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Rights and the Constitution in Black Life during the Civil War and Reconstruction

Eric Foner

Early in 1873 a northern correspondent in Mississippi commented on the remarkable changes the previous decade had wrought in the behavior and self-image of southern blacks. "One hardly realizes the fact," he wrote, "that the many negroes one sees here . . . have been slaves a few short years ago, at least as far as their demeanor goes as individuals newly invested with all the rights and privileges of an American citizen. They appreciate their new condition thoroughly, and flaunt their independence." As the writer intimated, the conception of themselves as equal citizens of the American republic galvanized blacks' political and social activity during Reconstruction. Recent studies have made clear how the persistent agitation of Radical Republicans and abolitionists, and the political crisis created by the impasse between Andrew Johnson and Congress over Reconstruction policy, produced the Civil Rights Act of 1866 and the Fourteenth and Fifteenth amendments—measures that embodied a new national commitment to the principle of equality before the law.¹ But the conception of citizens' rights enshrined in national law and the federal Constitution during Reconstruction also came, as it were, from below. In seeking to invest emancipation with a broad definition of equal rights, blacks challenged the nation to live up to the full implications of its democratic creed and helped set in motion events that fundamentally altered the definition of citizenship for all Americans.

The transformation of blacks' role within American society began during the Civil War. For the nearly four million slaves, for the tiny, despised black population of the free states, and for the free blacks of the South, the war held out the hope of a radical change in American race relations. Each of those groups took actions

Eric Foner is professor of history at Columbia University. This essay derives in large measure from the author's book *Reconstruction: America's Unfinished Revolution, 1863–1877*, a general history of the post–Civil War years to be published in 1988. The author wishes to thank, for criticisms and suggestions, David Thelen and other participants in the Conference on Rights and Constitutionalism in American Life held at the University of Massachusetts, Amherst, in 1986. He is also deeply grateful to Ira Berlin, Leslie Rowland, and their colleagues at the Freedmen and Southern Society Project at the University of Maryland for generously making material available to him and in other ways assisting his research.

¹ *Jewish Times* (New York), Feb. 7, 1873; Robert J. Kaczorowski, "To Begin the Nation Anew: Congress, Citizenship, and Civil Rights after the Civil War," *American Historical Review*, 92 (Feb. 1987), 45–68.

that helped propel a reluctant white America down the road not simply to abolition but also to a constitutional recognition of the principle of civil and political equality regardless of race—a concept utterly unprecedented in the preceding two and a half centuries of American history.

It is now widely accepted that the actions of thousands of slaves who in the first years of the war abandoned their masters and headed for the Union lines helped undermine the South's peculiar institution and accelerated the Lincoln administration's progress toward emancipation. More directly pertinent to the question of the former slaves' rights as free men and women, however, was the massive enrollment of blacks in military service, which began in earnest in 1863. By the war's end some 180,000 blacks had served in the Union army—over one-fifth of the adult male black population of the United States below the age of forty-five. The "logical result" of black military service, one senator observed in 1864, was that "the black man is henceforth to assume a new *status* among us." Although treated with anything but equality in access to promotion and, initially, in pay, black soldiers played a crucial role not simply in winning the Civil War but also in defining the war's consequences. Their service helped transform both the nation's treatment of blacks and blacks' conception of themselves. For the first time in American history, large numbers of blacks were treated as equals before the law—if only before military law. In army courts blacks could testify against whites (something unheard of throughout the South and in much of the North as well). It was in the army that those former slaves first learned to read and write, either from teachers employed by the military or in classrooms and literary societies established and funded by the soldiers themselves. "A large portion of the regiment have been going to school during the winter months," wrote a black sergeant from Virginia in March 1865. "Surely this is a mighty and progressive age in which we live."²

From Oliver Cromwell's New Model Army to the militias raised during the American Revolution to guerrilla armies of our own day, military service has often been a politicizing and radicalizing experience. For black troops, especially the vast majority who had known bondage, the army's impact was particularly profound. "No negro who has ever been a soldier," wrote one northern official in 1865, "can again be imposed upon; they have learnt what it is to be free and they will infuse their feelings into others." Black troops flaunted their contempt for symbols of slavery and relished the opportunity to exert authority over southern whites. One soldier celebrated his ability to walk "fearlessly and boldly through the streets [of New Orleans] . . . without being required to take off his cap at every step." For men of talent and ambition, the army flung open a door to position and respectability.

² Ira Berlin, Joseph P. Reidy, and Leslie S. Rowland, eds., *Freedom: A Documentary History of Emancipation, 1861–1867*, Series 2: *The Black Military Experience* (New York, 1982), *passim*; Mary Berry, *Military Necessity and Civil Rights Policy: Black Citizenship and the Constitution, 1861–1868* (Port Washington, 1977), 41–57, 62–74; Herman Belz, *A New Birth of Freedom: The Republican Party and Freedmen's Rights, 1861–1866* (Westport, 1976), 24; John Blassingame, "The Union Army as an Educational Institution for Negroes," *Journal of Negro Education*, 34 (Summer 1965), 152–59; Cam Walker, "Corinth: The Story of a Contraband Camp," *Civil War History*, 20 (March 1974), 15; *Christian Recorder*, March 18, 1865.



Company E, Fourth U.S. Colored Troops, at Fort Lincoln, Washington, D.C.
Courtesy Prints and Photos Division, Library of Congress.

From the army would come many of the black political leaders of Radical Reconstruction, including at least forty-one delegates to state constitutional conventions, sixty legislators, and four congressmen.³

In time, the black contribution to the Union war effort would fade from the nation's collective memory. But it remained a vital part of the black community's sense of its own history. "They say," an Alabama planter reported in 1867, "the Yankees never could have whipped the South without the aid of the negroes." Here lay a crucial justification for blacks' self-confident claim to equal citizenship during Reconstruction, a claim anticipated in the soldiers' long battle for equal pay during the war. At the Arkansas Constitutional Convention of 1868, former slave William Murphey held his silence for weeks in deference to more accomplished white delegates (who, he pointed out, had "obtained the means of education by the black man's sweat"). But when some of those delegates questioned blacks' right to the suffrage, Murphey felt compelled to protest: "Has not the man who conquers upon the field of battle, gained any rights? Have we gained none by the sacrifice of our brethren?"⁴

Among northern blacks as well, the war inspired hopes for a broad expansion of their rights within American society. The small northern black political leadership of ministers, professionals, fugitive slaves, and members of abolitionist societies

³ George D. Reynolds to Stuart Eldridge, Oct. 5, 1865, Registered Letters Received, ser. 2052, Mississippi Assistant Commissioner, Records of the Bureau of Refugees, Freedmen, and Abandoned Lands, RG 105 (National Archives); Leon F. Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York, 1979), 96–102. Information about the postwar careers of black soldiers is derived from a biographical file of black political leaders compiled by Eric Foner (in Eric Foner's possession).

⁴ John H. Parrish to Henry Watson, Jr., June 20, 1867, Henry Watson, Jr., Papers (Perkins Library, Duke University, Durham, N.C.); *Debates and Proceedings of the Convention which Assembled at Little Rock, January 7, 1868* . . . (Little Rock, 1868), 629.

had long searched for a means of improving the condition of blacks in the free states and of striking a blow against the peculiar institution. In the antebellum decades, a majority had embraced what Vincent Harding calls the “Great Tradition”—an affirmation of Americanism that insisted that blacks formed an integral part of the nation and were entitled to the same rights and opportunities white citizens enjoyed. In the 1850s, however, many northern blacks had despaired of ever finding a secure and equal place in American life, and a growing number of black leaders had come to espouse emigration to the Caribbean or Africa, reflecting both an incipient racial nationalism and a pessimism about black prospects in the United States. Rejecting entirely the Great Tradition, H. Ford Douglass pointedly reminded one black convention that far from being a “foreign element,” an aberration in American life, slavery had received the sanction of the Founding Fathers and was “completely interwoven into the passions and prejudices of the American people.”⁵

The Civil War produced an abrupt shift from the pessimism of the 1850s to a renewed spirit of patriotism, restoring northern blacks’ faith in the larger society. Even before the Emancipation Proclamation, a California black foresaw the dawning of a new day for his people:

Everything among us indicates a change in our condition, and [we must] prepare to act in a different sphere from that in which we have heretofore acted. . . . Our relation to this government is changing daily. . . . Old things are passing away, and eventually old prejudices must follow. The revolution has begun, and time alone must decide where it is to end.

Emancipation further transformed the black response to American nationality. Symbolic, perhaps, was the fact that Martin R. Delany, the “father of black nationalism” and during the 1850s an advocate of emigration, now recruited blacks for the Union army and then joined himself. “I am proud to be an American citizen,” declared black abolitionist Robert Purvis in 1863, recalling how, when the federal government was “a slaveholding oligarchy,” he had denounced the country as “the basest despotism” on earth. Frederick Douglass, throughout his life the most insistent advocate of the now-reinvigorated Great Tradition, emerged as black America’s premier spokesman, welcomed at the White House, his speeches widely reprinted in the northern press, his own life, he believed, exemplifying how America might move beyond racism to a society founded on universal human rights. Throughout the war Douglass insisted that the logical and essential corollaries of emancipation were the end of all color discrimination, complete equality before the law, and the enfranchisement of black men—the “full and complete adoption” of blacks “into the great national family of America.”⁶

Meeting at Syracuse, New York, in October 1864, a national black convention

⁵ Vincent Harding, *There Is a River: The Black Struggle for Freedom in America* (New York, 1981), 117–39, 172–94.

⁶ Harding, *There Is a River*, 233–35; James M. McPherson, ed., *The Negro’s Civil War* (New York, 1967), 251–52; Philip S. Foner, ed., *The Voice of Black America* (2 vols., New York, 1975), I, 293–94, 318; Philip S. Foner, ed., *The Life and Writings of Frederick Douglass* (4 vols., New York, 1950–1955), III, 292, 348–52, 396.

reflected the optimism rekindled by the Civil War. The convention's spirit was very much that of the Great Tradition. Henry Highland Garnet reaffirmed his belief in "Negro nationality," but his was a lonely voice, drowned in a sea of support for "acknowledged American ideas." The convention galvanized a black assault on the northern color line that in the war's final months won some modest but significant victories. In February 1865 the first black lawyer, John S. Rock of Boston, was admitted to the bar of the Supreme Court. (Eight years earlier, the Court had declared, in the case of Dred Scott, that a black person could not be a citizen of the United States.) Slowly, the North's racial barriers began to fall. In 1863 California first permitted blacks to testify in criminal cases; in 1865 Illinois repealed its law barring blacks from entering the state, Ohio eliminated the last of its discriminatory "black laws," and Massachusetts passed the first comprehensive public accommodations law in American history. During the war New York City, San Francisco, Cincinnati, and Cleveland desegregated their streetcars.⁷

Under pressure of emancipation, black military service, and the activity of northern blacks and their white allies, racial prejudice bent but did not break. No northern state outside of New England allowed blacks to vote on equal terms with whites. Yet by the war's end, the issue of black suffrage occupied center stage in American politics. The sudden prominence of the black suffrage issue was a direct result of the political mobilization of the free blacks of New Orleans, who compelled Congress and the president to grapple with the question as reconstructed Louisiana sought readmission to the Union.

In New Orleans lived the largest free black community of the Deep South, whose members' wealth, social standing, education, and unique history set them apart not only from slaves but also from most other free persons of color. Descendants of unions between French settlers and black women or of wealthy mulatto emigrants from revolutionary Haiti, many of the city's free blacks spoke only French and educated their children at private academies in New Orleans or Paris. Although denied the suffrage, they possessed far more rights than their counterparts in other states and owned some two million dollars worth of property on the eve of the war. That self-conscious community, with a strong sense of its collective history and a network of privately supported schools, orphanages, and benevolent societies, was well positioned to advance its own interests once Union troops occupied the Crescent City. At first free blacks spoke only for themselves, for as one who came to know the community well later recounted:

They tended to separate their struggle from that of the Negroes; some believed that they would achieve their cause more quickly if they abandoned the black to

⁷ *Proceedings of the National Convention of Colored Men Held in the City of Syracuse, N.Y.* (Boston, 1864), 4–6, 19, 53–56; Harding, *There Is a River*, 246–49; George A. Levesque, "Boston's Black Brahmin: Dr. John S. Rock," *Civil War History*, 26 (Dec. 1980), 336; Robert J. Chandler, "Friends in Time of Need: Republicans and Black Civil Rights in California during the Civil War Era," *Arizona and the West*, 11 (Winter 1982), 329; Roger D. Bridges, "Equality Deferred: Civil Rights for Illinois Blacks, 1865–1885," *Journal of the Illinois State Historical Society*, 74 (Spring 1981), 82–87; *Christian Recorder*, Nov. 19, 1864; Milton R. Konvitz, *A Century of Civil Rights* (New York, 1961), 155–56.

his fate. In their eyes, they were nearer to the white man; they were more advanced than the slave in all respects. . . . A strange error in a society in which prejudice weighed equally against all those who had African blood in their veins, no matter how small the amount.⁸

By January 1864 Lincoln appears to have privately endorsed the enrollment of freeborn blacks as voters in Louisiana. But Gen. Nathaniel P. Banks, to whom he had entrusted Louisiana's wartime Reconstruction, viewed even a limited black suffrage as a threat to his efforts to win white support for a constitutional convention that would abolish slavery in the state. In March 1864 two representatives of the free black community, Arnold Bertonneau, a wealthy wine dealer, and Jean Baptiste Roudanez, a plantation engineer, arrived in Washington, D.C., to present a petition for the suffrage. The day after their meeting, Lincoln wrote Gov. Michael Hahn of Louisiana concerning the coming convention: "I barely suggest for your private consideration, whether some of the colored people not be let in—as for instance, the very intelligent, and especially those who have fought gallantly in our ranks. . . . But this is only a suggestion, not to the public, but to you alone."⁹

Hardly a ringing endorsement of black suffrage, Lincoln's letter nonetheless represented his first quasi-official statement on black voting. Moreover, it proposed to expand the suffrage considerably beyond the freeborn population for whom Bertonneau and Roudanez spoke. The letter illustrated the flexibility and capacity to compromise that were the hallmarks of Lincoln's political leadership. Such qualities, however, were in short supply in wartime Louisiana, for when the constitutional convention met, it abolished slavery but made no gesture toward black voting rights. Indeed, reported one observer, "prejudice against the colored people is exhibited continually, prejudice bitter and vulgar." Some delegates demanded the expulsion of all blacks from the state—even though, as one member pointed out, black troops were at that very moment guarding the convention hall. The convention widened a preexisting division in Unionist ranks, and it propelled the free black community down the road to universal manhood suffrage.¹⁰

The voice of Louisiana's politically articulate free blacks was the *New Orleans Tribune*, a newspaper founded by Dr. Louis C. Roudanez, the wealthy son of a French merchant and a free woman of color, and edited by Jean-Charles Houzeau,

⁸ Laura Foner, "The Free People of Color in Louisiana and St. Domingue," *Journal of Social History*, 3 (Summer 1970), 406–30; Ted Tinnell, "Free Negroes and the Freedmen: Black Politics in New Orleans during the Civil War," *Southern Studies*, 19 (Spring 1980), 6–7; Donald E. Everett, "Demands of the New Orleans Free Colored Population for Political Equality, 1862–1865," *Louisiana Historical Quarterly*, 38 (April 1955), 43–49; Jean-Charles Houzeau, *My Passage at the New Orleans "Tribune": A Memoir of the Civil War Era*, ed. David C. Rankin, trans. Gerald F. Denault (Baton Rouge, 1984), 81.

⁹ Fred H. Harrington, *Fighting Politician: Major General N. P. Banks* (Philadelphia, 1948), 143–46; LaWanda Cox, *Lincoln and Black Freedom: A Study in Presidential Leadership* (Columbia, 1981), 79–95; Houzeau, *My Passage at the New Orleans "Tribune,"* 25n34; Roy P. Basler, ed., *The Collected Works of Abraham Lincoln* (9 vols., New Brunswick, 1953), VII, 243.

¹⁰ "Diary and Correspondence of Salmon P. Chase," *Annual Report of the American Historical Association*, 1902, p. 438; *Debates in the Convention for the Revision and Amendment of the Constitution of the State of Louisiana* (New Orleans, 1864), 155, 213–14, 394, 556; Cox, *Lincoln and Black Freedom*, 97–99.

a Belgian aristocrat who had been converted to the revolutionary ideas of 1848 and had emigrated to the United States in the 1850s. In Houzeau, the *Tribune's* proprietors found a man whose political outlook, like their own, had been shaped by the heritage of the Enlightenment and the French Revolution. In Roudanez and the others associated with the newspaper, Houzeau recognized "the vanguard of the African population of the United States." In late 1864 the *Tribune* made the momentous decision to demand suffrage for the freedmen, the free blacks' "dormant partners." It went on to develop a coherent radical program embracing the vote, equality before the law, the desegregation of Louisiana's schools, the opening of New Orleans streetcars to blacks, and the division of plantation lands among the freedmen. For the moment, however, black suffrage remained the Louisiana movement's central demand. Within the state, it did not receive a hearing. But in Washington the movement's complaints against the Louisiana government found a sympathetic audience. Contact with the cultured, economically successful New Orleans group challenged the racist assumptions widespread even in Republican circles and doubtless influenced Lincoln's own evolution toward a more egalitarian approach to Reconstruction. Because of Louisiana, black suffrage became a live issue in the Congress that assembled in December 1864, torpedoing efforts to forge an agreement between Lincoln and Congress on a plan of Reconstruction and preventing the seating of Louisiana's newly elected senators.¹¹

Despite the Louisiana impasse, the second session of the Thirty-eighth Congress was indeed a historic occasion, for in January Congress gave final approval to the Thirteenth Amendment, abolishing slavery throughout the Union. "The one question of the age is settled," exulted Congressman Cornelius Cole of California. But the amendment closed one question only to open a host of others. Did emancipation imply any additional rights for the former slaves? "What is freedom?" James A. Garfield would soon ask. "Is it the bare privilege of not being chained? . . . If this is all, then freedom is a bitter mockery, a cruel delusion." Rather than being a predetermined category or static concept, however, "freedom" itself became a terrain of conflict in the aftermath of emancipation, its substance open to different and sometimes contradictory interpretations, its content changing for both blacks and whites in the years following the Civil War. And as the former slaves entered the nation's public life after the war, they sought to breathe life into the promise of freedom.¹²

"The Negroes are to be pitied," wrote a South Carolina educator and minister. "They do not understand the liberty which has been conferred upon them." In fact, blacks carried out of bondage an understanding of their new condition shaped both by their experience as slaves and by observation of the free society around them.

¹¹ Houzeau, *My Passage at the New Orleans "Tribune,"* 2–5, 19–39, 75, 78–80, 96–97; *New Orleans Tribune*, Aug. 4, Aug. 11, Aug. 13, Sept. 10, Sept. 24, Dec. 29, 1864, Jan. 10–15, 1865; Cox, *Lincoln and Black Freedom*, 103–27; Michael Les Benedict, *A Compromise of Principle: Congressional Republicans and Reconstruction 1863–1869* (New York, 1974), 84–97.

¹² Cornelius Cole, *Memoirs of Cornelius Cole* (New York, 1908), 220; Burke A. Hinsdale, ed., *The Works of James Abram Garfield* (2 vols., Boston, 1882–1883), I, 86.

What one planter called their “wild notions of right and freedom” encompassed first of all an end to the myriad injustices associated with slavery—separation of families, punishment by the lash, denial of access to education. To some, like Georgia black leader Rev. Henry M. Turner, freedom meant the enjoyment of “our rights in common with other men.” “If I cannot do like a white man I am not free,” Henry Adams told his former master in 1865. “I see how the poor white people do. I ought to do so too, or else I am a slave.”¹³

Underpinning blacks’ individual aspirations lay a broader theme: their quest for independence from white control, for autonomy both as individuals and as members of a community itself being transformed as a result of emancipation. In countless ways, blacks in 1865 sought to “throw off the badge of servitude,” to overturn the real and symbolic authority whites had exercised over every aspect of their lives. Some took new names that reflected the lofty hopes inspired by emancipation—Deliverance Belin, Hope Mitchell, Chance Great. Others relished opportunities to flaunt their liberation from the infinite regulations, significant and trivial, associated with slavery. Freedmen held mass meetings unrestrained by white surveillance; they acquired dogs, guns, and liquor (all forbidden them under slavery); and they refused to yield the sidewalk to whites. Blacks dressed as they pleased and left plantations when they desired. They withdrew from churches controlled by whites and created autonomous churches, stabilized and strengthened the families they had brought out of slavery, and established a network of independent schools and benevolent societies.¹⁴

In no other realm of southern life did blacks’ effort to define the terms of their own freedom or to identify the “rights” arising from emancipation with independence from white control have implications so explosive for the entire society as in the economy. Blacks brought out of slavery a conception of themselves as a “Working Class of People,” in the words of a group of Georgia freedmen who had been unjustly deprived of the fruits of their labor. In January 1865 Gen. William T. Sherman and Secretary of War Edwin M. Stanton met with a group of black leaders in Savannah, Georgia, recently occupied by the Union army. Asked what he understood by slavery, Baptist minister Garrison Frazier responded that it meant one man’s “receiving . . . the work of another man, and not by his consent.” Freedom he defined as “placing us where we could reap the fruit of our own labor.” Yet more than simply receiving wages, blacks demanded the right to control the conditions

¹³ John H. Moore, ed., *The Jubl Letters to the “Charleston Courier”* (Athens, 1974), 20; Will Martin to Benjamin G. Humphreys, Dec. 5, 1865, Mississippi Governor’s Papers (Mississippi Department of Archives and History, Jackson); Nathaniel P. Banks, *Emancipated Labor in Louisiana* (n.p., 1864), 7; Joseph P. Reidy, “Masters and Slaves, Planters and Freedmen: The Transition from Slavery to Freedom in Central Georgia, 1820–1880” (Ph.D. diss., Northern Illinois University, 1982), 162; U.S. Congress, Senate, *Report and Testimony of the Select Committee of the United States Senate to Investigate the Causes of the Removal of the Negroes from the Southern States to the Northern States*, 46 Cong., 2 sess., Senate rept. 693, pt. 2, p. 191.

¹⁴ Eliza F. Andrews, *The War-Time Journal of a Georgia Girl* (New York, 1908), 347; George C. Rogers, Jr., *The History of Georgetown County, South Carolina* (Columbia, 1970), 439–41; Litwack, *Been in the Storm So Long*, *passim*.

under which they worked, to free themselves from subordination to white authority, and to carve out the greatest possible measure of economic autonomy.¹⁵

The desire to escape from white supervision and to establish a modicum of economic independence profoundly shaped blacks' economic choices during Reconstruction. It led them to resist working in gangs under overseers and to prefer leasing land for a fixed rent to working for wages. Above all, it inspired their quest for land of their own. Without land, there could be no economic autonomy, blacks believed, for their labor would continue to be subject to exploitation by their former owners. "Gib us our own land and we take care ourselves," a Charleston black told northern correspondent Whitelaw Reid, "but widout land, de ole massas can hire or starve us, as dey please."¹⁶

Numerous freedmen emerged from slavery convinced they had a "right" to a portion of their former owners' land. In part, their belief stemmed from actions of the federal government—the Freedmen's Bureau Act of early 1865, which held out the prospect of the division of confiscated and abandoned land among blacks and white refugees, and General Sherman's Field Order 15, which set aside a portion of the South Carolina and Georgia Lowcountry for exclusive settlement by blacks. In addition, blacks insisted it was only fair that "the land ought to belong to the man who (alone) could work it," as one former slave told rice planter Edward B. Heyward. Most often, however, blacks insisted their past labor entitled them to a portion of their owners' estates. "They have an idea that they have a certain right to the property of their former masters, that they have earned it," reported a North Carolina Freedmen's Bureau official. In its most sophisticated form, the claim to land rested on an appreciation of the role of black labor in the evolution of the nation's economy. When the army evicted blacks it had earlier settled on land near Yorktown, Virginia, freedman Bayley Wyat gave an impromptu speech of protest:

We has a right to the land where we are located. For why? I tell you. Our wives, our children, our husbands, has been sold over and over again to purchase the lands we now located upon; for that reason we have a divine right to the land. . . . And den didn't we cleare the land, and raise de crops ob corn, ob cotton, ob tobacco, ob rice, ob sugar, ob everything. And den didn't dem large cities in de North grow up on de cotton and de sugars and de rice dat we made? . . . I say dey has grown rich, and my people is poor.¹⁷

If the goal of autonomy inspired blacks to withdraw from religious and other institutions controlled by whites and to attempt to work out their own economic desti-

¹⁵ Edward Magdol, *A Right to the Land: Essays on the Freedmen's Community* (Westport, 1977), 273; "Colloquy with Colored Ministers," *Journal of Negro History*, 16 (Jan. 1931), 88–94, esp. 91.

¹⁶ Charles Colcock Jones, Jr., to Eva Jones, Nov. 7, 1865, Charles Colcock Jones, Jr., Collection (University of Georgia Library, Athens); *Southern Cultivator*, March 1867, p. 69; Whitelaw Reid, *After the War: A Southern Tour* (Cincinnati, 1866), 59.

¹⁷ Reid, *After the War*, 335; U.S. Congress, Senate, *Reports of Assistant Commissioners of the Freedmen's Bureau, 1865–66*, 39 Cong., 1 sess., Senate exec. doc. 27, p. 84; Edward B. Heyward to Katherine Heyward, May 5, 1867, Heyward Family Papers (South Caroliniana Library, University of South Carolina, Columbia); *A Freedman's Speech* (Philadelphia, 1867).

nies, in the polity freedom implied inclusion rather than separation. Indeed, the attempt to win recognition of their equal rights as citizens quickly emerged as the animating impulse of black politics during Reconstruction. Achieving a measure of political power seemed indispensable to attaining the other goals of the black community, including access to the South's economic resources, equal treatment in the courts, and protection against violence. But apart from its specific uses, in the United States the ballot was itself an emblem of citizenship. In a professedly democratic political culture, the ballot did more than identify who could vote—it defined a collective public life, as woman suffrage advocates so tirelessly pointed out. (For most postwar Americans, to be sure, “black suffrage” meant black male suffrage. Few black men argued that women should exercise political rights; yet most black women seem to have agreed that the enfranchisement of black men would represent a major step forward for the entire black community.) Democrats were repelled by the very idea of including blacks in the common public life defined by the suffrage. “Without reference to the question of equality,” declared Senator Thomas Hendricks of Indiana, “I say we are not of the same race; we are so different that we ought not to compose one political community.” The United States, Frederick Douglass reminded the nation, differed profoundly from societies accustomed to fixed social classes and historically defined gradations of civil and political rights:

If I were in a monarchial government, . . . where the few bore rule and the many were subject, there would be no special stigma resting upon me, because I did not exercise the elective franchise. . . . But here, where universal suffrage is the fundamental idea of the Government, to rule us out is to make us an exception, to brand us with the stigma of inferiority.¹⁸

The statewide conventions held throughout the South during 1865 and early 1866 offered evidence of the early spread of political mobilization among the South's freedmen. Several hundred delegates attended the gatherings, some selected by local meetings specially convened for the purpose, others by churches, fraternal societies, and black army units, still others simply self-appointed. Although the delegates “ranged all colors and apparently all conditions,” urban free mulattoes took the most prominent roles, whereas former slaves, although in attendance, were almost entirely absent from positions of leadership. Numerous black soldiers, ministers, and artisans also took part, as well as a significant number of recent black arrivals from the North.¹⁹

The conventions' major preoccupations proved to be the suffrage and equality before the law. In justifying the demand for the vote, the delegates invoked the na-

¹⁸ *Congressional Globe*, 39 Cong., 1 sess., Feb. 16, 1866, p. 880; Foner, ed., *Life and Writings of Frederick Douglass*, IV, 159.

¹⁹ John R. Dennett, *The South As It Is: 1865–1866*, ed. Henry M. Christman (New York, 1965), 148–50; Reid, *After the War*, 81; *Nashville Colored Tennessean*, Aug. 12, 1865; J. W. Blackwell to Andrew Johnson, Nov. 24, 1865, Andrew Johnson Papers (Manuscripts Division, Library of Congress); Peter Kolchin, *First Freedom: The Responses of Alabama's Blacks to Emancipation and Reconstruction* (Westport, 1972), 152–53.

tion's republican traditions, especially the Declaration of Independence, "the broadest, the deepest, the most comprehensive and truthful definition of human freedom that was ever given to the world," as black Freedmen's Bureau official John M. Langston put it. "The colored people," Rev. James Hood would declare in 1868, "had read the Declaration until it had become part of their natures." The North Carolina convention he chaired in 1865 portrayed the Civil War and emancipation as chapters in the onward march of "progressive civilization," embodiments of "the fundamental truths laid down in the great charter of Republican liberty, the Declaration of Independence." Such language was not confined to convention delegates. Eleven Alabama blacks complaining in 1865 of contract frauds, injustice before the courts, and other abuses concluded their petition with a revealing masterpiece of understatement: "this is not the persuit of happiness."²⁰

There was more to the invocation of the Declaration of Independence than merely familiar wording. Like northern blacks steeped in the Great Tradition of prewar protest, the freedmen and southern free blacks saw emancipation as enabling the nation to live up to the full implications of its republican creed—a goal that could only be achieved by leaving behind the legacy of racial proscription and by absorbing blacks fully into the civil and political order. Isham Sweat, a slave-born barber who wrote the address issued by North Carolina's convention and went on to sit in the state legislature, told northern journalist John R. Dennett that Congress should "declare that no state had a republican form of government if every free man in it was not equal before the law." Another 1865 speaker destined for Reconstruction prominence, Louisiana's Oscar J. Dunn, described the absence of "discrimination among men," of "privileges founded upon birth-right," and of "hereditary distinctions" as the essence of America's political heritage. Continued proscription of blacks, Dunn warned, would jeopardize the republic's very future, opening "the door for the institution of aristocracy, nobility, and even monarchy."²¹

Like their northern counterparts during the Civil War, southern blacks now proclaimed their identification with the nation's history, destiny, and political system. The very abundance of letters and petitions addressed by black gatherings and ordinary freedmen to officials of the army, to the Freedmen's Bureau, and to state and federal authorities, revealed a belief that the political order was at least partially open to black influence. "We are Americans," declared an address from a Norfolk black meeting, "we know no other country, we love the land of our birth." It went on to remind white Virginians that in 1619 "our fathers as well as yours were toiling in the plantations on James River" and that a black man, Crispus Attucks, shed "the first blood" in the American Revolution. And, of course, blacks had

²⁰ John M. Langston, *Freedom and Citizenship* (Washington, 1883), 99–100, 110; Leonard Bernstein, "The Participation of Negro Delegates in the Constitutional Convention of 1868 in North Carolina," *Journal of Negro History*, 34 (Oct. 1949), 404; *Convention of the Freedmen of North Carolina* (Raleigh, 1865), 6; Prince Murrell and ten others to Gen. Wager Swayne, Dec. 17, 1865, Unregistered Letters Received, ser. 9, Alabama Assistant Commissioner, Records of the Bureau of Refugees, Freedmen, and Abandoned Lands.

²¹ Peter D. Klingman, *Josiah Walls* (Gainesville, 1976), 72–73; Dennett, *South As It Is*, 176; Sidney Andrews, *The South since the War* (Boston, 1866), 125; *Proceedings of the Republican Party of Louisiana* (New Orleans, 1865), 4–5.

fought and died to save the Union. America, resolved another Virginia meeting, was “now *our* country—made emphatically so by the blood of our brethren” in the Union army.²²

Despite the insistent language of individual speeches, the conventions’ resolutions and public addresses generally adopted a moderate tone, revealing both a realistic assessment of the political situation during Presidential Reconstruction and the fact that political mobilization had proceeded more quickly in southern cities than in the Black Belt where most freedmen lived. Similarly, economic concerns figured only marginally in the proceedings. The ferment rippling through the southern countryside found little echo at the state conventions of 1865 and 1866, a reflection of the paucity of Black Belt representation. Far different was the situation in 1867 when, in the aftermath of the Reconstruction Act, a wave of political mobilization swept the rural South.²³

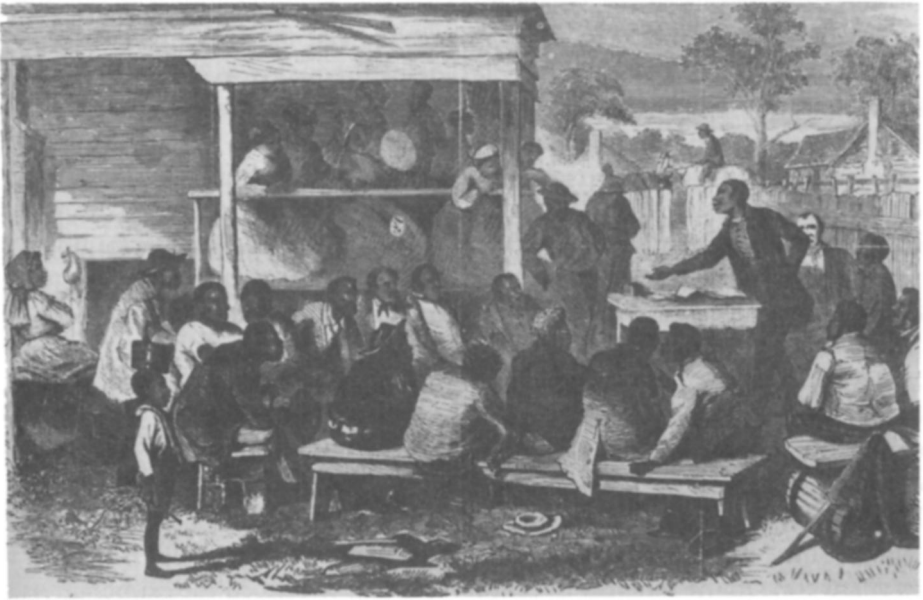
Like emancipation, the advent of black suffrage inspired freedmen with a millennial sense of living at the dawn of a new era. Former slaves now stood on an equal footing with whites, a black speaker told a Savannah mass meeting, and before them lay “a field, too vast for contemplation.” As in 1865 blacks found countless ways of pursuing aspirations for autonomy and equality and of seizing the opportunity to press for further change. Strikes broke out during the spring of 1867 among black longshoremen in the South’s major port cities and quickly spread to other workers, including Richmond, Virginia, coopers and Selma, Alabama, restaurant workers. Hundreds of South Carolina blacks refused to pay taxes to the existing state government, and there was an unsuccessful attempt to rescue chain gang prisoners at work on Mobile, Alabama’s streets. Three blacks refused to leave a whites-only Richmond streetcar, and crowds flocked to the scene shouting, “let’s have our rights.” In New Orleans, groups commandeered segregated horse-drawn streetcars and drove them around the city in triumph. By midsummer, integrated transportation had come to these and other cities.²⁴

But in 1867 politics emerged as the principal focus of black aspirations. Itinerant lecturers, black and white, brought the message of equality to the heart of the rural South. In Monroe County, Alabama, where no black political meeting had occurred before, freedmen crowded around the speaker shouting “God bless you, bless God

²² *Equal Suffrage: Address from the Colored Citizens of Norfolk, Va., to the People of the United States* (New Bedford, 1865), 1, 8; Joseph R. Johnson to O. O. Howard, Aug. 4, 1865, Unregistered Letters Received, ser. 457, District of Columbia Assistant Commissioner, Records of the Bureau of Refugees, Freedmen, and Abandoned Lands.

²³ Roberta Sue Alexander, *North Carolina Faces the Freedmen: Race Relations during Presidential Reconstruction, 1865–67* (Durham, 1985), 28; Philip S. Foner and George E. Walker, eds., *Proceedings of the Black National and State Conventions, 1865–1900* (Philadelphia, 1986–), I, 189–94; *Proceedings of the Freedmen’s Convention of Georgia* (Augusta, 1866), 20, 30.

²⁴ *Savannah Daily News and Herald*, March 19, 1867; Philip S. Foner and Ronald L. Lewis, eds., *The Black Worker: A Documentary History from Colonial Times to the Present* (8 vols., Philadelphia, 1978–1984), I, 352–53; Peter J. Rachleff, *Black Labor in the South: Richmond, Virginia, 1865–1890* (Philadelphia, 1984), 42–43; Thomas H. Wade to James L. Orr, April 16, 1867, South Carolina Governor’s Papers (South Carolina Department of Archives, Columbia); *Mobile Daily Advertiser and Register*, April 2, 1867; Roger A. Fischer, “A Pioneer Protest: The New Orleans Street-Car Controversy of 1867,” *Journal of Negro History*, 53 (July 1968), 219–33.



"Electioneering at the South." Political meetings often involved the entire community. Reproduced from *Harper's Weekly*, July 25, 1868.

for this." Richmond's tobacco factories were forced to close on August 1 because so many black laborers quit work to attend the Republican state convention. Black churches, schools, and, indeed, every other institution of the black community became highly politicized. Every African Methodist Episcopal minister in Georgia was said to be engaged in Republican organizing, and political materials were read aloud at "churches, societies, leagues, clubs, balls, picnics, and all other gatherings." One plantation manager summed up the situation: "You never saw a people more excited on the subject of politics than are the negroes of the South. They are perfectly wild."²⁵

In Union Leagues, Republican gatherings, and impromptu local meetings, ordinary blacks in 1867 and 1868 staked their claim to equal citizenship in the American republic. A black organizer in Georgia voiced the prevailing sentiment: "He was no nigger now. He was a citizen and was going to have all the rights of the white man, and would take no less."²⁶

At their most utopian, blacks now envisioned a society purged of all racial distinctions. That does not mean they lacked a sense of racial identity, for blacks remained

²⁵ Samuel S. Gardner to O. D. Kinsman, July 23, 1867, Wager Swayne Papers (Alabama State Department of Archives and History, Montgomery); Magdol, *Right to the Land*, 42; Henry M. Turner to Thomas L. Tullock, July 8, July 23, 1867, copies, Robert C. Schenk Papers (Rutherford B. Hayes Library, Fremont, Ohio); Parrish to Watson, Aug. 6, 1867, Watson Papers.

²⁶ Reidy, "Masters and Slaves, Planters and Freedmen," 253.

proud of the accomplishments of black soldiers and preferred black teachers for their children and black churches in which to worship. But in the polity, those who had so long been proscribed because of color, defined equality as color-blind. "I heard a white man say," black teacher Robert G. Fitzgerald recorded in his diary, "today is the black man's day; tommorrow will be the white man's. I thought, poor man, those days of distinction between colors is about over, in this (now) free country." Indeed, black politicians sometimes found black listeners unreceptive to the rhetoric of racial self-consciousness. In South Carolina, Martin R. Delany found it "dangerous to go into the country and speak of color in any manner whatever, without the angry rejoinder, 'we don't want to hear that; we are all one color now.'"²⁷

Nor did blacks evince much interest in emigration during Radical Reconstruction. Over twelve hundred emigrants from Georgia and South Carolina had sailed for Liberia under American Colonization Society auspices during 1866 and 1867, "tired of the unprovoked scorn and prejudice we daily and hourly suffer." But the optimism kindled in 1867 brought the emigration movement to an abrupt halt. "You could not get one of them to think of going to Liberia now," wrote a white colonizationist. Blacks probably considered themselves more fully American than at any time in the nineteenth century; some even echoed the exuberant nationalism and Manifest Destiny expansionism of what one called "our civilization." Throughout Reconstruction, blacks took pride in parading on July 4, "the day," a Charleston, South Carolina, diarist observed, "the Niggers now celebrate, and the whites stay home." As late as 1876, a speaker at a black convention aroused "positive signs of disapproval" by mentioning emigration. "Damn Africa," one delegate declared. "If Smith wants to go let him; we'll stay in America."²⁸

Blacks' secular claim to equality was, in part, underpinned by a religious messianism deeply rooted in the black experience. As slaves, blacks had come to think of themselves as analogous to the Jews in Egypt, an oppressed people whom God, in the fullness of time, would deliver from bondage. And they endowed the Civil War and emancipation with spiritual import, comprehending those events through the language of Christian faith. A Tennessee newspaper commented in 1869 that freedmen habitually referred to slavery as "Paul's Time" and to Reconstruction as "Isaiah's Time"—referring perhaps to Paul's message of obedience and humility and to Isaiah's prophecy of cataclysmic change, a "new heaven and a new earth" brought about by violence. Black religion reinforced black republicanism, for as Rev. J. M. P. Williams, a Mississippi legislator, put it in 1871, "of one blood God did make all

²⁷ Robert G. Fitzgerald Diary, April 22, 1868, Robert G. Fitzgerald Papers (Schomburg Center for Research in Black Culture, New York); *New National Era*, Aug. 31, 1871.

²⁸ Francis B. Simkins, "The Problems of South Carolina Agriculture after the Civil War," *North Carolina Historical Review*, 7 (Jan. 1930), 54–55; Wyatt Moore to William Coppinger, July 5, 1866, American Colonization Society Papers (Manuscripts Division, Library of Congress); E. M. Pendleton to Coppinger, March 18, 1867, *ibid.*; P. Sterling Stuckey, "The Spell of Africa: The Development of Black Nationalist Theory, 1829–1945" (Ph.D. diss., Northwestern University, 1973), 91–92; *Proceedings of the Southern States Convention of Colored Men, Held in Columbia, South Carolina* (Columbia, 1871), 99–100; Jacob Schirmer Diary, July 4, 1867, July 4, 1872 (South Carolina Historical Society, Charleston); *Cincinnati Commercial*, April 10, 1876.

men to dwell upon the face of the earth . . . hence their common origin, destiny and equal rights." Even nonclerics used secular and religious vocabulary interchangeably, as in one 1867 speech recorded by a North Carolina justice of the peace:

He said it was not now like it used to be, that . . . the negro was about to get his equal rights. . . . That the negroes owed their freedom to the courage of the negro soldiers and to God. . . . He made frequent references to the II and IV chapters of Joshua for a full accomplishment of the principles and destiny of the race. It was concluded that the race have a destiny in view similar to the Children of Israel.²⁹

Politics in 1867, unlike two years earlier, also assimilated the freedmen's economic longings. Many northern and southern freeborn leaders, it is true, clung to free labor nostrums that portrayed hard work and individual accumulation as the only legitimate route to the acquisition of property. It was, however, an inopportune moment to preach self-help to Black Belt freedmen, for successive crop failures had left those on share contracts with little or no income and had produced a precipitous decline in cash wages. "We have tried [plantation labor] three years," wrote an Alabama black, "and are worse off than when we started. . . . We cannot accumulate enough to get a home." Drawing on widespread dissatisfaction with a contract system that appeared to consign them permanently to poverty, rural blacks raised, once again, the demand for land.³⁰

The land issue animated grass-roots black politics in 1867. The Reconstruction Act rekindled the belief that the federal government intended to provide freedmen with homesteads. In Alabama freedmen delivered "inflammatory" speeches asserting that "all the wealth of the white man has been made by negro labor, and that the negroes were entitled to their fair share of all these accumulations." "Didn't you clear the white folks' land," asked one orator. "Yes," voices answered from the crowd, "and we have a right to it!" There seemed a great deal more danger, wrote former South Carolina governor Benjamin F. Perry, "of 'Cuffee' than Thad Stevens taking over lands."³¹

By mid-1867, planter William Henry Trescot observed, blacks had become convinced that membership in the Union League "will in some way, they do not exactly

²⁹ Clarence G. Walker, *A Rock in a Weary Land: The African Methodist Episcopal Church during the Civil War and Reconstruction* (Baton Rouge, 1982), 125; Stephen V. Ash, *A House Dividing: War, Emancipation, and Society in Middle Tennessee, 1860-1870* (Baton Rouge, 1987), ch. 9; *Address to the Citizens of Adams County, by Rev. J. M. P. Williams*, broadside, March 1871, Ames Family Papers (Sophia Smith Collection, Smith College, Northampton, Mass.); A. R. Black and John A. Corbett, report of a speech by Edward Jones, Aug. 22, 1867, Letters Received, Oaths of Office, and Records Relating to Registration and Elections, 1865-1869, ser. 1380, Port of Wilmington, Records of the United States Army Continental Commands, 1821-1920, RG 393, pt. 4 (National Archives).

³⁰ *Christian Recorder*, Jan. 7, Aug. 5, Sept. 9, Sept. 16, 1865; *Mobile Nationalist*, Oct. 24, 1867.

³¹ Manuel Gottlieb, "The Land Question in Georgia during Reconstruction," *Science and Society*, 3 (Summer 1939), 373-77; U.S. Congress, House of Representatives, *Testimony Taken by the Joint Committee to Enquire into the Condition of Affairs in the Late Insurrectionary States*, 42 Cong., 2 sess., House rept. 22, Alabama, 976; James S. Allen, *Reconstruction: The Battle for Democracy* (New York, 1937), 124; Benjamin F. Perry to F. Marion Nye, May 25, 1867, letterbook, Benjamin F. Perry Papers (Southern Historical Collection, University of North Carolina, Chapel Hill).

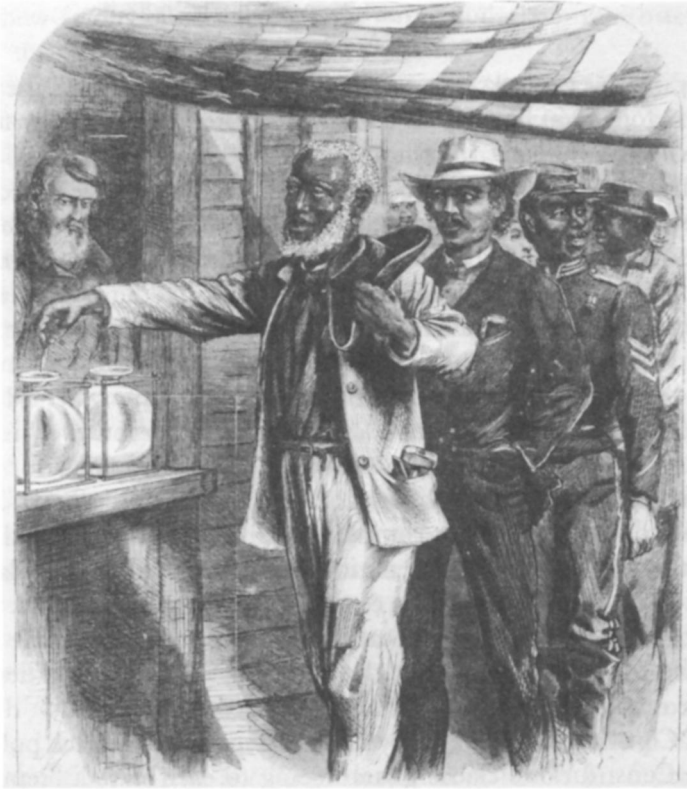
know how, secure them the possession of the land.” Yet that was only one among the multiplicity of purposes blacks sought to achieve through Reconstruction politics. In a society marked by vast economic disparities and by a growing racial separation in social and religious life, the polity became the only area where black and white encountered each other on a basis of equality—sitting alongside one another on juries, in legislatures, and at political conventions; voting together on election day. For individuals, politics offered a rare opportunity for respectable, financially rewarding employment. And although elective office and the vote remained male preserves, black women shared in the political mobilization. They took part in rallies, parades, and mass meetings, voted on resolutions (to the consternation of some male participants), and formed their own auxiliaries to aid in electioneering. During the 1868 campaign, Yazoo, Mississippi, whites found their homes invaded by buttons depicting Gen. Ulysses S. Grant that were defiantly worn by black maids and cooks. There were also reports of women ostracizing black Democrats (one threatened to “burn his damned arse off”) and refusing conjugal relations with husbands who abandoned the Republican party.³²

Throughout Reconstruction, blacks remained “irrepressible democrats.” “Negroes all crazy on politics again,” noted a Mississippi plantation manager in the fall of 1873. “Every tenth negro a candidate for office.” And the Republican party—the party of emancipation and black suffrage—became as central an institution of the black community as the church and the school. When not deterred by violence, blacks eagerly attended political gatherings and voted in extraordinary numbers; their turnout in many elections exceeded 90 percent. Despite the failure of land distribution, the end of Reconstruction would come not because propertyless blacks succumbed to economic coercion but because a politically tenacious black community fell victim to violence, fraud, and national abandonment. Long after they had been stripped of the franchise, blacks would recall the act of voting as a defiance of inherited norms of white superiority and would regard “the loss of suffrage as being the loss of freedom.”³³

The precise uses to which blacks put the political power they achieved during Radical Reconstruction lie beyond the scope of this essay. But it is clear that with wealth, political experience, and tradition all mobilized against them in the South, blacks saw in political authority a countervailing power. “They look to legislation,” commented an Alabama newspaper, “because in the very nature of things, they can look nowhere else.” Although political realities (especially the opposition of

³² “Letter of William Henry Trescott on Reconstruction in South Carolina, 1867,” *American Historical Review*, 15 (April 1910), 575–76; *Richmond Dispatch*, Aug. 2, 1867; A. T. Morgan, *Yazoo: Or, on the Picket Line of Freedom in the South* (Washington, 1884), 231–33, 293; *Testimony Taken by the Joint Committee to Enquire into the Condition of Affairs in the Late Insurrectionary States*, Alabama, 684; *ibid.*, Georgia, 1184; *Savannah Colored Tribune*, July 1, 1876.

³³ [Belton O’Neill Townsend], “The Political Condition of South Carolina,” *Atlantic Monthly*, 39 (Feb. 1877), 192; A. D. Grambling to Stephen Duncan, Aug. 10, 1873, Stephen Duncan Papers, Natchez Trace Collection (Eugene C. Barker Texas History Center, University of Texas, Austin); Paul D. Escott, *Slavery Remembered* (Chapel Hill, 1979), 153–54; U.S. Congress, House of Representatives, *Election of 1868*, 41 Cong., 2 sess., House misc. doc. 154, pp. 181–82.



“The First Vote.” The three men voting exemplify key elements of black political leadership: the artisan (with tools in his pocket), the urbanite, and the soldier.
 Reproduced from *Harper's Weekly*, November 16, 1867.

northern Republicans and divisions among southern Republicans) prevented direct action on the land issue except in South Carolina, black legislators successfully advocated crop lien, tax, and other measures advantageous to plantation laborers. Their success marked a remarkable departure from the days of slavery and Presidential Reconstruction, when public authority was geared to upholding the interests of the planter class. On the local and state levels, black officials also pressed for the expansion of such public institutions as schools, hospitals, and asylums. They insisted, moreover, that the newly expanded state must be color-blind, demanding and often achieving laws prohibiting racial discrimination in public transportation and accommodations and, although generally amenable to separate schools for black and white, insisting that such segregation be a matter of choice, rather than being required by law. Black lawmakers also unsuccessfully advanced proposals to expand public responsibility even further to include regulation of private markets and insurance companies, restrictions on the sale of liquor, and even prohibition of fairs, gambling, and horse racing on Sundays. In those ways and more, they revealed a vision

of a democratic state actively promoting the social and moral well-being of its citizens.³⁴

Ultimately, however, blacks viewed the national government as the guarantor of their rights. Before 1860 blacks and their white allies had generally feared federal power, since the government at Washington seemed under the control of the “Slave Power,” and after 1850 they looked to state authorities to nullify the federal Fugitive Slave Act. But blacks who had come to freedom through an unprecedented exercise of national power and who then had seen whites restored to local hegemony by President Johnson attempt to make a mockery of that freedom became increasingly hostile to ideas of states’ rights and local autonomy. Until Americans abandoned the idea of “the right of each State to control its own affairs. . . ,” wrote Frederick Douglass, “no general assertion of human rights can be of any practical value.” Black political leaders did not share fears of “centralism” common even in Republican circles, and throughout Reconstruction they supported proposals for such vast expansions of federal authority as Alabama black congressman James T. Rapier’s plan for a national educational system complete with federally mandated textbooks.³⁵

As Reconstruction progressed, the national Constitution took its place alongside the Declaration of Independence as a central reference point in black political discourse. A petition of Louisiana blacks calling for the removal of hostile local officials began with these familiar words: “We the people of Louisiana in order to establish justice, insure domestic tranquility, promote the general welfare . . . do ordain and establish this Constitution.” Like many Radical Republicans, black political leaders found in the Constitution’s clause guaranteeing to each state a “republican form of government” a reservoir of federal power over the states—the “most pregnant clause” of the Constitution, Congressman Robert B. Elliott of South Carolina called it. But blacks particularly identified the postwar amendments as definitions of a new national citizenship and as guarantees of federal authority to protect the rights of individual citizens. The political crisis of 1866—which black complaints against the injustices of Presidential Reconstruction had helped create—had produced the Fourteenth Amendment, defining for the first time a national citizenship with rights no state could abridge, embracing blacks and whites equally. As a result, Martin R. Delany reported from South Carolina, blacks believed “the Constitution had been purged of color by a Radical Congress.” Indeed, blacks called for even more far-reaching constitutional changes than northern Republicans were willing to accept. Black spokesmen, for instance, supported a Fifteenth Amendment that explicitly guaranteed all male citizens above the age of twenty-one the right to vote—wording far more sweeping than the language actually adopted, which allowed states to restrict the suffrage for any reason except that of race. Not for the first time,

³⁴ Foner and Lewis, eds., *Black Worker*, II, 149; Eric Foner, *Nothing but Freedom: Emancipation and Its Legacy* (Baton Rouge, 1983), 39–73; Howard N. Rabinowitz, ed., *Southern Black Leaders of the Reconstruction Era* (Urbana, 1982), 211, 257–58; Charles Vincent, *Black Legislators in Louisiana during Reconstruction* (Baton Rouge 1976), 180, 199; Edmund L. Drago, *Black Politicians and Reconstruction in Georgia* (Baton Rouge, 1983), 89.

³⁵ Foner, ed., *Life and Writings of Frederick Douglass*, IV, 199; Foner and Lewis, eds., *Black Worker*, I, 136

blacks' definition of equal citizenship proved to be more expansive than that of most white Americans.³⁶

But more than any other issue, racial violence led blacks to identify the federal government as the ultimate guarantor of their rights. Increasingly, it became clear that local and state authorities, even those elected by blacks, were either unwilling or unable to put down the Ku Klux Klan and kindred organizations. "We are more slave today in the hand of the wicked than we were before," read a desperate plea from Alabama freedmen. "We need protection . . . only a standing army in this place can give us our right and life." "Dear sir," read a letter written during Mississippi's violent Redemption campaign of 1875, "did not the 14th Article . . . say that no person shall be deprived of life nor property without due process of law? It said all persons have equal protection of the laws but I say we colored men don't get it at all. . . . Is that right, or is it not? No, sir, it is wrong." Blacks enthusiastically supported the Enforcement Acts of 1870 and 1871, which effectively put an end to the Klan, and the Reconstruction era expansion of the powers of the federal judiciary. One black convention went so far as to insist that virtually all civil and criminal cases involving blacks be removable from state to federal courts, a mind-boggling enhancement of federal judicial authority.³⁷

Throughout Reconstruction, blacks insisted that "those who freed them shall protect that freedom." Increasingly, however, blacks' expansive definition of federal authority put them at odds with mainstream white Republicans, who by the 1870s were retreating from the war-inspired vision of a powerful national state. Indeed, even among abolitionists, the persistent demands of blacks for federal action on their behalf raised fears that the freedmen were somehow not acting as autonomous citizens capable of defending their own interests. Frederick Douglass himself had concluded in 1865 that the persistent question "What shall we do with the Negro?" had only one answer: "Do nothing. . . . Give him a chance to stand on his own legs! Let him alone!" Douglass realized that the other face of benevolence is often paternalism and that in a society resting, if only rhetorically, on the principle of equality, "special efforts" on the freedmen's behalf might "serve to keep up the very prejudices, which it is so desirable to banish." It was precisely that image to which President Johnson had appealed in justifying his vetoes of the Freedmen's Bureau and Civil Rights bills in 1866. Douglass, of course, and most Republicans, believed equal civil rights and the vote were essential to enabling blacks to protect themselves. But by the 1870s, with those rights granted, blacks' demands for protection

³⁶ A. R. Henderson to Richard H. Cain, April 13, 1875, William P. Kellogg Papers (Louisiana State University, Baton Rouge); *Congressional Globe*, 42 Cong., 1 sess., April 1, 1871, p. 389; *New National Era*, Aug. 31, 1871; William D. Forten to Charles Sumner, Feb. 1, 1869, Charles Sumner Papers (Houghton Library, Harvard University, Cambridge, Mass.).

³⁷ James Martin and five others to William H. Smith, May 25, 1869, Alabama Governor's Papers (Alabama State Department of Archives and History); William Crely to Adelbert Ames, Oct. 9, 1875, Mississippi Governor's Papers; *Report and Testimony of the Select Committee of the United States Senate to Investigate the Causes of the Removal of the Negroes from the Southern States to the Northern States*, pt. 2, p. 395.

struck many whites, including reformers, as reflecting a desire to become privileged “wards of the nation.”³⁸

The fate of Charles Sumner’s federal Civil Rights Bill, prohibiting racial discrimination in public accommodations, transportation, schools, churches, and cemeteries, illustrated how much black and white Republicans differed regarding what obligations the federal government had incurred by emancipating the slaves. Before galleries crowded with black spectators, black congressmen invoked both the personal experience of having been evicted from inns, hotels, and railroads and the black political ideology that had matured during Reconstruction. To James T. Raper, discrimination was “anti-republican,” recalling the class and religious inequalities of other lands—in Europe “they have princes, dukes, lords”; in India “brahmans or priests, who rank above the sudras or laborers”; in the United States “our distinction is color.” Richard H. Cain reminded the House that “the black man’s labor” had enriched the country; Robert B. Elliott recalled the sacrifices of black soldiers. But white Republicans considered the bill an embarrassment to the party. Not until 1875 did a watered-down version pass Congress. It contained only weak provisions for enforcement and remained largely a dead letter until the Supreme Court ruled it unconstitutional in 1883.³⁹

In the end, the broad conception of “rights” with which blacks attempted to imbue the social revolution of emancipation proved tragically insecure. Although some of the autonomy blacks had wrested for themselves in the early days of freedom was irreversible (control of their religious life, for example), the dream of economic independence had been dashed even before the end of Reconstruction. By the end of the century, the Fourteenth and Fifteenth amendments had been effectively nullified in the South. As Supreme Court Justice John Marshall Harlan put in 1883, the United States entered on “an era of constitutional law when the rights of freedom and American citizenship cannot receive from the nation that efficient protection which heretofore was unhesitatingly accorded to slavery and the rights of the master.” During Reconstruction, political involvement, economic self-help, and family and institution building had all formed parts of a coherent ideology of black community advancement. After the South’s “Redemption,” that ideology separated into its component parts, and blacks’ conception of their “rights” turned inward. Assuming a defensive posture, blacks concentrated on strengthening their community and surviving in the face of a patently unjust political and social order, rather than directly challenging the new status quo.

³⁸ *Christian Recorder*, May 26, 1866; Foner, ed., *Life and Writings of Frederick Douglass*, III, 189; James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents 1789–1897* (10 vols., Washington, 1896–1899), VI, 399–413; *National Anti-Slavery Standard*, Feb. 5, 1870.

³⁹ Alfred H. Kelly, “The Congressional Controversy over School Segregation, 1867–1875,” *American Historical Review*, 64 (April 1959), 552; *Congressional Record*, 43 Cong., 1 sess., Dec. 19, 1873, p. 344; *ibid.*, Jan. 5, 1874, p. 382; *ibid.*, Jan. 6, 1874, pp. 407–9; *ibid.*, Jan. 10, 1874, p. 565; *ibid.*, Jan. 24, 1874, pp. 901–2; *ibid.*, June 9, 1874, pp. 4782, 4785; *ibid.*, 2 sess., Feb. 3, 1875, p. 945; Bertram Wyatt-Brown, “The Civil Rights Act of 1875,” *Western Political Quarterly*, 18 (Dec. 1965), 763–65; John Hope Franklin, “The Enforcement of the Civil Rights Act of 1875,” *Prologue*, 6 (Winter 1974), 225–35.

A disaster for blacks, the collapse of Reconstruction was also a tragedy that deeply affected the future development of the nation as a whole. If racism contributed to the undoing of Reconstruction, by the same token Reconstruction's demise and the emergence of blacks as a disfranchised class of dependent laborers greatly facilitated racism's further spread, so that by the early twentieth century it had become more deeply embedded in the nation's culture and politics than at any time since the beginning of the antislavery crusade. Meanwhile, the activist state's association with the aspirations of blacks discredited it in the eyes of many white Americans. And the removal of a significant portion of the laboring population from public life shifted the center of gravity of American politics to the right, complicating the tasks of reformers for generations to come. Long into the twentieth century, the South remained a one-party region under the control of a reactionary ruling elite whose national power weakened the prospects not simply of change in racial matters but of progressive legislation in many other realms.⁴⁰

In this year of the United States Constitution's bicentennial, it is sobering to reflect how frail the constitutional recognition of blacks' citizenship rights proved as a guarantee of racial equality among American citizens. Well might blacks bitterly echo the words of Reconstruction congressman Joseph Rainey: "tell me nothing of a constitution which fails to shelter beneath its rightful power the people of a country."⁴¹

⁴⁰ Konvitz, *Century of Civil Rights*, 118. On the effects of the failure of Reconstruction, see Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York, 1988), chs. 12 and 13.

⁴¹ *Congressional Globe*, 42 Cong., 1 sess., March 27, 1871, p. 294-95.