic Party and, later, the removal of the South from the electorate. Readmitting the South, leaders of both parties believed, would reunite the Democrats and weaken the Republicans. In addition, the Republican Party had taken advantage of the South's absence from Congress to pass a program of nationalistic economic legislation—railroad subsidies, protective tariffs, banking and currency reforms, and other measures to benefit northern business leaders and industrialists. Should the Democratic Party regain power with heavy southern support, these programs would be in jeopardy. Complicating these practical questions were emotional concerns. Many northerners believed the South should be punished in some way for the suffering and sacrifice its rebellion had caused. Many northerners, too, that the South should be transformed, made over in the North's urbanized image—its supposedly backward, feudal, undemocratic society civilized and modernized.

Even among the Republicans in Congress, there was considerable disagreement about the proper approach to Reconstruction—disagreement that reflected the same factional division that had created disputes over emancipation during the war. Conservatives insisted that the South accept the abolition of slavery, but proposed few other conditions for the readmission of the seceded states. The Radicals, led by Representatives Thaddeus Stevens of Pennsylvania and Senator Charles Sumner of Massachusetts, urged that the civil and military leaders of the Confederacy be punished, that large numbers of Southern whites be disenfranchised, that the legal rights of blacks be protected, and that the property of wealthy white Southerners who had aided the Confederacy be confiscated and distributed among the freedmen. Some Radicals favored granting suffrage to former slaves. Others hesitated, since few Northerners permitted blacks to vote. Between the Radicals and the Conservatives stood a faction of uncommitted Republicans, the Moderates, who rejected the punitive goals of the Radicals but supported extracting at least some concessions from the South on black rights.

Plans for Reconstruction

President Lincoln's sympathies lay with the Moderates and Conservatives of his party. He believed that a lenient Reconstruction policy would encourage southern Unionists and other former Whigs to join the Republican Party and would thus prevent the readmission of the South from strengthening the Democrats. More important, the southern unionists could become the nucleus of new, loyal state governments in the South. Lincoln was not interested in the fate of the freedmen, but was willing to defer questions about their future for the sake of rapid reconciliation.

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Lincoln's 10% Plan—other than high officials of the Confederacy—who would pledge loyalty to the government and accept the elimination of slavery. Whenever 10 percent of the number of voters in 1860 took the oath in any state, those loyal voters could set up a state government. Lincoln also hoped to extend suffrage to those blacks who were educated, owned property, and had served in the Union army. Three southern states—Louisiana, Arkansas, and Tennessee, all under Union occupation—reestablished loyal governments under the Lincoln formula in 1864.

The Radical Republicans were astonished at the mildness of Lincoln's program. They persuaded Congress to deny seats to representatives from the three 'reconstructed' states and refused to count the electoral vote of those states in the election of 1864. But for the moment, the Radicals were uncertain about what form their own Reconstruction plan should take. Their first effort to resolve that question was the Wade-Davis Bill, passed by Congress in July 1864. It authorized the president to appoint a provisional governor for each conquered state. When a majority (not Lincoln's 10 percent) of the white males of the state pledged their allegiance to the Union, the governor could summon a state constitutional convention, whose delegates were to be elected by those who would swear (through the so-called Ironclad Oath) that they had never borne arms against the United States—another departure from Lincoln's plan. The new state constitutions would have to abolish slavery, disfranchise Confederate civil and military leaders, and invalidate debts accumulated by the state governments during the war. After a state had met these conditions, Congress would readmit it to the Union. Like the president's proposal, the Wade-Davis Bill left up to the states question of political rights for blacks. Congress had the bill a few days before it adjourned in 1864, Lincoln disposed of it with a pocket veto. His action pleased the Radical leaders, and the pragmatic Lincoln convinced he would have to accept at least of the Radical demands. He began to move toward Reconstruction.

Death of Lincoln

On April 14, 1865, Lincoln and his wife attended Ford's Theater in Washington. As they sat in the box, John Wilkes Booth, a member of a disreputable family of actors and a man obsessed with abolitionist causes, entered the box from the rear. Lincoln in the head. The president was carried to a house across the street, where early morning, surrounded by family, friends, and politicians (among them a tearful Charles Sumner), he might have produced no one can say. Lincoln's death earned him immediate martyrdom. It also produced something close to hysteria throughout the North. There were accusations that Booth had acted as part of a great conspiracy—accusations that contained some truth. Booth did indeed have associates, one of whom shot and wounded Secretary of State Seward the night of the assassination, another of whom abandoned at the last moment a scheme to murder Vice President Johnson. Booth himself escaped on horseback into the Virginia countryside, where, on April 26, he was cornered by Union troops and shot to death in a blazing barn. A military tribunal convicted eight other people of participating in the conspiracy (at least two of them on the basis of virtually no evidence). Four were hanged.

To many Northerners, however, the murder of the president seemed evidence of an even greater conspiracy—one masterminded and directed by the unrepentant leaders of the defeated South. Militant Republicans exploited such suspicions relentlessly for months, ensuring that Lincoln's death would help doom his plans for a relatively easy peace.

Johnson and "Restoration"

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ABRAHAM LINCOLN This haunting photograph of Abraham Lincoln, showing clearly the weariness and aging that four years as a war president had created, was taken in Washington only four days before his assassination in 1865. [Library of Congress]

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Leadership of the Moderates and Conservatives fell to Lincoln’s successor, Andrew Johnson, who was not
well suited, either by circumstance or personality, for the task. A Democrat until he had joined the Union ticket with Lincoln in 1864, he became a Republican president at a moment when partisan passions were growing. Johnson himself was an intemperate and tactless man, filled with resentments and insecurities. He was also openly hostile to the freed slaves and unwilling to support any plans that guaranteed them civil equality or enfranchisement. He once declared, “White men alone must manage the South.”

Johnson revealed his plan for Reconstruction—or “Restoration,” as he preferred to call it—soon after he took office, and he implemented it during the summer of 1865 when Congress was in recess. Like Lincoln, he offered amnesty to those Southerners who would take an oath of allegiance. (High-ranking Confederate officials and any white Southerner with land worth $20,000 or more would have to apply to the president for individual pardons. Johnson, a self-made man, apparently liked the thought of the great planter aristocrats humbling themselves before him.) In most other respects, however, his plan resembled that of the Wade-Davis Bill. For each state, the president appointed a provisional governor, who was to invite qualified voters to elect delegates to a constitutional convention. Johnson did not specify how many qualified voters were necessary, but he implied that he would require a majority (as had the Wade-Davis Bill). In order to win readmission to Congress, a state had to revoke its ordinance of secession, abolish slavery, ratify the Thirteenth Amendment, and repudiate the Confederate and state war debts. The final procedure before restoration was for a state to elect a state government and send representatives to Congress.

By the end of 1865, all the seceded states had formed new governments—some under Lincoln’s plan, some under Johnson’s—and were prepared to rejoin the Union as soon as Congress recognized them. But Radical Republicans vowed not to recognize the Johnson governments, just as they had previously refused to recognize the Lincoln regimes; for by now, northern opinion had become more hostile toward the South than it had been a year earlier when Congress passed the Wade-Davis Bill. Many northerners were disturbed by the apparent reluctance of some delegates to the southern conventions to abolish slavery, and by the refusal of all the conventions to grant suffrage to any blacks. They were astounded that states claiming to be “loyal” should elect prominent leaders of the recent Confederacy as state officials and representatives to Congress. Particularly hard to accept was Georgia’s choice of Alexander H. Stephens, former Confederate vice president, as a United States senator.

**RADICAL RECONSTRUCTION**

Reconstruction under Johnson’s plan—often known as “presidential Reconstruction”—continued only until Congress reconvened in December 1865. At that point, Congress refused to seat the representatives of the “restored” states and created a new Joint Committee on Reconstruction to frame a Reconstruction policy of its own. The period of “congressional” or “Radical” Reconstruction had begun.

**The Black Codes**

Meanwhile, events in the South were driving Northern opinion in even more radical directions. Throughout the South in 1865 and early 1866, state legislatures were enacting sets of laws known as the Black Codes, designed to give whites substantial control over the former slaves. The codes authorized local officials to apprehend unemployed blacks, fine them for vagrancy, and hire them out to private employers to satisfy the fine. Some of the codes forbade blacks to own or lease farms or to take any jobs other than as plantation workers or domestic servants.

Congress first responded to the Black Codes by passing an act extending the life of the Freedmen’s Bureau and widening its powers so that it could nullify work agreements forced on freedmen under the Black Codes. Then, in April 1866, Congress passed the first Civil Rights Act, which declared blacks to be citizens of the United States and gave the federal government power to intervene in state affairs to protect the rights of citizens. Johnson vetoed both bills, but Congress overrode him on each of them.

**The Fourteenth Amendment**

In April 1866, the Joint Committee on Reconstruction proposed a new amendment to the Constitution, which Congress approved in early summer and sent to the states for ratification. Eventually, it became one of the most important of all the provisions in the Constitution.

The Fourteenth Amendment offered the first constitutional definition of American citizenship. Everyone born in the United States, and everyone naturalized, was automatically a citizen and entitled to all the “privileges and immunities” guaranteed by the Constitution, including equal protection of the laws by both the state and national governments. There could be no other requirements for citizenship. The amendment also imposed penalties—reduction of representation in Congress and in the electoral college—on states that denied suffrage to any adult male inhabitants. (The wording reflected the prevailing view in Congress and elsewhere that the franchise was properly restricted to men.) Finally, it prohibited former
well suited, either by circumstance or personality, for the task. A Democrat until he had joined the Union ticket with Lincoln in 1864, he became a Republican president at a moment when partisan passions were growing. Johnson himself was an intemperate and tactless man, filled with resentments and insecurities. He was also openly hostile to the freed slaves and unwilling to support any plans that guaranteed them civil equality or enfranchisement. He once declared, "White men alone must manage the South."

Johnson revealed his plan for Reconstruction—or "Restoration," as he preferred to call it—soon after he took office, and he implemented it during the summer of 1865 when Congress was in recess. Like Lincoln, he offered amnesty to those Southerners who would take an oath of allegiance. (High-ranking Confederate officials and any white Southerner with land worth $20,000 or more would have to apply to the president for individual pardons. Johnson, a self-made man, apparently liked the thought of the great planter aristocrats humbling themselves before him.) In most other respects, however, his plan resembled that of the Wade-Davis Bill. For each state, the president appointed a provisional governor, who was to invite qualified voters to elect delegates to a constitutional convention. Johnson did not specify how many qualified voters were necessary, but he implied that he would require a majority (as had the Wade-Davis Bill). In order to win readmission to Congress, a state had to revoke its ordinance of secession, abolish slavery, ratify the Thirteenth Amendment, and repudiate the Confederate and state war debts. The final procedure before restoration was for a state to elect a state government and send representatives to Congress.

By the end of 1865, all the seceded states had formed new governments—some under Lincoln’s plan, some under Johnson’s—and were prepared to rejoin the Union as soon as Congress recognized them. But Radical Republicans vowed not to recognize the Johnson governments, just as they had previously refused to recognize the Lincoln regimes; for by now, northern opinion had become more hostile toward the South than it had been a year earlier when Congress passed the Wade-Davis Bill. Many northerners were disturbed by the apparent reluctance of some delegates to the southern conventions to abolish slavery, and by the refusal of all the conventions to grant suffrage to any blacks. They were astounded that states claiming to be "loyal" should elect prominent leaders of the recent Confederacy as state officials and representatives to Congress. Particularly hard to accept was Georgia’s choice of Alexander H. Stephens, former Confederate vice president, as a United States senator.

RADICAL RECONSTRUCTION

Reconstruction under Johnson’s plan—often known as "presidential Reconstruction"—continued only until Congress reconvened in December 1865. At that point, Congress refused to seat the representatives of the "restored" states and created a new Joint Committee on Reconstruction to frame a Reconstruction policy of its own. The period of "congressional" or "Radical" Reconstruction had begun.

The Black Codes

Meanwhile, events in the South were driving Northern opinion in even more radical directions. Throughout the South in 1865 and early 1866, state legislatures were enacting sets of laws known as the Black Codes, designed to give whites substantial control over the former slaves. The codes authorized local officials to apprehend unemployed blacks, fine them for vagrancy, and hire them out to private employers to satisfy the fine. Some of the codes forbade blacks to own or lease farms or to take any jobs other than as plantation workers or domestic servants.

Congress first responded to the Black Codes by passing an act extending the life of the Freedmen’s Bureau and widening its powers so that it could nullify work agreements forced on freedmen under the Black Codes. Then, in April 1866, Congress passed the first Civil Rights Act, which declared blacks to be citizens of the United States and gave the federal government power to intervene in state affairs to protect the rights of citizens. Johnson vetoed both bills, but Congress overrode him on each of them.

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Congressional Radicals offered to readmit to the Union any state whose legislature ratified the Fourteenth Amendment. Only Tennessee did so. All the other former Confederate states, along with Delaware and Kentucky, refused, leaving the amendment temporarily without the necessary approval of three-fourths of the states.

But by now, the Radicals were growing more confident and determined. Bloody race riots in New Orleans and other Southern cities—riots in which African Americans were the principal victims—were among the events that strengthened their hand. In the 1866 congressional elections, Johnson actively campaigned for Conservative candidates, but he did his own cause more harm than good with his intemperate speeches. The voters returned an overwhelming majority of Republicans, most of them Radicals, to Congress. In the Senate, there were now 42 Republicans to 11 Democrats; in the House, 143 Republicans to 49 Democrats. (The South remained largely unrepresented in both chambers.) Congressional Republicans were now strong enough to enact a plan of their own even over the president’s objections.

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Under the congressional plan, Tennessee, which had ratified the Fourteenth Amendment, was promptly readmitted. But Congress rejected the Lincoln-Johnson governments of the other ten Confederate states and, instead, combined those states into five military districts. A military commander governed each district and had orders to register qualified voters (defined as all adult black males and those white males who had not participated in the rebellion). Once registered, voters would elect conventions to prepare new state constitutions, which had to include provisions for black suffrage. Once voters ratified the new constitutions, they could elect state governments. Congress had to approve the state's constitution, and the state legislature had to ratify the Fourteenth Amendment. Once that happened, and once enough states ratified the amendment to make it part of the Constitution, then the former Confederate states could be restored to the Union.

By 1868, seven of the ten former Confederate states (Arkansas, North Carolina, South Carolina, Louisiana, Alabama, Georgia, and Florida) had fulfilled these conditions (including ratification of the Fourteenth Amendment, which now became part of the Constitution) and were readmitted to the Union. Conservative whites held up the return of Virginia and Texas until 1869 and Mississippi until 1870. By then, Congress had added an additional requirement for readmission—ratification of another constitutional amendment, the Fifteenth Amendment, which forbade the states and the federal government to deny suffrage to any citizen on account of "race, color, or previous condition of servitude."

To stop the president from interfering with their plans, the congressional Radicals passed two remarkable laws of dubious constitutionality in 1867. One, the Tenure of Office Act, forbade the president to remove civil officials, including members of his own cabinet, without the consent of the Senate. The principal purpose of the law was to protect the job of Secretary of War Edwin M. Stanton, who was cooperating with the Radicals. The other law, the Command of the Army Act, prohibited the president from issuing military orders except through the commanding general of the army (General Grant), who could not be relieved or assigned elsewhere without the consent of the Senate.
RECONSTRUCTION, 1866-1877

This map shows the former Confederate states and provides the dates when each was readmitted to the Union as well as a subsequent date when each state managed to return political power to traditional white, conservative elites—a process white southerners liked to call "redemption." What had to happen for a state to be readmitted to the Union? What had to happen before a state could experience "redemption"?

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The congressional Radicals also took action to stop the Supreme Court from interfering with their plans. In 1866, the Court had declared in the case of *Ex parte Milligan* that military tribunals were unconstitutional in places where civil courts were functioning, a decision that seemed to threaten the system of military government the Radicals were planning for the South. Radicals in Congress immediately proposed several bills that would require two-thirds of the justices to support any decision overruling a law of Congress, would deny the Court jurisdiction in Reconstruction cases, would reduce its membership to three, and would even abolish it. The justices apparently took notice. Over the next two years, the Court refused to accept jurisdiction in any cases involving Reconstruction (and the congressional bills concerning the Court never passed).

The Impeachment of the President

President Johnson had long since ceased to be a serious obstacle to the passage of Radical legislation, but he was still the official charged with administering the Reconstruction programs. As such, the Radicals believed, he remained a serious impediment to their plans. Early in 1867, they began looking for a way to impeach him and remove him from office. Republicans found them, they believed, when Johnson dismissed Secretary of War Stanton despite Congress's refusal to agree, thus deliberately violating the Tenure of Office Act in hopes of testing the law before the courts. Fiery Radicals in the House quickly impeached the president and sent the case to the Senate for trial.

The trial before the Senate lasted throughout April and May 1868. The Radicals put heavy pressure on all the Republican senators, but the Modemites (who were losing faith in the Radical program) vacillated. On the first three charges to come to a vote, seven Republicans joined the Democrats and independents to support acquittal. The vote was 35 to 19, one short of the constitutionally required two-thirds majority. After that, the Radicals dropped the impeachment effort.

Rights of citizenship—a failure that resulted in a harsh new system of economic subordination. (See "Where Historians Disagree," pp. 418–419).

The Reconstruction Governments

In the ten states of the South that were reorganized under the congressional plan, approximately one-fourth of the white males were at first excluded from voting or holding office. That produced black majorities among voters in South Carolina, Mississippi, and Louisiana (states where blacks were also a majority of the population), and in Alabama and Florida (where they were not). But the government soon lifted most suffrage restrictions so that nearly all white males could vote. After that, Republicans maintained control only with the support of many Southern whites.

Critics called these Southern white Republicans "scalawags." Many were former Whigs who had never felt comfortable in the Democratic Party—some of them wealthy...