

The Ineffectual Elephant in the Room:

Why Reconstruction Failed to Liberate Southern Blacks

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Due to the physical, social, and cultural devastation of the United States, particularly the South, following the Civil War, it was deemed necessary for the country to rebuild and readjust. For the American South, many hoped this would include reshaping governments and cultural values to afford the former slaves the full freedoms they deserved, along with equal rights. Many post-war politicians had differing ideas on how this process of reconstructing the nation should be approached. Some, like President Lincoln and President Johnson, wanted to expedite the process, quickly pardoning, and readmitting the former Confederate states with few requirements for changes to values or strict consequences, while Radical Republicans in Congress hoped for strong plans that would rebuild state constitutions and governments to provide equality to the former slaves. Reconstruction ultimately failed to free Southern blacks not only because Republicans' Congressional programs were consistently undermined and dismissed by President Johnson and his successors, but American society as a whole held many inherently racist prejudices that influenced political actions and the eventual loss of support for Reconstruction. These factors, when coupled with the overt violent groups in the South, allowed white supremacy to become the dominant rule in Southern Democrat-led governments, eventually stripping blacks of their newly gained rights.

The term "reconstruction" first arose during the secession crisis to describe the compromises that would be necessary to convince the seceded states to rejoin the Union. The idea was discouraged by both Democrat secessionists and Republicans who opposed compromising on the demands of the seceding states. Reconstruction took on a new scope during

the war for Unionists, evolving from restoring the Union to its pre-1860 form to a full rebuilding of the nation, eliminating slavery and the economy and society it supported.<sup>1</sup>

In the analyses of Reconstruction throughout the early twentieth century, the outcome was often blamed on the Radical Republicans in Congress for trying to force the idea of black supremacy over the South, using corrupt and unconstitutional methods to take control of the South until Democratic white Southerners could reclaim their home governments, though these theories seem problematic with their prejudices. By the 1960s, amidst the Civil Rights Movement, new theories rose, flipping the narrative, placing the blame for the failures of Reconstruction on Andrew Johnson and the white supremacists who controlled Southern governments by the end of Reconstruction. Some historians suggested that Reconstruction failed because, despite best efforts, Reconstruction policies were drafted by Northerners with inherent racial prejudices that deeply influenced and compromised any efforts to help free blacks.<sup>2</sup> That idea suggests that perhaps, rather than truly working to provide for the blacks across the country, Reconstructionists were more focused on making Southerners face consequences for the devastation of the war.

Some theorists look beyond issues of racism to methods of Constitutional interpretation, arguing that Reconstruction was limited in its effectiveness because Congress was concerned

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<sup>1</sup> Louis P. Masur, "Editor's Note" in *Lincoln's Last Speech: Wartime Reconstruction and the Crisis of Reunion* edited by James M. McPherson, xiii-xv (New York: Oxford University Press), xiv, accessed 1 March 2023, <https://books.google.co.uk/books?id=VRxcBgAAQBAJ&lpg=PP1&dq=lincoln's%20reconstruction%20plan&lr&pg=PR6#v=onepage&q&f=false>.

<sup>2</sup> Eric Foner, "Reconstruction Revisited," *Reviews in American History* 10:4 (December, 1982), accessed 1 March 2023, 82-83, JSTOR, <https://www.jstor.org/stable/2701820>.

with preserving the Constitution and maintaining limited federal intervention in state relations.<sup>3</sup> Others argue that some politicians thought the key to Reconstruction was appeasing Southerners, but too much was compromised to make Reconstruction effectual, or that Northern commitment had always been lacking.<sup>4</sup> Furthermore, studies support theories that suggest that even the policies put in place did little to aid the newly freed blacks – many were left with no support or opportunity, forcing a return to plantation life through sharecropping, a near-slavery exploitation of labor. The pressures were placed by even the federal Freedman’s Bureau’s employment of paternalistic tactics to push blacks back onto plantations, often failing to provide aid for the basic needs of former slaves, such as medical care, economic support, and legal aid.<sup>5</sup>

Many theorists of the late twentieth century suggest that one of the main reasons Reconstruction ultimately failed to grant blacks permanent and robust rights was the failure to grant land reforms that would have allocated property to former slaves. In nineteenth-century society, particularly that of the American South, property and land equated to economic, political, and social power.<sup>6</sup> By not committing to the redistribution of property, and by extension wealth, it could be argued that Reconstruction was destined to fail to support black Americans by consigning them to a system with no leverage. That said, economic influence is only one factor of political power. Blacks were forced to endure poor conditions, continuing in a form of pseudo-slavery, placed in an inferior position that has had repercussions through to modern day. Had

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<sup>3</sup> Michael Les Benedict, “Preserving the Constitution: The Conservative Basis of Radical Reconstruction,” *The Journal of American History* 61:1 (June 1974), 66, <https://www.jstor.org/stable/1918254>.

<sup>4</sup> Foner, “Reconstruction Revisited,” 84.

<sup>5</sup> Foner, “Reconstruction Revisited,” 85.

<sup>6</sup> Foner, “Reconstruction Revisited,” 87.

economic aid been provisioned, perhaps this could have been avoided to some extent, but the overarching racist attitudes of American society, especially in the South, would have empowered and enabled them to continue to intimidate and subjugate black Americans, as they did through violence when economic intimidation failed.

The first Reconstruction plans laid out by President Lincoln and built upon by President Johnson after Lincoln's assassination were lenient on the former Confederate states. These plans favored, in the words of Johnson, restoration over reconstruction.<sup>7</sup> These presidents intended to return the Union to its prewar state, minus slavery. Both maintained the belief that no states had left the Union and should be treated with forgiveness and readmittance to the Union with limited consequences or federal intervention. Both did support some form of black suffrage, a limited amount, however, likely just enough to appease Radicals demanding full suffrage. Johnson, a pro-Union Democrat from the South added to Lincoln's 1864 reelection ticket to demonstrate unity, held many of the provincial and bigoted views common of his time, ideals that influenced his take on Reconstruction to limit both government interference and black civil rights.<sup>8</sup> Johnson's Reconstruction plan quickly appointed several loyal Unionists as provisional governors for Southern states, but in his hesitations to act on Reconstruction, he provided no consistent and actionable guidance to his governors, hampering any early progress that could have been made on Reconstruction.<sup>9</sup> In addition to Johnson's overall failure to act, he had set

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<sup>7</sup> David Emory Shi and George Brown Tindall, "The Era of Reconstruction, 1865-1877," Chap. in *America: A Narrative History*, Brief 10<sup>th</sup> ed., (New York: W.W.Norton & Company, 2016) 586-587, accessed 1 March 2023, [https://archive.org/embed/americanarrative0000shid\\_f6d7](https://archive.org/embed/americanarrative0000shid_f6d7).

<sup>8</sup> Shi and Tindall, "Era of Reconstruction," 586-587.

<sup>9</sup> Ryan A. Swanson, "Andrew Johnson and His Governors: An Examination of Failed Reconstruction Leadership," *Tennessee Historical Quarterly* 71:1 (2012) 16-18, JSTOR, <https://www.jstor.org/stable/42628235>.

minimal requirements for the southern states. The states mostly fulfilled these, recognizing that Johnson's indulgences and inaction would allow them to avoid major changes, for example electing Confederate political leaders to serve in Congress,<sup>10</sup> and mostly upheld the status quo, a decision not overlooked by Congress. Johnson's failures in early Reconstruction delayed the process, impairing any first efforts that could have worked to rebuild Southern society, and with it encouraged the resistance that eventually put an end to Reconstruction.

Early Congressional Reconstruction acts were focused on punishing the South for attempting to leave the Union and sending the nation to war, rather than aiding black Americans, setting the tone for the Reconstruction campaign, and continuing regional divisions. The first bill, the Wade-Davis Bill, outlined a plan requiring a majority of white male citizens to declare allegiance, greater than Lincoln's requirement of ten percent; limiting state convention participation to those who could prove past loyalty; and requiring state conventions to abolish slavery, strip high ranking Confederate officials of political rights, and cancel all Confederate war debts.<sup>11</sup> The bill passed but was vetoed by Lincoln; however, witnessing Johnson's failures, the ideas were reintroduced successfully over Johnson's disapproval. Many Congressional Republicans agreed that though the South had never fully left the Union, by declaring secession and waging war, their Constitutionally guaranteed rights had been forfeited, closer resembling territories than states.<sup>12</sup> Congress initiated a series of policies and Constitutional amendments for their Reconstruction purposes, consistently battling Johnson, to rebuild a Southern society they

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<sup>10</sup> Shi and Tindall, "Era of Reconstruction," 587-588.

<sup>11</sup> "Wade-Davis Bill (1864)," 1864, *National Archives*, The U.S. National Archives and Records Administration, accessed 1 March 2023, <https://www.archives.gov/milestone-documents/wade-davis-bill>.

<sup>12</sup> Shi and Tindall, "Era of Reconstruction," 586.

had limited trust in. One such policy was the Civil Rights Act of 1866, passed over Johnson's veto as a response to the new neo-slavery system, granting full and equal benefit of all laws and citizenship to native-born males.<sup>13</sup> Furthermore, the Fourteenth Amendment established a constitutional guarantee of basic citizenship for all Americans born or naturalized, forbidding any state from limiting privileges and immunities, depriving any person of life, liberty, or property, and denying equal protections, while also prohibiting the president from granting pardons to former Confederate leaders.<sup>14</sup> The process of ratifying the Fourteenth Amendment highlighted the growing divide and animosity over Reconstruction between Republicans and Democrats, demonstrated, according to Radical Republicans, by the race riots in Memphis and New Orleans as a result of Johnson's indifference towards white supremacy.<sup>15</sup> In the 1866 midterm elections, Johnson's efforts to publicly oppose Radical Republicans backfired as Republicans won the majority, allowing them to pass their Reconstruction package of bills. While the Command of the Army Act and Tenure of Office Act both worked to limit Johnson's power as president and grant Congress powers of oversight to prevent Johnson's interference in Reconstruction, the Military Reconstruction Act provided voting rights to freed slaves and utilized military force for reconstructing the South. The Southern states were split into military districts with commanding officers authorized to maintain order and protect people's rights, requiring each former Confederate state to draft a new constitution in conventions elected by all male citizens over the age of twenty-one, regardless of race and former slave status, and were required to guarantee the right of black men to vote. Once ratified, Congress would approve and

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<sup>13</sup> Shi and Tindall, "Era of Reconstruction," 588.

<sup>14</sup> United States Constitution, amend. 14.

<sup>15</sup> Shi and Tindall, "Era of Reconstruction," 588-590.

accept, but the state legislature would then have to ratify the Fourteenth Amendment to be eligible for Congressional representation, and by 1868 Congress had approved eight of the eleven states.<sup>16</sup> The final three states were then also required to ratify the Fifteenth Amendment before readmittance, forbidding states from denying any person the right to vote due to race or former servitude.<sup>17</sup>

Though Republicans held the majority and Congress could pass bills over Johnson's veto, as they did many times, his opposition, like his early failures, was one of the reasons Reconstruction ultimately failed. Johnson took a laissez-faire view of the Constitution, believing government should have limited influence and role, particularly in issues of class.<sup>18</sup> Even though Congress passed laws over Johnson's veto, Johnson routinely prevented and impeded the enforcement of those laws intended by Congress to protect the lives and rights of black Americans, both because of his views on government involvement, but also his ideas of black inferiority.<sup>19</sup> Confronted with acts of violence by former Confederates, he would change the commanders overseeing the military districts, pressure officials to pacify and compromise with former Confederate leaders, and condemn Congressional attempts to use the Army to enforce Reconstruction. He repeatedly directly opposed Congress' policies and statutes by appointing ex-Confederate leaders to positions of power, granting wholesale pardons to former Confederate leaders, and undermining the potential of the Freedman's Bureau, a federal agency working to

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<sup>16</sup> Shi and Tindall, "Era of Reconstruction," 590-591.

<sup>17</sup> United States Constitution, amend. 15.

<sup>18</sup> William E. Hardy, "Reconstructing Andrew Johnson: The Influence of Laissez-Faire Constitutionalism on President Johnson's Restoration Policy," *Tennessee Historical Quarterly* 65:1 (2006), 72, JSTOR, <https://www.jstor.org/stable/42628583>.

<sup>19</sup> Hardy, "Reconstructing Andrew Johnson," 75-78.



provide provisions and relief for former slaves, which may explain the agency's failures suggested by some theorists. Through presidential patronage, he appointed officials to prevent proper law enforcement and reverse the work of Congress in the South and promoted opposition to the Fourteenth Amendment.<sup>20</sup>

To the Radical Republicans, Johnson's prevention of federal interference and aid was seen as denying full liberties for all people, an idea central to American democracy. His initial lenient policy and undermining of Congress' laws were accused by his contemporaries of not only denying rights for black Americans but also ruining any opportunity for social change by encouraging ideas of racial superiority, preventing the South from ever truly achieving equality.<sup>21</sup> Johnson is not to blame for the bigoted views of society, he was a product of his time and surroundings, maintaining the same ideas of racial superiority as many other Southerners, and many Northerners too. Congress was not anti-racist by any means, however, Johnson's undermining of Congressional Reconstruction did keep proper protections and rights away from black Americans, and encouraged groups, such as Ku Klux Klan (KKK), to continue to rise in power and spread violence and white supremacy.

Following Johnson, President Grant favored the Republicans and their Reconstruction policies, but his presidency was marked by corruption scandals and financial issues that coupled with Johnson's subversions of Reconstruction and lack of lasting Northern commitment to equality ultimately took the public focus away from Reconstruction, and without public support

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<sup>20</sup> Paul Finkelman, "The Trials of Presidential Impeachment," *Update on Law-Related Education* 23:1, (1999): 19, HEINOnline, <https://heinonline.org/HOL/P?h=hein.journals/ulred23&i=18>.

<sup>21</sup> Hardy, "Reconstructing Andrew Johnson," 78.

Reconstruction was forced to end. With the rise of the KKK, Grant pushed Congress to pass three Enforcement Acts to combat white supremacist groups, but generally, the acts were weak and inconsistent in their execution, perhaps due to racial prejudices of the politicians and those responsible for enforcement. As time passed, Grant wavered between a strong opposition and capitulation to racial terrorism and intimidation,<sup>22</sup> allowing the KKK and white supremacy to grow and take hold in Southern governments and politics where Congressional Reconstruction had previously been in place to prevent.

The issues of Grant's administration and the extent of Radical Reconstruction turned many towards Liberal Republicanism, favoring an end to federal Reconstruction and restitution of former Confederates' rights. While the Liberal Republicans did not win against Grant in his reelection in 1872, similar disillusionment could be seen in the North as they lost interest in Reconstruction, ready to move past the war and focus on other, more personal issues.<sup>23</sup> Many Americans, like in the South, were inherently bigoted and believed in some form of racial superiority over blacks. Simply because they did not directly support slavery, did not mean they necessarily thought blacks deserved full rights and equality, or that it took precedence over their own issues. As interest waned, white supremacy made political gains in Southern governments, weakening support for blacks and Republicans. A financial panic in 1873 and the following economic depression highlighted growing racial tensions, with blame placed on the Republican party, causing Northern support for federal Reconstruction efforts to subside. Gradually, prewar leaders regained power in the South, advocating for the Democratic platform of limited

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<sup>22</sup> Shi and Tindall, "Era of Reconstruction," 602-606.

<sup>23</sup> Shi and Tindall, "Era of Reconstruction," 607.

government and states' rights, politicizing the issue of race to intimidate black voters.<sup>24</sup> As supremacists grew bolder and Northerners' feelings of neglect spurred their weariness for Reconstruction, Republican control dissolved, and Reconstruction with it. Reconstruction had begun by making the issue about punishing the South, and as such no efforts were made to form a more accepting North and heal the regional divides, leaving many Northerners to believe Reconstruction was not an issue relevant to them.

By the election of 1876, Reconstruction efforts existed only in Louisiana, South Carolina, and Florida. In the presidential election, Rutherford B. Hayes ran against Samuel J. Tilden, both of whom favored decreased federal authority and restoring conservative power in the South. With similar platforms, it was a battle between the public distaste of Republicans following Reconstruction to the conflation of Democrats with the war and devastation. The election was unprecedented, with disputed states sending contrasting results, leaving the decision to a vote of a Congress and Supreme Court joint commission. The commission ultimately voted on Hayes, with the support of Southern Democrats, likely due to back-room agreements to end Reconstruction, as suggested by President Hayes's immediate withdrawal of the last federal troops from the South.<sup>25</sup> Hayes' election and the end it provided to Reconstruction, along with the Supreme Court's following rulings limiting and narrowing the scope of the constitutional amendments enacted, encapsulates the ideas posited by some theorists that Reconstruction failed because of a lack of commitment to achieving true racial equality and prioritization of Constitutional preservation and limiting government authority. The walk-backs and overturning

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<sup>24</sup> Shi and Tindall, "Era of Reconstruction," 608.

<sup>25</sup> Shi and Tindall, "Era of Reconstruction," 609-610.

of Reconstruction policies allowed the South to dissolve the civil rights and social status blacks had gained through Reconstruction, as seen through the rise of Jim Crow laws, segregation, lynchings, and attacks of white supremacists throughout the 1890s and into the twentieth century.

Reconstruction was a complex issue to be tackled by the Union government, with many factors to consider and as such, its ultimate failure to liberate blacks was due to a complex combination of reasons, as studied by many historians and political scientists, including political disputes, widespread racism, and lack of unity. There are many unknowns about what could have been done to ensure the success of Reconstruction. Maybe if Lincoln had not been assassinated, or maybe if Johnson had not been Vice President, there could have been hope for success. Maybe if Reconstruction had been even stronger and more stringent and worked harder to unite all parts of the country, rather than just the South, the regional divisions that fueled the war and led to the disillusionment of Northerners over Republican focus on the South, would not have caused the end of Reconstruction so soon. Maybe some would argue it does not matter why Reconstruction ended, maybe it was inevitable and not meant to make a lasting impact. This, however, seems unlikely and ignorant of the many contemporary issues that can be traced back to slavery, Reconstruction, and Jim Crow. If the reasons for its failure are understood, maybe some of the partisan and sectional divides that split the nation to this day could be addressed and resolved.

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