ESSENTIAL CIVIL WAR CURRICULUM

Reconstruction

By **Bradley D. Proctor**, University of North Carolina at Chapel Hill

Reconstruction is commonly used as the term to mean both the time period after the American Civil War and the process of recovery from the war. Both the era and the process were defined by conflict. Americans disagreed about how to heal from the war, which had been the most devastating as well as the most transformative war in the history of the United States. The economic and environmental damages of the war were also astounding. Reconstruction was, at its most basic, as one historian has put it, "the reintegration of a country torn apart."[1] Debates over what the war had meant and what peace would look like continued in earnest after the fighting ended. Even in its earliest years, for many Americans, Reconstruction was less a time of optimism than one of fear and paranoia

The defeat of the Confederacy had answered one major question of the war by establishing that secession was illegitimate. But there were two significant questions that the war's end itself raised. First, what would happen to the southern states that had tried to secede? Would they be returned with the same boundaries, laws, and social order they had had before the war? Many Americans wanted a peace that put the country back together much as it had been before 1861, wary of systemic change. But others believed the nation should be arranged in a radically new way.

Disagreements about the fate of the seceded states intertwined with the second, and even more important, question of Reconstruction: what would freedom mean for the roughly four million African Americans who had been enslaved? The states that formed the Confederacy had seceded to preserve slavery, and during the war the Lincoln administration had adopted emancipation as both a military tactic and a moral goal. In 1865, the ratification of the Thirteenth Amendment formally outlawed slavery. But what would freedom actually mean? Black Americans had concrete ideas about how they wanted their lives, their families, their communities, the southern economy, and politics to work. They desired a meaningful freedom, and they asserted it with their actions. But most white Americans—even some who had opposed slavery—were reluctant to let African Americans decide for themselves what freedom would look like.

These two central questions of Reconstruction led to escalating political conflicts at varying levels: between individual people at the local level, between parties for state-level control, between southern states and the federal government, and between the president and Congress. Each conflict in turn affected other conflicts, as problems at the local level bubbled up to national

[1] Mark Wahlgren Summers, *The Ordeal of Reunion: A New History of Reconstruction* (Chapel Hill: University of North Carolina Press, 2014), 1.

politics, and then insufficient national solutions caused new local problems. Understanding this dialectical relationship between escalating conflicts is one key to understanding Reconstruction.

One early struggle was the formal political conflict over who would control the process of Reconstruction: President Andrew Johnson, a Republican-controlled Congress, or southern state legislatures. During the Civil War, President Abraham Lincoln and Congress had disagreed on the course of restoring civil government to southern states. Lincoln wanted to ensure that he, as president, could control Reconstruction policy with relatively flexible plans that would be "guided by events."[2] In 1864, as the war raged on, more radical Republicans in Congress proposed a plan for restoring southern states that would be overseen by Congress, called the Wade-Davis Bill. Lincoln did not sign that bill into law, increasing tension with radical Republicans like Thaddeus Stevens and Charles Sumner. But differences between Congressional Republicans and Lincoln seemed to be narrowing in the spring of 1865, especially after Lincoln endorsed limited Black suffrage as part of his Reconstruction policy. Then in April 1865, just after Robert E. Lee surrendered his army, Lincoln was assassinated by John Wilkes Booth.

Vice President Andrew Johnson was a Tennessee Unionist who had blamed the southern slaveholding aristocracy for the slaughter of the war. When he became president after Lincoln's assassination, many Republicans hoped he would be more aggressive in punishing Confederates than Lincoln would have been because of Johnson's disdain for slaveowners. But Johnson never favored the interests of Black Americans and had little taste for policies that would give them political power and economic relief. His hatred of elite Confederates melted when confronted with pressure from radicals, especially African American radicals. Johnson pardoned many former Confederates and clashed with both the Republican-controlled Congress and members of his cabinet whom Lincoln had appointed.

Lenient Reconstruction policies from President Johnson meant that as southern state governments reformed under U.S. authority late in 1865, they were controlled by the same elite white southerners who had been leaders in the antebellum period. They were not as ideologically strict as the "fire-eaters" who had orchestrated secession. They more or less accepted the legal end of slavery and some even considered that secession had been misguided. They authorized policies that fostered some economic diversification, seeking to aid industrial development of the South.

Yet these conservative legislators wanted the same political structure and the same racial order that defined the South before the Civil War, and they sought to create a labor caste similar to slavery. Southern legislatures began passing "Black Codes"—myriad laws that criminalized African American autonomy and attempted to ensure labor subservience. Punishments for newly created infractions included enforced labor service under the control of white planters, who were once again called masters. The Black Codes thus served as means to restrict African American assertions of freedom as well as keep a subservient labor force for the resumption of cash crop production—especially cotton—by the labor class.

[2] Quoted in William A. Barney, *Battleground for the Union: The Era of the Civil War and Reconstruction, 1848-1877* (Upper Saddle River, NJ: Prentice Hall, 1990), 228.

Slavery's death had begun during the Civil War, first by the self-emancipation of thousands of enslaved people who flocked to U.S. armies early in the war. As the war's end loomed, it was clear that Lincoln's 1863 Emancipation Proclamation was not enough to fully destroy slavery. Congress passed the Thirteenth Amendment in January 1865. It was ratified by enough states—including some of those of the former Confederacy—in December, thus outlawing slavery throughout the nation. The amendment allowed for involuntary servitude for those convicted of crimes, legal language dating back at least to the Northwest Ordinance of 1787. This loophole, arguably inadvertent, meant that conservative southern legislatures could pass Black Codes through the pretense that they were targeting crimes, not reinstituting slavery.[3]

At the same time as conservative white southerners in former-Confederate state legislatures were passing Black Codes, African Americans across the South were trying to actualize their freedom. They held numerous conventions to demand inclusion in politics and began political organizing in anticipation of the vote. They wrote to sympathetic politicians and formed political associations and clubs.[4] Thousands of African Americans attempted to reunite with families broken apart by slavery, posting notices in newspapers and traveling hundreds of miles to find their families. Many African Americans also left the countryside for growing southern cities like Memphis and Atlanta. Those who stayed in the rural South negotiated for better labor contracts with former slaveowners. Many founded, taught in, or attended schools, making education a centerpiece of freedom.

This widespread Black activism emerged in a South where white southerners were acculturated to use violence to police, control, and punish African Americans. Anti-Black racism had arisen alongside and had worked to justify American slavery, and it was not wiped away by emancipation. White southerners engaged in numerous campaigns of violence against African Americans and their white allies. This violence took different forms. Even seemingly apolitical violence between individuals disproportionally victimized African Americans during Reconstruction. White men beat or shot Black men with relative impunity over minor squabbles, labor disputes, or longstanding grudges. There was also premeditated violence committed by organized vigilante groups. The most infamous of these was the Ku Klux Klan, though there were many similar groups, for example the Knights of the White Camelia in Louisiana. The Ku Klux Klan was organized in 1866 in Tennessee and had spread to most states of the former Confederacy by 1868. The Klan drew disproportionately from the antebellum southern elite, but Klan groups sometimes overlapped with criminal gangs or Confederate guerilla groups. The Klan's imagery of hoods and robes became so potent, and its violence so widespread, that many groups not formally associated with it were called Ku Kluxers, and to Ku Klux was used as a verb to mean to commit vigilante violence. There were also several large racist riots in southern cities, most infamously in

[3] See Eric Foner, *The Second Founding: How the Civil War and Reconstruction Remade the Constitution* (New York & London: W. W. Norton & Company, 2019), 46-47.

[4] "They are well aware of the existence and position of Sumner and such men," said a white minister from North Carolina about the freed people in 1866, quoted in Foner, *The Second Founding*, 57.

Memphis and New Orleans in 1866, where white conservative men attacked interracial Republican political gatherings.

White northerners grew upset at the violence and the fact that former Confederates were seeking to limit the freedoms of those no longer enslaved. The Black Codes helped to radicalize white northerners. Former Union general Benjamin Butler, now a member of Congress, declared that "If the federal government cannot pass laws to protect the rights, liberty, and lives of the United States in the states, why were guarantees of those fundamental rights put in the Constitution at all?"[5] The focus of Republican ire also turned to President Johnson.

The combination of rising violence, anti-Black laws, ex-Confederate office-holding, and Johnson's intransigence led Republicans in Congress to exert increasing power in 1866 and 1867. The one exception to the relative conservatism of the early years of Reconstruction had been the Freedmen's Bureau, which adjudicated labor disputes, provided food relief, and gave medical aid to southerners, white and Black. Johnson repeatedly vetoed the legislation that funded the Freedman's Bureau. He also vetoed the 1866 Civil Rights Bill, which expanded citizenship to include African Americans in order to overturn the Black Codes. Congressional Republicans overrode Johnson's vetoes and thereby seized control of the process of Reconstruction. The period of Presidential Reconstruction ended because of its slowness and conservatism; the period historians call Radical, or Congressional, or Military Reconstruction then began in the spring of 1867.

In March 1867, Congress passed the Military Reconstruction Acts over vetoes by President Johnson. These acts mandated that military authorities would control southern states until certain conditions were met. First, southern states were required to ratify the Fourteenth Amendment to the U.S. Constitution. Republicans in Congress made the Fourteenth Amendment the clearest articulations of their vision of expanded citizenship and an expanded authority for the federal government to regulate state affairs. This amendment established citizenship to anyone born in the United States and guaranteed everyone due process and equal protection of the law. In floor speeches introducing the legislation, John Bingham, a representative for Ohio, declared that in enshrining birthright citizenship, the Civil Rights Act "is simply declaratory of what is written in the Constitution, that every human being born within the jurisdiction of the United States of parents not owing allegiance to any foreign sovereignty is, in the language of your Constitution itself, a natural-born citizen."[6]

The Fourteenth Amendment disappointed some feminist reformers for not going further to enshrine more equitable citizenship for all Americans. It was the first part of the United States constitution to use gender-specific language, defining "any of the male inhabitants of such State, being twenty-one years of age" as potential voters whose voting rights should not be denied or abridged. While some Republicans saw the Fourteenth Amendment as a starting point for how the

[5] Foner, *The Second Founding*, 120.

[6] John Bingham, Cong. Globe, 39th Cong., 1st Sess. 1291 (1866).

government could make the nation more equitable for mainstream white northerners, the amendment reflected the most extreme articulation of the federal government's role in guaranteeing equality; for most northerners, it was a ceiling, not a benchmark.[7] The Fourteenth Amendment remains Reconstruction's most important legacy.

The Military Reconstruction Acts also required southern states to hold conventions to redraft their constitutions. The Acts stipulated that the elections for those constitutional conventions had to include Black male voters. This act was the first widespread enfranchisement of African Americans in U.S. history. African Americans had been pressuring federal authorities to allow them to participate in politics since before the end of the war. Congressional Republicans had become convinced that Black voting was central to two things: stopping the vigilante violence and ensuring the long-term national viability of the Republican Party. Concerned at the prospect of Democrats picking up votes in the North, leading white Republicans hoped that Black men in the South could make the Republican Party a nationally dominant party.

The new constitutional convention elections in the South resulted in sweeping victories for Republican delegates, white and Black. Over the winter of 1867-68, these conventions drafted new state constitutions that were the most democratic and racially progressive state constitutions the United States had yet seen. Most subsidized public education and established local control of county government, and some even decriminalized interracial marriage. Offices that previously had been appointed were chosen by local elections; one conservative later testified that in North Carolina after the new constitution was ratified, "we elected seventeen judges, twelve attorneys, and State and county officers."[8] The new constitutions were popularly ratified and new legislatures formed with interracial Republican majorities. A sufficient number of those legislatures then ratified the Fourteenth Amendment, making it law by the summer of 1868.

Democratization of state governments in the South was part and parcel of national Republicans' political ideology. At the same time such changes were occurring in the South, Republicans in the North expanded government's reach, with states establishing police departments and increasing free public education and services for the deaf, dumb, blind, and mentally ill, and more. Northern Republicans wanted government institutions to support common citizens and individual progress, as the same free-labor ideology that had opposed slavery drove Republicans' commitment to an expanded role for government at both state and federal levels.

The immediate accomplishments of Radical Reconstruction remain astounding. They were unprecedented both in terms of what Americans might have expected a few years before as well as unprecedented in terms of human history. Never before, and perhaps never since, had so many people denied legal personhood gained immediate political and civil rights. Most African

[7] William Barney has pointed out that "[in] all probability Reconstruction would have been completed had the South accepted the 14th Amendment," in Barney, *Battleground for the Union*, 246.

[8] Testimony of H.W. Guion, Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States. *Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States*, H.R. Rep. No. 42-22, at 254 (1872). Washington, D.C.: Government Printing Office, 1872.

American men went from enslavement to political power in a span of three to four years. And yet for some Americans, Reconstruction's radicalism did not go far enough. Women, both white and African American, seized the moment to advocate for women's rights. When they redrafted their constitutions, several southern states ended coverture, the legal practice where women's legal rights were subsumed by their fathers or husbands. Feminist advocates argued for women to gain the rights to vote and to hold office.

Most Republican men did not support political rights for women. Many also had narrow visions of who counted as Americans. The nation's campaigns of westward expansion had not halted during the Civil War and only intensified in its aftermath. The same Republican politicians who wanted labor rights for formerly enslaved people crafted policies that drove indigenous people onto reservations, seizing native lands for white farmers, for railroad building, and for gold and silver mining. The same U.S. Army generals who sought to stop violence against African Americans in the South led military campaigns against Native Americans in the West. Settler colonialism was unchecked by Reconstruction's opportunities for political equality in the South; instead, the same free labor ideology that advocated slavery's destruction led to anti-native reservation policies in the West.

The highwater mark of Reconstruction was 1868, the period with the most electoral success for the new interracial Republican coalition. Control of the process had been seized by the legislative branch. President Johnson's repeated vetoes of Reconstruction legislation had demonstrated his increasing irrelevance to the process of Reconstruction. In the fall of 1867, after Johnson had tried to restructure his cabinet against the wishes of Congressional Republicans, the House of Representatives impeached him. Though Johnson was not removed from office after trial in the Senate, his political influence was over. In the fall of 1868, Ulysses S. Grant, victorious hero of the U.S. Army, was elected president after campaigning with the slogan "Let us have peace."

Peace did not arrive, as white Democrats in the South increased campaigns of violence. Numerous Republican state-level politicians or candidates for office were assassinated in the summer and fall of 1868. Republicans continued to see electoral success, but the violence did not end. The Fourteenth Amendment's ratification resulted in an escalation in the extent to which southern white conservatives organized to overthrow Reconstruction. One member of the Ku Klux Klan in South Carolina later testified that "there was to be opposition to the 13th, 14th, and 15th amendments; the 14th was particularly specified in the oath I took."[9]

This violence was the result of conscious, sometimes coordinated campaigns to stop the project of Reconstruction. Reconstruction's Reversal should thus be considered a formal stage in the same ways that Presidential Reconstruction and Radical Reconstruction are. Its timing varied depending on the particular politics of different southern states, but Reversal—called Redemption by white supremacists—shared common features: violence, first by the secret, clandestine organizations like the Ku Klux Klan, then later by more public and undisguised groups; voter

[9] Trial testimony of Lawson B. Davis, *Proceedings in the Ku Klux Trials at Columbia, S.C. in the United States Circuit Court, November Term, 1871* (Columbia, SC: Republican Printing Company, State Printers, 1872), 656.

intimidation and electoral fraud; political organizing through the Democratic Party; and popular narratives that Republicans were corrupt, illegitimate, and dangerous.

Many white southerners found the Republican party appealing, particularly poorer white southerners who had received support from the Freedmen's Bureau and who blamed elite planters for secession and the destruction of the Civil War. But conservative white southerners who opposed Reconstruction declared themselves dedicated instead to what they called a "white man's government" and to white supremacy, a phrase they positively embraced, thereby conflating racial identity with a specific political ideology. White supremacist Democrats would assert that all Republicans, in denouncing violence, were "waving a bloody shirt" for political opportunity. White conservatives claimed that the violence was fabricated, or not as bad as it was claimed, or an unavoidable consequence of the enfranchisement of African Americans.

Despite violence, African Americans continued to participate in politics, as did their white allies. Increasingly people spoke out against the violence, demanding action both to protect Republican political power and to protect the civil rights supposedly enshrined by the Fourteenth Amendment. They also acted out of concern for their own communities. These demands for justice came first immediately from victims and their families, who would report their attacks to local, state, and federal authorities. Republican officials opposed to the violence would begin criminal investigations, sometimes arresting the perpetrators. But when local authorities were aligned with white supremacists, investigations would stall. Often when perpetrators were arrested, sympathetic white men on juries would acquit or refuse to prosecute them.

Victims then pursued justice further up the political ladder. Republican governors and state legislators tried to organize effective investigations with state police and militias. When those were insufficient, people petitioned Congress, the War Department, the office of the Attorney General (which in 1870 was reformed into the Department of Justice), and President Grant. Each of these began conducting investigations to stop the violence. Congress began debating legislation, framed around the idea that the Fourteenth Amendment needed congressional action to be enforced.

In congressional debates in 1871, both Democrats and Republicans agreed that, in the words of Representative Stevenson Archer of Maryland, "We are now in a state of revolution."[10] They disagreed, however, on both the boundaries and the intentions of that revolution. Republicans saw it as a counter-revolution, as vigilante violence, fraud, and disfranchisement by white southern Democrats were not only denying African Americans their political rights but undermining or outright destroying representative government. Democrats believed that Republicans were exaggerating the violence in order to expand the authority of the federal government to make Grant a despot and to destroy the independence of southern states. Black lawmakers especially emphasized that action was needed, and that racial equality in politics benefitted Black and white alike. Robert Elliott, a representative from South Carolina, declared that "the great paramount duty

[10] Cong. Globe, 42nd Cong., 1st Sess. 372 (1866).

of the Republic [is] to protect its citizens wherever its flag has the right to wave."[11] Though he denounced what he termed "the *animus* of the Democratic party of the South" against African Americans, he made clear that the Republican party's principles crossed racial lines. "I do not wish to be understood as speaking for the colored man alone," he noted, "when I demand instant protection for the loyal men of the South. No, sir, my demand is not so restricted... [T]he shackle that bound the arms of the black man threw a deep shadow on the path of the laboring white."[12]

Congress established several committees to investigate race riots and the Ku Klux Klan in particular. These committees called dozens of witnesses, including victims, suspected perpetrators, and locals who had seen or knew about political violence. The committees resulted in action. First, in 1870 and 1871, Congress passed a series of Enforcement Acts, also called the "Ku Klux" Acts, to enforce the provisions of the Fourteenth Amendment which white supremacist violence endangered. This legislation and the congressional investigations then worked alongside military efforts to arrest the perpetrators. More federal troops were dispatched by the Grant administration, especially targeting North and South Carolina.

Federal troops and federal marshals were able to do what state militias struggled to do: they made widescale arrests and drove many racial terrorists underground. Numerous leaders of the Ku Klux Klan fled their homes, some even leaving the country. Others turned themselves in and gave up information about their comrades to avoid prosecution. Hundreds of men were arrested, some held without the writ of habeas corpus. Of these, only a fraction were tried and even fewer were convicted. Still, over one hundred men were convicted and sent to a federal penitentiary in Albany, New York. But most Klansmen saw few lasting consequences. In 1872, before the fall election, President Grant and the Department of Justice publicly announced an amnesty for all men in the Ku Klux, and then pardoned the remaining prisoners held at the Albany prison.

Grant's re-election in 1872, defeating a coalition of Democrats and centrist Republicans headed by newspaper mogul Horace Greeley, might appear at first to have been a continuation of the radical phase of Reconstruction. Instead, it was a signal of changing times. The election, which "was the most peaceful of the entire Reconstruction period," signaled to most white Americans that the threat of continued disunion was fading.[13] A second civil war no longer seemed imminent. Even most white Republicans no longer believed that major constitutional reform was needed.

In 1869, Congress had passed the Fifteenth Amendment, which was ratified by the states in early 1870. Though the Fourteenth Amendment had focused on establishing citizenship, it left questions about voting unanswered. Not every American citizen could vote; most obviously, women were denied the franchise. Thus the drafting and passage of a new constitutional amendment in order to protect the votes of Black men in the South opened an opportunity to rethink the relationship between citizenship and the ballot. Many feminists declared that women should

[11] Cong. Globe, 42nd Cong., 1st Sess. 390 (1866).

[12] Ibid., 390-1,

[13] Foner, *The Second Founding*, 122.

be enfranchised. There were suffrage conventions around the country, and Congress entertained the idea that the constitution should contain a declaration that being an adult citizen of the United States entitled a person to the positive right to vote. But more moderate Republicans, unwilling to open the door to women's suffrage, opted instead for prohibitive language that made it unconstitutional to deny an American citizen the right to vote because of race.

Some feminists denounced the Fifteenth Amendment, believing that it delayed women's rights. And in several respects, the amendment's passage reflected the beginning of a receding tide of democratic possibilities for Reconstruction. When Reconstruction began, the central questions about its course and meaning were wide open; by the 1870s, many Americans believed most of those questions had been answered or were no longer relevant. Slavery had ended, southern states had arguably stable governments, Republicans maintained national control, and radical organizations no longer seemed as essential as they had during the depth of the Civil War. The American Anti-Slavery Society, which had not dissolved after emancipation with the Thirteenth Amendment, did disband after the ratification of the Fifteenth.[14]

Then in the fall of 1873, the nation's economy crashed. The crisis was global in both its roots and its effects, but in the United States was largely the consequence of an unchecked industrial boom, particularly in railroads. The effects of the crash lasted until the end of the decade, with bankruptcies in railroads, banks, textile firms, and other businesses causing high unemployment among the relatively new class of wage laborers.

The Panic of 1873 had two direct results upon Reconstruction. First, a political backlash to the economic depression threatened the Republican Party's dominance in the North and the West, working to erode its commitment to interracial politics in the South. Most white northerners—perhaps most white Americans, anywhere—came to believe that the most important goal for Reconstruction had always been the preservation of the Union. Slavery had been destroyed and white northerners—along with a small but sizeable number of white southerners—were glad of it. But the majority of white Americans were not dedicated to the kind of work that crafting a more equitable and democratic nation required, especially given the depth of outright white supremacy in the South. With the nation's one-hundred-year birthday celebration approaching in 1876, no longer did the potential end of Reconstruction in the South threaten white northerners' sense that the United States as a whole would survive. For too many white Americans, Black civil rights could be sacrificed while the nation thrived.

Second, a new wave of white supremacist violence erupted in southern states to do away with Republican control once and for all, justified by conservative political narratives that blamed the economic downturn on Republican corruption and governing incompetence. This wave of violence was committed by white men no longer seeking to disguise their identities under masks and hoods. Instead, they formed paramilitary groups with names like the White League, the Red Shirts, White Liners, or White Cappers. There were large-scale riots in Colfax, Louisiana, in 1873, another riot in New Orleans in 1874, then Yazoo City, Mississippi, in 1875, Hamburg, South Carolina, in 1876, and many other places in the South. There was also renewed night riding raids

[14] Foner, *The Second Founding*, 112.

against individual politicians, voters, and ordinary people whose only crime was somehow challenging the rules of white supremacy in the South. These campaigns of violence took a literally incalculable toll. Dozens of Republican politicians were killed, while in office or campaigning. Thousands of Americans, men and women, white and Black, were whipped, sexually assaulted, or murdered.

Though the Grant administration and Republicans in southern states at first tried to stop this violence with the same strategy they had used against the Klan in 1871 and 1872, Congress, now controlled by more moderate Republicans, refused to pass further enforcement acts. No new legislation would arrive to support interracial governments in the South. In what turned out to be a final act against white supremacy, Congress did pass a second Civil Rights Act in 1875 that prohibited discrimination on the basis of race in public businesses and accommodations, but not education.

Despite a popular memory that dates Reconstruction's demise to 1876, there was no one abrupt ending point for Reconstruction. In many places, Reconstruction did not survive that long. By 1876, Republicans still held power in only three southern states. In the rest of the South, Reconstruction had already been reversed and their governments "redeemed" by explicitly white supremacist Democrats.

The election of 1876 was contentious and, in several places, violent. The Democratic candidate, Samuel Tilden of New York, won the popular vote, but violence and electoral fraud by Democrats prompted contestations of the vote in multiple southern states. Congress, still controlled by Republicans, formed an election committee to investigate and ultimately awarded all contested electoral votes to the Republican, Rutherford B. Hayes of Ohio. Current scholarship suggests that there was no backroom deal or secret compromise between Democrats and Hayes, but the course of Hayes's presidency suggested that a page had been turned in federal involvement in protecting Reconstruction. Federal troops remained in the South after Hayes's inauguration, although in smaller and smaller numbers. In 1878, Congress passed the Posse Comitatus Act banning the use of federal troops as peacekeeping and lawmaking forces in the domestic United States. No longer would the United States government be able to stop racist violence with its military.

Meanwhile, the United States Supreme Court had already begun to dismantle the government's ability to protect interracial democracy. In 1873, the *Slaughterhouse Cases* limited the scope of privileges and immunities clauses of the Fourteenth Amendment. In *United States vs. Cruikshank* in 1876, the Court went even further, reversing the federal convictions of men who had participated in the murder of African Americans during the Colfax Massacre in Louisiana in 1873. This case severely constricted how the federal government could protect the rights supposedly guaranteed by the Bill of Rights and the Fourteenth Amendment from unjust actions by either individual people or state governments. It took the teeth out of any federal action to support Reconstruction. Then in 1883, the Civil Rights Act of 1875 was demolished by the *Civil Rights Cases*, in which the Supreme Court ruled that it was unconstitutional to prohibit private businesses from racially discriminatory practices. Further Supreme Court support for segregation then reached a pinnacle in 1896 with *Plessy vs. Ferguson*.

Fading hopes for Reconstruction continued after 1876. Black men were not totally banned from voting in the 1880s and 1890s in the South, though fewer and fewer voted because of continued threats of vigilante violence. Several African American politicians continued to get elected in safe districts. Their continued presence in southern politics meant that interracial fusion political movements threated conservative Democratic control in several southern states before 1900. These threats prompted white supremacists to act more decisively, and the effectively total disfranchisement of the Jim Crow era was implemented throughout the South in the late 1890s. This was roughly the same time that most national Republicans abandoned support for civil rights as part of their political platform. The last vestiges of Reconstruction in the South were gone by the twentieth century. It took decades of civil rights struggle against the political structures of Jim Crow to build what some activists and scholars have called a Second Reconstruction in the 1950s and 1960s.

Perhaps unsurprisingly, there have been many differences in what historians have said about Reconstruction. The historiography of Reconstruction—the history of how Reconstruction's history has been written—looms larger than for almost any other period of American history, for two reasons. First, many of the most influential and preeminent historians of the United States have written histories of Reconstruction. One of the earliest cohorts of professional American historians were known as the Dunning School, many of them having studied under William Dunning, a professor at Columbia University from the late 1880s until his death in 1922. The Dunning School's explanation of Reconstruction was explicitly racist. They claimed that white Northerners had dominated the South by enfranchising African American men—a move they framed as unwise and even immoral—establishing corrupt regimes that oppressed conservative white men. The Dunning School's flipped script of Reconstruction, with white conservative southerners as victims, entered America's popular memory as a dominant understanding of the period for at least half a century.

The prejudice of the Dunning School highlights the second major reason the historiography of Reconstruction has been so important. Though all historical works are shaped by their context, contemporary political conflicts have been especially significant for the historiography of Reconstruction. The Dunning School wrote during the height of Jim Crow segregation, and their histories of Reconstruction justified the disfranchisement, violence, and economic oppression of white supremacy. But more balanced historical reckonings with Reconstruction in turn accompanied political opposition to segregation. Black scholars in the early twentieth century wrote articles and books about Reconstruction that were less prejudiced and more accurate, though they were largely ignored by white historians. In 1935, the ground-breaking historian and sociologist W.E.B. Du Bois published his monumental study *Black Reconstruction in America, 1860-1880,* which not only disproved the racist claims of the Dunning School with more accurate research but provided an alternate understanding of the entire Civil War era.

Subsequent historians in second half of the twentieth century began to incorporate Du Bois's arguments as they worked to revise the common understanding of Reconstruction as a moral failure. They reversed the Dunning School's equation and asserted that Reconstruction was a revolution in political equality and democratic opportunity that failed because of racism. Scholarly

consensus changed from seeing its attempt at interracial democracy as tragic to seeing a tragedy because "it was attempted… but in significant ways it failed, leaving to subsequent generations the difficult problem of racial justice."[15] Later some historians have argued for an understanding that situates Reconstruction as a more moderate process of reintegration of the seceded states that was accomplished through a cultural reconciliation in which the white North accepted conservative southern narratives about the causes of the war and gave up interest in Black equality to stabilize the American republic.

Scholars still have many questions about Reconstruction. In what places are its myriad conflicts best analyzed: North, South, East, West; local or regional or national? Should Reconstruction be considered a radical expansion of the federal state's power, or should we emphasize the ways the federal government was unable to solve the problems of violence and white supremacy? Should Reconstruction be seen as a failure because of the erosion of civil, political, and social rights for African Americans as thousands of Americans were murdered because they supported a more equitable and democratic world? Or should we remember Reconstruction as a compromise: a conclusion of the Civil War that preserved the sovereignty of the United States, established the primacy of the federal government, and established new constitutional guarantees of racial equality? Different scholars have emphasized different questions, and then answered these questions differently. The complexity of questions that plagued Reconstruction during its course thus have shaped the history written up to today.

Reconstruction might best be understood as a series of escalating crises at national and local levels. As Reconstruction unfolded, different groups of people expressed conflicting ideas about politics, economics, race, and gender. White southerners who held conservative ideologies were unwilling to allow any political rights for African Americans or political oversight from the North. African Americans, particularly in the South, demanded inclusion and exercised power as they gained it. At first northern white Republicans were only concerned with ensuring slavery was destroyed, but many became committed to ensuring the dominance of the Republican Party—initially by expanding citizenship, but later by pulling back from continued support for Black rights in fear that the work required would be too radical.

These crises resulted in revolutionary constitutional changes in the Thirteenth, Fourteenth, and Fifteenth Amendments. These amendments radically and permanently changed who belonged as citizens of the United States. Virtually all anti-discrimination and pro-democratic legal efforts since have been grounded in the struggles of Reconstruction to make freedom real for African Americans. But Reconstruction's reversal also left malignant legacies. Sweeping campaigns of disfranchisement and segregation in the 1890s and 1900s effectively outlawed African American voting and office-holding all Black political participation in the South despite the plain language of the Reconstruction amendments. Those campaigns were grounded in racist vigilante violence that were normalized for at least a century. Violence, political disfranchisement, and social and economic oppression left deep racial disparities in health and wealth. The civil rights movement of the 1950s and 1960s, sometimes called a Second Reconstruction, restored political access to

[15] Foner, *The Second Founding*, xxiv.

African Americans in the South. Myriad freedom movements in the twentieth century helped expand the protections of the Fourteenth Amendment and radically democratize American society. Yet through all of this progress, Reconstruction's political, racial, and economic conflicts reverberate today throughout the United States.

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