

History 225

Source: Foner, Gettysburg Lecture

Re: Notes w/ Congressional Reconstruction

## I. Profile of Black Officeholders During Reconstruction

Idea of Reconstruction as a period of "black domination" is a myth, etc.

Nonetheless, over 1,400 blacks occupied positions of political authority in the South. This was a stunning departure for American government.

At the national level two blacks served in the US Senate Hiram Revels and Blanche K. Bruce of Mississippi.

Fourteen served in the House of Representatives

Blacks held numerous federal positions based on patronage such as postmaster, deputy US marshall, treasury agent, and clerks in federal offices.

The first black governor in US history was not Doug Wilder of Virginia, but P.B.S. Pinchack of Louisiana. He served for 5 weeks as an interim governor.

25 held major state executive posts--Lt. governors, treasurer, superintendent of schools, and secretary of state.

683 served in the lower houses at the state level and 112 in the state senates.

Despite the prominence of these free born elites (many from the North) the majority of black officeholders were former slaves.

No fewer than 64 officers attended college or professional schools either before or during their terms of public service.

34 officials were involved in the abolitionist movement before the Civil War. At least 129 served in the Union Army and/or Navy during the Civil War.

83% of these officeholders were literate. No fewer than 156 officials--about 10%--were victimized by KKK violence: 36 w/ death threats, 45 chased from their homes, and 42 were shot or stabbed or otherwise assaulted.

History 225

Page two

Re: Notes w/ Chpt. 6

But by December as representatives of these newly reconstructed governments came to Washington to be sworn in as new members of Congress there was irritation and anxiety about these new govts. Among Republicans--mainstream and radicals--as there was throughout the North. The South's defiance was troubling and raised anxieties.

Mainstream and radical Republicans all agreed that certain things had to be achieved as a result of the terrible war the nation just went through:

1. That newly freed slaves had earned a claim upon the nation's conscience. Service of black troops in the war could not be cavalierly dismissed(although Johnson seemed disposed this way). The role of the Sable arm in battles of Ft. Wagner, Brice's Cross Roads, Deep Bottom, Honey Springs, Nashville, Petersburg, and Port Hudson were a downpayment on the right of freedmen to enjoy personal liberty and the right to compete as free laborers otherwise emancipation(the 2nd war aim) and the 13th Ameendment was a mockery.

2. White Unionists in the South had a right to be secure

3, And the strong sense that the Republican party was the only party equipped to lead the nation in the immediate postwar period.

#### B. Who Were the Radicals?

(Names like Sumner, Stevens, Chandler, Wade, and Davis, et al.)

First necessary to note that they were a minority in the Republican party. Not only were they a distinct minority but they were also all over the board on the major national domestic questions that composed the Republican party's national agenda.

Tariff question--

Banking and currency questions--

Railroad expansion issue--

What bound this minority inside the party and defined their "radical" credentials was that they stood for certain ideas as regards the newly freed slaves:

They supported black suffrage. A top priority.

*Stevens  
participated  
w/ 449  
Battles*

History 225  
Page three  
Re: Notes w/ Chpt. 6

They supported homesteading for freedmen and white Union loyalists. That is, they took the radical position of confiscation of the property of the former planter class and redistribution of this land to former slaves and poor whites.

They shared the view that the South needed to be made over into a society made safe for democracy. That is, they were for the use of federal or national power in reshaping the old plantation South--raw use of federal power if necessary.

Important to note about the radicals that while they were and had been a minority in the party they were its driving edge. They had opposed the spread of slavery into the territories in the 1850s. They took a lead of emancipation before Lincoln felt it was politically pragmatic to move on this issue during the war. And they came out early for the arming of black troops. They enjoyed little support on all these issues from the majority Republicans yet, in time, all of these issues were embraced by the majority mainstream Republican opinion.

Also important to note that by December 1865, despite divisions in the party of Lincoln, there was unity around one driving idea. One central theme that united radicals and moderates--that was the principle that freedmen should enjoy certain protections in the South.

The irreducible minimum that cemented the Republican party was that all men, white and black, be protected in their civil liberties. This is one of the few times in American politics that men and the times came together when men in power reacted (at least in part/ no profit in trying to separate principle from expediency here) on the basis of principle rather than just expediency.

## II. Presidential Obstructionism

### A. Freedman's Bureau bill

Duties and responsibilities of the FB. Point here is that it was a wartime measure only. The war was over but the need to deal with the social welfare problems of the war were still crying for attention.

Moderate Republican, Senator Lyman Trumbull of Illinois, one of the movers and shakers in the Republican party, conferred with Johnson over the need to extend the FB by appropriating new funds to keep it going. Trumbull left the White House certain that he had

History 225

Page four

Re: Notes w/ Chpt. 6

Johnson's support for the extension of the FB.

### C. Johnson's Ringing Veto.

Racist appeal of the veto. See some of the language of his veto message.

Johnson also objected mightily to the work of the Freedmen's Bureau courts--these were military tribunals that provided blacks with the right to take their grievances before a military court if they could not get justice before a civil court. Johnson rightly pointed out that since there was no war going on in the South that military tribunals should not be seated. Of course he made no suggestions about how blacks were to get justice from the Black Codes if they could not find it in civil courts made up of whites who were determined to deny them their rights.

Johnson's veto of the FB bill was a shock to the Republicans.

The Joint Committee on Reconstruction that was studying the impact of the Black Codes and the actions taken by the new Johnson governments on racial matters in the South were much troubled by what they were hearing as witness after witness testified to the gross denial of their rights.

Republicans would have swallowed Johnson's veto of the Freedmen's Bureau bill on the grounds that military courts acting in peacetime was a constitutional nonsequiter. But they were determined to find a way to secure for the freedman his personal rights guaranteed under the 13th Amendment.

## III. Civil Rights Act (1866)

### A. Origins of the Act

Recognizing that the FB was a wartime emergency measure that had no firm constitutional standing during peace the Republicans under Trumbull's leadership devised the Civil Rights Act. The Constitutional basis of this act was the 13th Amendment(section 2).

Initially, the consensus on the 13th Amendment was that it ended slavery and granted to the ex-slave his personal liberty--his right to his own person and the right of mobility. It was not initially interpreted as implying an y broad claim of federal protection of the

Re: Notes w/ Chpt. 6

freedman's civil rights. The amendment was naively seen as a culmination and not a new beginning in the development of what was to become the nationalization of civil rights and citizenship.

But the Black Codes and the search for a non-military solution to the protection of freedmen's rights resulted in the drafting of the Civil Rights Act.

See Belz notes . . . . .

B. Johnson's Veto--Second Ft. Sumter.

Republican party would have swallowed the veto of the FB bill but the president's veto of the Civil Rights Bill could not be allowed to stand. This was a Presidential declaration of war and Johnson knew this when he vetoed the measure.

IV. Election of 1866

A. Johnson's swing around the circle. The national response. The election results revealed that Johnson was a dead dog.

Well not quit dead but politically moribund.

*Issue: 14th Amendment. Johnson advised all  
free former Confederate States not to carry the Amendment.  
(All took his advice except Tennessee and Tennessee was  
admitted into the Union.)*

*Riots - Memphis - { Neither helped the }  
New Orleans. { President's cause }*