

In an 1878 Memorial Day speech in New York, Frederick Douglass said, “Yes, let us have peace, but let us have liberty, law, and justice first.” In the aftermath of the Civil War, did America sacrifice liberty, law, and justice in order to gain peace and reconciliation between the North and the South?

Responses should be MLA format, 2-3 pages in length, and cite at least four of the sources (you may use the source number for your citations). Papers will be submitted through Canvas on the second day of class. Please email if you have any questions (mschutz@mlschools.org)

Source 1, Historian David Blight, “The Reconstruction of America: Justice, Power, and the Civil War’s Unfinished Business,” February, 2021

HELL ON EARTH

The most stark and immediate legacy of the Civil War was loss. From his three years of working in hospitals, caring for suffering and dying soldiers, Whitman weighed that loss in anguished terms. Civil War prisons, he wrote, could find comparison only in “Dante’s pictured hell.” He evoked the lonely passing of those slain in battle but left unburied: “Somewhere they crawl’d to die, alone, in bushes, low gullies, or on the sides of hills—(there, in secluded spots, their skeletons, bleach’d bones, tufts of hair, buttons, fragments of clothing, are occasionally found yet).”

Some of the country’s best writers wondered if there could be any meaning at all in the trenches filled with corpses. The writer Ambrose Bierce, a badly wounded veteran of the Union army, was haunted all his life by what he called “phantoms of that blood-stained period.” Death on the battlefield, he wrote, was “not picturesque, it had no tender or solemn side—a dismal thing, hideous in all its manifestations and suggestions.” The poet Emily Dickinson saw the mounting dead in her imagination: “And then I hated Glory / And wished myself were They.”

In the roiling contest over the memory of the war that took place in the decades that followed it, most Americans would come to prefer more sentimental narratives: stories of unquestioned valor on both sides, tales of sacrifice and reconciliation in which no one was wrong and everyone could be right. But an assault on the dignity and rights of Black people became the terrible price paid for sectional reunion. A racially segregated society would demand and forge a segregated memory of the struggle that ended slavery.

The fall of the Confederacy and the second founding embodied in the constitutional amendments of the Reconstruction era, which lasted from 1863 to approximately 1877, could not banish racism and neoslavery in the United States or solve the inherent challenges of federalism. In the decades that followed, despite technological and social progress, it remained the case that racial and ethnic strife were often easier to foment and more politically useful than democracy.

RADICALISM AND RESISTANCE

In his first annual message to Congress, delivered on December 3, 1861, U.S. President Abraham Lincoln expressed his hope that the Civil War would “not degenerate into a violent and remorseless revolutionary struggle.” At that point, he still hoped to limit the North’s aims to preserving the Union, rather than expanding the mission to include ending slavery. Just over three years later, in his second inaugural address, Lincoln—who by then commanded a war machine that officially sought abolition—admitted that now “all knew” that slavery was, in fact, “the cause of the war.” He declared that both sides had “looked for an easier triumph, and a result less fundamental and astounding.” Then, with a chastened sense of tragedy and firm purpose, he acknowledged that the war had brought about the very revolutions that he and many others had tried to avert. The extended crises that followed, and the lasting markers of what those revolutions meant, are what became known as Reconstruction.

After Confederate forces surrendered in 1865, most of the armies of the United States and the Confederacy disbanded. But varying degrees of military occupation lasted for around three years across much of the South, and in some areas until 1871. As the historian Gregory Downs notes in his book *After Appomattox*, in the early years of Reconstruction, the federal government enacted an “ideologically and spatially ambitious occupation” of the conquered South. But the politics of restoring the Union and extending basic human rights to freed slaves became war by other means. Without any blueprint, members of Congress in the Republican Party—in particular, a faction known as the Radical Republicans—adopted an aggressive vision of using activist government to remake the South and the rest of the country. The lesson of their efforts was clear: true freedom can be forged and protected only by the state, by law enforcement, and sometimes by military means.

The Radical Republicans, who were ascendant in Washington in 1866–68, made revolutionary strides for racial equality by passing the Civil Rights Act of 1866, the first statutory definition of citizenship rights in U.S. history, and by pushing forward the 14th and 15th Amendments. The 14th Amendment enshrined birthright citizenship and equality before the law in the Constitution, and the 15th Amendment extended voting rights to Black men. The Radical Republicans sought to root out the causes of the Southern rebellion and dismantle its leadership and to create a new political order. They crafted the four Reconstruction Acts, passed in 1867 and 1868, which divided the defeated Confederate states into five military districts and established new governments in all of them. The result was an experiment in multiracial democracy. Black men embraced the right to vote as a sacred act; in 1868, their support was a crucial factor in the victory of the Republican candidate for president, Ulysses S. Grant. More than 1,500 Black men were elected to state and local offices during Reconstruction across the South, and 16 won seats in the U.S. Congress. The Republican regimes in the South, while they lasted, fostered the region’s first public schools, democratized political institutions in the former slave states, and in limited ways tried to redistribute property to freed slaves.

This agenda put the Radical Republicans on a collision course with Johnson, who, after replacing the martyred Lincoln, pushed for a lenient vision of Reconstruction based on the protection of

states' rights, white supremacy, and a decidedly non-revolutionary approach to the remaking of the federal Union. His slogan was "the Union as it was, the Constitution as it is." In practice, this meant that as long as former Confederate states renounced secession and ended slavery (however reluctantly), they could swiftly regain full statehood without having to confer any civil or political rights on freed slaves. Johnson envisioned a postwar order in which former slaves would transition into permanent serfdom, destined for labor but no independent economic life and no place in politics. He resisted radical Reconstruction by vetoing nearly every act passed by the Republicans in Congress. But Republican success in the midterm elections of 1866 gave them a veto-proof legislature, and they overrode most of Johnson's vetoes.

Johnson's continued obstructionism, obstinate personal behavior, and virulent racism led to his impeachment in early 1868. Owing to a complex set of deals and votes, as well as the Republicans' use of a law of dubious constitutionality, Johnson was not convicted and removed from office. By the spring of 1868, the Republicans did not want to be tarnished as the party of impeachment (an unpopular position then, after so many years of strife), nor did they want to hurt Grant's chances in the election that fall.

RETREAT FROM RECONSTRUCTION

That Reconstruction did not ultimately succeed proves only that revolutions, even those firmly grounded in law, always prompt counterrevolutions. By 1870, all of the ex-Confederate states had been readmitted to the Union. But in the South, the Democratic Party revived itself by clinging to an ideology of white supremacy, stoking embittered war memories, and deploying violence through the Ku Klux Klan and other terrorist groups. In time, these revanchist (one who advocates or fights for the recovery of lost territory or status) forces defeated Reconstruction on the ground. In the 1870s, white Southerners "redeemed" their states, their societies, and especially their control over the racial order. Several thousand African Americans, as well as some white Republicans, were assaulted, tortured, or murdered, especially when they attempted to vote. In 1873, a paralyzing economic depression hit the country, leading to a national retreat from Reconstruction. Numerous corruption scandals tarnished the Grant administration, limiting its leverage. Meanwhile, as the war receded, the Republican Party began to change, leaving behind its abolitionist, egalitarian roots and aligning itself with big business and railroad interests. By the late 1870s, the Republicans were the party of low taxes and high tariffs.

These political changes were accompanied by demographic and economic shifts. In the wake of the war, immigration surged; three million new immigrants entered the country between 1865 and 1873. In the South, whites violently and successfully opposed efforts to distribute land to freed slaves. By 1868, a new system of tenant farming and sharecropping had emerged. In a cash-poor economy with few sources of credit, millions of former slaves, as well as some poor whites, became mired in dependency, working "on halves"—giving half of their crop to a landlord and using the other half to try to feed their families and acquire goods from "furnishing merchants," whose extortive practices usually forced farmers into a dead end of debt. By the 1890s, roughly 20 percent of former slaves and their descendants owned some land or other property, but the vast majority possessed no real hope of material independence, as their political liberty was slowly crushed.

Meanwhile, an emerging alliance between big business and the political class began to stifle some of the victories won by the emancipation revolution, as financial scandals distracted Republicans and the country from the cause of equal rights. Railroads, built with ample federal subsidies, became the symbol of the dawning age of American industrial capitalism. By the end of the century, for the first time in U.S. history, nonagricultural workers outnumbered farmers and wage earners outnumbered independent artisans.

As poor Blacks and whites in the South found farming less and less tenable, they moved to cities, and especially new mill towns. With investments from Northern capitalists, textile mills grew steadily all across the former Confederacy. As one North Carolina evangelical preacher shouted, "Next to God, what this town needs is a cotton mill!" In 1860, the South had some 10,000 mill workers. By 1880, that number had grown to 16,700; by 1900, it was 97,500. In this way, the so-called New South bred not only a system of racial apartheid but also a vulnerable new class of wage earners in an industrializing economy.

THERE IS NO ARC OF HISTORY

Among all the enactments of Reconstruction, none embodies its lasting significance better than those two amendments, which spun a tenuous web of possibility for the American ideal of equality. Both were products of political compromise; their lack of specificity meant they would be perpetually open to interpretation. But as the historian Eric Foner writes in *The Second Founding*, "ambiguity creates possibilities.... Who determines which of a range of possible meanings is implemented is very much a matter of political power." Indeed, that is the legacy of Reconstruction's "Second Constitution": a series of never-ending fights over race and federalism.

Today, Americans live in a country forged by Reconstruction and remade again by the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the profound social movements that forced their passage. Pluralism and equality were born and reborn in those two revolutions, which took place a century apart. The past few years have revealed the potency of sheer grievance, whether born of genuine economic travail or ludicrous conspiracy theories. It should be clear to all now that history does not end and is not necessarily going to any particular place or bending in an inevitable arc toward justice or anything else.

Some of the convulsions of the Civil War and Reconstruction advanced the American experiment, and some set it back. Whitman worried that the "real war will never get in the books" and that its "undream'd of depths of emotion" and the "infinite dead" would be forgotten. His fear was misplaced: poets have chronicled the war and its toll, scholars have searched and found Whitman's "convulsiveness," historians have written its great and terrible story. Americans, however, have not yet solved the most profound questions the era left in its wake, and their country is now in desperate need of another remaking.

Source 2: Frederick Douglass, "Remembering the Civil War" 1878

FRIENDS AND FELLOW CITIZENS: In this place, hallowed and made glorious by a statue of the best man (Abraham Lincoln), truest patriot, and wisest statesman of his time and country; I have been invited – I might say ordered – by the Lincoln Post of the Grand Army of the Republic, to say a few words to you in appropriate celebration of this annual national memorial day...

We tender you on this memorial day the homage of the loyal nation, and the heartfelt gratitude of emancipated millions. If the great work you undertook to accomplish is still incomplete; if a lawless and revolutionary spirit is still aboard in the country; if the principles for which you bravely fought are in any way compromised or threatened; if the Constitution and the laws are in any measure dishonored and disregarded; if duly elected State Governments are in any way overthrown by violence; if the elective franchise has been overborne by intimidation and fraud; if the Southern States, under the idea of local self-government, are endeavoring to paralyze the arm and shrivel the body of the National Government so that it cannot protect the humblest citizen in his rights, the fault is not yours. You, at least, were faithful and did your whole duty.

Fellow-citizens, I am not here to fan the flame of sectional animosity, to revive old issues, or to stir up strife between the races; but no candid man, looking at the political situation of the hour, can fail to see that we are still afflicted by the painful sequences both of slavery and of the late rebellion. In the spirit of the noble man whose image now looks down upon us we should have "charity toward all, and malice toward none." In the language of our greatest soldier, twice honored with the Presidency of the nation. "Let us have peace." Yes, let us have peace, but let us have liberty, law, and justice first. Let us have the Constitution, with its thirteenth, fourteenth, and fifteenth amendments, fairly interpreted, faithfully executed, and cheerfully obeyed in the fullness of their spirit and the completeness of their letter....

My own feeling toward the old master class of the South is well known. Though I have worn the yoke of bondage, and have no love for what are called the good old times of slavery, there is in my heart no taint of malice toward the ex-slaveholders... Nevertheless, we must not be asked to say that the South was right in the rebellion, or to say the North was wrong. We must not be asked to put no difference between those who fought for the Union and those who fought against it, or between loyalty and treason...

Good, wise, and generous men at the North... would have us forget and forgive, strew flowers alike and lovingly, on rebel and on loyal graves. This sentiment is noble and generous, worthy of all honor as such; but it is only a sentiment after all, and must submit to its own rational limitations. There was a right side and a wrong side in the late war, which no sentiment ought to cause us to forget, and while today we should have malice toward none, and charity toward all, it is no part of our duty to confound right with wrong, or loyalty with treason. If the observance of this memorial days has any apology, office, or significance, it is derived from the moral character

of this war, from the far-reaching, unchangeable and eternal principles in dispute, and for which our sons and brothers encountered hardship, danger, and death....

... though freedom of speech and of the ballot have for the present fallen before the shot-guns of the South, and, the party of slavery is now in the ascendant, we need bate no jot of heart or hope. The American people will, in any great emergency, be true to themselves. The heart of the nation is still sound and strong, and as in the past, so in the future, patriotic millions, with able captains to lead them, will stand as a wall of fire around the Republic, and in the end see Liberty, Equality, and Justice triumphant.

Source 3:

FREEDPEOPLE PROTEST THE LOSS OF THEIR LAND

In January 1865, General Sherman acted on the testimony of the freedpeople of Savannah, Georgia (see the document "Savannah Freedpeople Express Their Aspirations for Freedom," **Handout 3.2**), by issuing Special Field Order 15. The field order divided up land abandoned by Southern planters along the coasts of South Carolina, Georgia, and Florida and gave it to freedpeople in 40-acre plots. Under President Johnson's Reconstruction policies, most of that land was taken from the freedpeople and returned to its original owners later that year. The following is a letter from the Committee of Freedmen on Edisto Island, South Carolina, to Freedmen's Bureau Commissioner O. O. Howard responding to Johnson's land policy.

[Edisto Island, S.C., October 20 or 21, 1865]

General It Is with painfull Hearts that we the committe address you, we Have thoroughly considered the order which you wished us to Sighn, we wish we could do so but cannot feel our rights Safe If we do so,

General we want Homestead's; we were promised Homestead's by the government, If It does not carry out the promises Its agents made to us, If the government Haveing concluded to befriend Its late enemies and to neglect to observe the principles of common faith between Its self and us Its allies In the war you said was over, now takes away from them all right to the soil they stand upon save such as they can get by again working for *your* late and thier *all time ememies*.—If the government does so we are left In a more unpleasant condition than our former

we are at the mercy of those who are combined to prevent us from getting land enough to lay our Fathers bones upon. We Have property In Horses, cattle, carriages, & articles of furniture, but we are landless and Homeless, from the Homes we Have lived In In the past we can only do one of three things Step Into the public *road or the sea* or remain on them working as In former time and subject to thire will as then. We can not resist It In any way without being driven out Homeless upon the road.

You will see this Is not the condition of really freemen

You ask us to forgive the land owners of our Island, *You* only lost your right arm. In war and might forgive them. The man who tied me to a tree & gave me 39 lashes & who stripped and flogged my mother & my sister & who will not let me stay In His empty Hut except I will do His planting & be Satisfied with His price & who combines with others to keep away land from me well knowing I would not Have any thing to do with Him If I Had land of my own.—that man, I cannot well forgive. Does It look as If He Has forgiven me, seeing How He tries to keep me In a condition of Helplessness

General, we cannot remain Here In such condition and If the government permits them to come back we ask It to Help us to reach land where we shall not be slaves nor compelled to work for those who would treat us as such

we Have not been treacherous, we Have not for selfish motives allied to us those who suffered like us from a common enemy & then Haveing gained *our* purpose left our allies In thier Hands There Is no rights secured to us there Is no law likely to be made which our Hands can reach. The state will

make laws that we shall not be able to Hold land even If we pay for It Landless, Homeless. Voteless. we can only pray to god & Hope for *His Help, your Influence & assistance* With consideration of esteem your

Obt Servts
In behalf of the people

Henry Bram
Committe Ishmael Moultrie
yates Sampson¹

Source 4:

HE WAS ALWAYS RIGHT AND YOU WERE ALWAYS WRONG

Henry Blake, a freedman from Arkansas, describes how sharecropping limited his freedom in these words:

When we worked on shares, we couldn't make nothing, just overalls and something to eat. Half went to the other man and you would destroy your half, if you weren't careful. A man that didn't know how to count would always lose. He might lose anyhow. They didn't give no itemized statement. No, you just had to take their word. They never give you no details. No matter how good account you kept, you had to go by their account, and now, Brother, I'm tellin' you the truth about this. It's been that way for a long time. You had to take the white man's work on note, and everything. Anything you wanted, you could git if you were a good hand. You could git anything you wanted as long as you worked. If you didn't make no money, that's all right; they would advance you more. But you better not leave him, you better not try to leave and get caught. They'd keep you in debt. They were sharp. Christmas come, you could take up twenty dollar, in somethin' to eat and as much as you wanted in whiskey. You could buy a gallon of whiskey. Anything that kept you a slave because he was always right and you were always wrong if there was a difference. If there was an argument, he would get mad and there would be a shooting take place.¹

Source 5: Fourteenth Amendment, Section 1:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Source 6: Fifteenth Amendment, Section 1:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Source 7: *Peace In Union* (1895), Painting By Thomas Nast

