# *Reconstruction and Its Benefits*[1]

## W. E. B. DU BOIS

In this 1910 article in the *American Historical Review* Du Bois confronted directly the question: What happened in the South between 1867, when Congress required the Southern States to make new governments based on Negro suffrage, and 1877 when the last Federal troops were withdrawn? Modern revisionist scholars have added very little to the essentials of Du Bois' argument.

On the one hand, Du Bois maintained that the misdeeds of Negro legislators had been exaggerated. Contemporary comment on their work was often admiring. Whites as well as Negroes took part in corruption, particularly in the larger frauds involving "the manipulation of state and railway bonds and of bank-notes." Du Bois concluded in a famous sentence: "There was one thing that the white South feared more than negro dishonesty, ignorance, and incompetency, and that was negro honesty, knowledge, and efficiency."

On the other hand, Du Bois argued, the Reconstruction legislatures did much that was good. They democratized government, by abolishing property qualifications, equalizing apportionment, and protecting the rights of women and debtors. "There is no doubt that the thirst of the black man for knowledge . . . gave birth to the public free-school system of the South." The soundness of the Reconstruction state constitutions, said Du Bois, is suggested by the fact that the Redeemers in many states left them unchanged for decades.

The careful reader will notice that while in 1903 Du Bois viewed immediate suffrage for all freedmen as an inadequate substitute for a comprehensive program of social and economic change, in 1910 his concern was to defend Negro enfranchisement. He presented still a third, more Marxist analysis in his sprawling classic *Black Reconstruction* (1935).

THERE IS DANGER TO-DAY THAT BETWEEN THE INTENSE FEELING OF the South and the conciliatory spirit of the North grave injustice will be done the negro American in the history of Reconstruction. Those who see in negro suffrage the cause of the main evils of Reconstruction

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must remember that if there had not been a single freedman left in the South after the war the problems of Reconstruction would still have been grave. Property in slaves to the extent of perhaps two thousand million dollars had suddenly disappeared. One thousand five hundred more millions, representing the Confederate war debt, had largely disappeared. Large amounts of real estate and other property had been destroyed, industry had been disorganized, 250,000 men had been killed and many more maimed. With this went the moral effect of an unsuccessful war with all its letting down of social standards and quickening of hatred and discouragement—a situation which would make it difficult under any circumstances to reconstruct a new government and a new civilization. Add to all this the presence of four million freedmen and the situation is further complicated. But this complication is very largely a matter of well-known historical causes. Any human being "doomed in his own person, and his posterity, to live without knowledge, and without the capacity to make anything his own, and to toil that another may reap the fruits,"[2] is bound, on sudden emancipation, to loom like a great dread on the horizon.

How to train and treat these ex-slaves easily became a central problem of Reconstruction, although by no means the only problem. Three agencies undertook the solution of this problem at first and their influence is apt to be forgotten. Without them the problems of Reconstruction would have been far graver than they were. These agencies were: (a) the negro church, (b) the negro school, and (c) the Freedmen's Bureau. After the war the white churches of the South got rid of their negro members and the negro church organizations of the North invaded the South. The 20,000 members of the African Methodist Episcopal Church in 1856 leaped to 75,000 in 1866 and 200,000 in 1876, while their property increased sevenfold. The negro Baptists with 150,000 members in 1850 had fully a half million in 1870. There were, before the end of Reconstruction, perhaps 10,000 local bodies touching the majority of the freed population, centering almost the whole of their social life, and teaching them organization and autonomy. They were primitive, ill-governed, at times fantastic groups of human beings, and yet it is difficult to exaggerate the influence of this new responsibility—the first social institution fully controlled by black men in America, with traditions that rooted back to Africa and with possibilities which make the 35,000 negro American churches today, with their three and one-half million members, the most powerful negro institutions in the world.

With the negro church, but separate from it, arose the school as the

[2] State *v.* Mann, *North Carolina Reports*, 2 Devereux 263.

first expression of the missionary activity of Northern religious bodies. Seldom in the history of the world has an almost totally illiterate population been given the means of self-education in so short a time. The movement started with the negroes themselves and they continued to form the dynamic force behind it. "This great multitude rose up simultaneously and asked for intelligence." [3] The education of this mass had to begin at the top with the training of teachers, and within a few years a dozen colleges and normal schools started; by 1877, 571,506 negro children were in school. There can be no doubt that these schools were a great conservative steadying force to which the South owes much. It must not be forgotten that among the agents of the Freedmen's Bureau were not only soldiers and politicians but school-teachers and educational leaders like Ware and Cravath.

Granted that the situation was in any case bad and that negro churches and schools stood as conservative educative forces, how far did negro suffrage hinder progress, and was it expedient? The difficulties that stared Reconstruction politicians in the face were these: (a) They must act quickly. (b) Emancipation had increased the political power of the South by one-sixth: could this increased political power be put in the hands of those who, in defense of slavery, had disrupted the Union? (c) How was the abolition of slavery to be made effective? (d) What was to be the political position of the freedmen?

Andrew Johnson said in 1864, in regard to calling a convention to restore the state of Tennessee,

> Who shall restore and re-establish it? Shall the man who gave his influence and his means to destroy the Government? Is he to participate in the great work of re-organization? Shall he who brought this misery upon the State be permitted to control its destinies? If this be so, then all this precious blood of our brave soldiers and officers so freely poured out will have been wantonly spilled.[4]

To settle these and other difficulties, three ways were suggested: (1) the Freedmen's Bureau, (2) partial negro suffrage, and (3) full manhood suffrage for negroes.

The Freedmen's Bureau was an attempt to establish a government guardianship over the negroes and insure their economic and civil rights. Its establishment was a herculean task both physically and socially, and it not only met the solid opposition of the white South, but even the North looked at the new thing as socialistic and over-paternal. It accomplished a great task but it was repudiated. Carl Schurz in 1865 felt warranted in saying

> that not half of the labor that has been done in the south this year, or will be done there next year, would have been or would be done but for the exertions of the Freedmen's Bureau. . . . No other agency, except one placed there by the national government, could have wielded that moral power whose interposition was so necessary to prevent the southern society from falling at once into the chaos of a general collision between its different elements.[5]

Notwithstanding this the Bureau was temporary, was regarded as a makeshift and soon abandoned.

Meantime, partial negro suffrage seemed not only just but almost inevitable. Lincoln in 1864 "cautiously suggested" to Louisiana's private consideration, "whether some of the colored people may not be let in, as, for instance, the very intelligent, and especially those who have fought gallantly in our ranks. They would probably help, in some trying time to come, to keep the jewel of liberty in the family of freedom." [6] Indeed, the "family of freedom" in Louisiana being somewhat small just then, who else was to be intrusted with the "jewel"? Later and for different reasons, Johnson in 1865 wrote to Mississippi:

> If you could extend the elective franchise to all persons of color who can read the Constitution of the United States in English and write their names, and to all persons of color who own real estate valued at not less than two hundred and fifty dollars, and pay taxes thereon, you would completely disarm the adversary and set an example the other States will follow. This you can do with perfect safety, and you thus place the southern States, in reference to free persons of color, upon the same basis with the free States. I hope and trust your convention will do this.[7]

Meantime the negroes themselves began to ask for the suffrage—the Georgia Convention in Augusta, 1866, advocating "a proposition to give those who could write and read well, and possessed a certain property qualification, the right of suffrage." The reply of the South to these suggestions was decisive. In Tennessee alone was any action attempted that even suggested possible negro suffrage in the future, and that failed. In all other states the "Black Codes" adopted were certainly not reassuring to friends of freedom. To be sure it was not a time to look for calm, cool, thoughtful action on the part of the white South. Their economic condi-

[3] First General Report of the Inspector of Schools, Freedmen's Bureau.
[4] McPherson, *Reconstruction*, p. 46.
[5] Schurz. Report to the President, 1865. *Senate Ex. Doc. No.* 2, 49 Cong., I sess., p. 40.
[6] Letter to Hahn, March 13. McPherson, p. 20.
[7] Johnson to Sharkey, August 15. *Ibid.*, p. 19.

tion was pitiable, their fear of negro freedom genuine; yet it was reasonable to expect from them something less than repression and utter reaction toward slavery. To some extent this expectation was fulfilled: the abolition of slavery was recognized and the civil rights of owning property and appearing as a witness in cases in which he was a party were generally granted the negro; yet with these went in many cases harsh and unbearable regulations which largely neutralized the concessions and certainly gave ground for the assumption that once free the South would virtually re-enslave the negro. The colored people themselves naturally feared this and protested as in Mississippi "against the reactionary policy prevailing, and expressing the fear that the Legislature will pass such proscriptive laws as will drive the freedmen from the State, or practically re-enslave them." [8]

The Codes spoke for themselves. They have often been reprinted and quoted. No open-minded student can read them without being convinced that they meant nothing more nor less than slavery in daily toil. Not only this but as Professor Burgess (whom no one accuses of being negrophile) says:

> Almost every act, word or gesture of the Negro, not consonant with good taste and good manners as well as good morals, was made a crime or misdemeanor, for which he could first be fined by the magistrates and then be consigned to a condition of almost slavery for an indefinite time, if he could not pay the bill.

These laws might have been interpreted and applied liberally, but the picture painted by Carl Schurz does not lead one to anticipate this:

> Some planters held back their former slaves on their plantations by brute force. Armed bands of white men patrolled the country roads to drive back the negroes wandering about. Dead bodies of murdered negroes were found on and near the highways and by-paths. Gruesome reports came from the hospitals—reports of colored men and women whose ears had been cut off, whose skulls had been broken by blows, whose bodies had been slashed by knives or lacerated with scourges. A number of such cases I had occasion to examine myself. The negro found scant justice in the local courts against the white man. He could look for protection only to the military forces of the United States still garrisoning the "States lately in rebellion" and to the Freedmen's Bureau.

All things considered, it seems probable that if the South had been permitted to have its way in 1865 the harshness of negro slavery would have been mitigated so as to make slave-trading difficult, and to make it

[8] October 7, 1865.



possible for a negro to hold property and appear in some cases in court; but that in most other respects the blacks would have remained in slavery.

What could prevent this? A Freedmen's Bureau, established for ten, twenty or forty years with a careful distribution of land and capital and a system of education for the children, might have prevented such an extension of slavery. But the country would not listen to such a comprehensive plan. A restricted grant of the suffrage voluntarily made by the states would have been a reassuring proof of a desire to treat the freedmen fairly, and would have balanced, in part at least, the increased political power of the South. There was no such disposition evident. On the other hand, there was ground for the conclusion in the Reconstruction report of June 18, 1866, that so far as slavery was concerned "the language of all the provisions and ordinances of these States on the subject amounts to nothing more than an unwilling admission of an unwelcome truth." This was of course natural, but was it unnatural that the North should feel that better guarantees were needed to abolish slavery? Carl Schurz wrote:

> I deem it proper, however, to offer a few remarks on the assertion frequently put forth, that the franchise is likely to be extended to the colored man by the voluntary action of the Southern whites themselves. My observation leads me to a contrary opinion. Aside from a very few enlightened men, I found but one class of people in favor of the enfranchisement of the blacks: it was the class of Unionists who found themselves politically ostracised and looked upon the enfranchisement of the loyal negroes as the salvation of the whole loyal element. . . . The masses are strongly opposed to colored suffrage; anybody that dares to advocate it is stigmatized as a dangerous fanatic.
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> The only manner in which, in my opinion, the southern people can be induced to grant to the freedman some measure of self-protecting power in the form of suffrage, is to make it a condition precedent to "readmission".[9]

Even in Louisiana, under the proposed reconstruction

> not one negro was allowed to vote, though at that very time the wealthy intelligent free colored people of the state paid taxes on property assessed at $15,000,000 and many of them were well known for their patriotic zeal and love for the Union. Thousands of colored men whose homes were in Louisiana, served bravely in the national army and navy, and many of the so-called negroes in New Orleans could not be distinguished by the most intelligent strangers from the best class of white gentlemen, either by color or manner, dress or language, still, as it was known by tradition and common fame that they were not of pure Caucasion descent, they could not vote.[10]

[9] Report to the President, 1865. *Senate Ex. Doc. No. 2, 39 Cong., 1 sess.*, p. 44.
[10] Brewster, *Sketches of Southern Mystery, Treason, and Murder*, p. 116.

The United States government might now have taken any one of three courses:

1. Allowed the whites to reorganize the states and take no measures to enfranchise the freedmen.
2. Allowed the whites to reorganize the states but provided that after the lapse of a reasonable length of time there should be no discrimination in the right of suffrage on account of "race, color or previous condition of servitude".
3. Admitted all men, black and white, to take part in reorganizing the states and then provided that future restrictions on the suffrage should be made on any basis except "race, color and previous condition of servitude."

The first course was clearly inadmissible since it meant virtually giving up the great principle on which the war was largely fought and won, *i. e.*, human freedom; a giving of freedom which contented itself with an edict, and then turned the "freed" slaves over to the tender mercies of their impoverished and angry ex-masters was no gift at all. The second course was theoretically attractive but practically impossible. It meant at least a prolongation of slavery and instead of attempts to raise the freedmen, it gave the white community strong incentives for keeping the blacks down so that as few as possible would ever qualify for the suffrage. Negro schools would have been discouraged and economic fetters would have held the black man as a serf for an indefinite time. On the other hand, the arguments for universal negro suffrage from the start were strong and are still strong, and no one would question their strength were it not for the assumption that the experiment failed. Frederick Douglass said to President Johnson: "Your noble and humane predecessor placed in our hands the sword to assist in saving the nation, and we do hope that you, his able successor, will favorably regard the placing in our hands the ballot with which to save ourselves." [11] And when Johnson demurred on account of the hostility between blacks and poor whites, a committee of prominent colored men replied:

> Even if it were true, as you allege, that the hostility of the blacks toward the poor whites must necessarily project itself into a state of freedom, and that this enmity between the two races is even more intense in a state of freedom than in a state of slavery, in the name of Heaven, we reverently ask, how can you, in view of your professed desire to promote the welfare of the black man, deprive him of all means of defence, and clothe him whom you regard as his enemy in the panoply of political power? [12]

Carl Schurz expressed this argument most emphatically:

[11] Frederick Douglass to Johnson, February 7, 1866. McPherson, p. 52.
[12] McPherson, p. 56.

The emancipation of the slaves is submitted to only in so far as chattel slavery in the old form could not be kept up. But although the freedman is no longer considered the property of the individual master, he is considered the slave of society, and all independent State legislation will share the tendency to make him such.

The solution of the problem would be very much facilitated by enabling all the loyal and free-labor elements in the south to exercise a healthy influence upon legislation. It will hardly be possible to secure the freedman against oppressive class legislation and private persecution, unless he be endowed with a certain measure of political power.[13]

To the argument of ignorance Schurz replied:

> The effect of the extension of the franchise to the colored people upon the development of free labor and upon the security of human rights in the south being the principal object in view, the objections raised on the ground of the ignorance of the freedman become unimportant. Practical liberty is a good school. . . . It is idle to say that it will be time to speak of negro suffrage when the whole colored race will be educated, for the ballot may be necessary to him to secure his education.[14]

The granting of full negro suffrage meant one of two alternatives to the South: (a) the uplift of the negro for sheer self-preservation; this is what Schurz and the saner North expected; as one Southern superintendent said: "the elevation of this class is a matter of prime importance since a ballot in the hands of a black citizen is quite as potent as in the hands of a white one." Or (b) a determined concentration of Southern effort by actual force to deprive the negro of the ballot or nullify its use. This is what happened, but even in this case so much energy was taken in keeping the negro from voting that the plan for keeping him in virtual slavery and denying him education failed. It took ten years to nullify negro suffrage in part and twenty years to escape the fear of federal intervention. In these twenty years a vast number of negroes had risen so far as to escape slavery forever. Debt peonage could be fastened on part of the rural South, and was, but even here the new negro landholder appeared. Thus despite everything the Fifteenth Amendment and that alone struck the death knell of slavery.

The steps that ended in the Fifteenth Amendment were not, however, taken suddenly. The negroes were given the right by universal suffrage to join in reconstructing the state governments and the reasons for it were cogently set forth in the report of the Joint Committee on Reconstruction in 1866, which began as follows:

[13] Report to the President, 1865. *Senate Ex. Doc. No.* 2, 39 Cong., 1 sess., p. 45.
[14] *Ibid.*, p. 43.

A large proportion of the population had become, instead of mere chattels, free men and citizens. Through all the past struggle these had remained true and loyal, and had, in large numbers, fought on the side of the Union. It was impossible to abandon them without securing them their rights as free men and citizens. The whole civilized world would have cried out against such base ingratitude, and the bare idea is offensive to all right-thinking men. Hence it became important to inquire what could be done to secure their rights, civil and political.[15]

The report then proceeded to emphasize the increased political power of the South and recommended the Fourteenth Amendment since

it appeared to your committee that the rights of these persons by whom the basis of representation had been thus increased should be recognized by the General Government. While slaves, they were not considered as having any rights, civil or political. It did not seem just or proper that all the political advantages derived from their becoming free should be confined to their former masters, who had fought against the Union, and withheld from themselves, who had always been loyal.[16]

It was soon seen that this expedient of the Fourteenth Amendment was going to prove abortive and that determined and organized effort would be used to deprive the freedmen of the ballot. Thereupon the United States said the final word of simple justice, namely: the states may still regulate the suffrage as they please but they may not deprive a man of the right to vote simply because he is a negro.

For such reasons the negro was enfranchised. What was the result? No language has been spared to describe these results as the worst imaginable. Nor is it necessary to dispute for a moment that there were bad results, and bad results arising from negro suffrage; but it may be questioned if the results were as bad as painted or if negro suffrage was the prime cause.

Let us not forget that the white South believed it to be of vital interest to its welfare that the experiment of negro suffrage should fail ignominiously, and that almost to a man the whites were willing to insure this failure either by active force or passive acquiescence; that beside this there were, as might be expected, men, black, and white, Northern and Southern, only too eager to take advantage of such a situation for feathering their own nests. The results in such case had to be evil but to charge the evil to negro suffrage is unfair. It may be charged to anger, poverty, venality, and ignorance; but the anger and poverty were the almost inevitable aftermath of war; the venality was much greater among whites than negroes,

[15] *House Reports No.* 30, 39 Cong., 1 sess., p. xiii.
[16] *Ibid.*



and while ignorance was the curse of the negroes, the fault was not theirs, and they took the initiative to correct it.

The chief charges against the negro governments are extravagance, theft, and incompetency of officials. There is no serious charge that these governments threatened civilization or the foundations of social order. The charge is that they threatened property, and that they were inefficient. These charges are in part undoubtedly true, but they are often exaggerated. When a man has, in his opinion, been robbed and maltreated he is sensitive about money matters. The South had been terribly impoverished and saddled with new social burdens. In other words, a state with smaller resources was asked not only to do a work of restoration but a larger social work. The property-holders were aghast. They not only demurred, but, predicting ruin and revolution, they appealed to secret societies, to intimidation, force, and murder. They refused to believe that these novices in government and their friends were aught but scamps and fools. Under the circumstances occurring directly after the war, the wisest statesman would have been compelled to resort to increased taxation and would in turn have been execrated as extravagant and even dishonest. When now, in addition to this, the new legislators, white and black, were undoubtedly in a large number of cases extravagant, dishonest, and incompetent, it is easy to see what flaming and incredible stories of Reconstruction governments could gain wide currency and belief. In fact, the extravagance, although great, was not universal, and much of it was due to the extravagant spirit pervading the whole country in a day of inflated currency and speculation. The ignorance was deplorable but a deliberate legacy from the past, and some of the extravagance and much of the effort was to remedy this ignorance. The incompetency was in part real and in part emphasized by the attitude of the whites of the better class.

When incompetency gains political power in an extravagant age the result is widespread dishonesty. The dishonesty in the reconstruction of the South was helped on by three circumstances:

1. The former dishonesty in the political South.
2. The presence of many dishonest Northern politicians.
3. The temptation to Southern politicians at once to profit by dishonesty and to discredit negro government.
4. The poverty of the negro.

(1) Dishonesty in public life has no monopoly of time or place in America. To take one state: In 1839 it was reported in Mississippi that ninety per cent of fines collected by sheriffs and clerks were unaccounted for. In 1841 the state treasurer acknowledges himself "at a loss to determine the precise liabilities of the state and her means of paying the same." And in 1839 the auditor's books had not been posted for eighteen months,

no entries made for a year, and no vouchers examined for three years. Congress gave Jefferson College, Natchez, more than 46,000 acres of land; before the war this whole property had "disappeared" and the college was closed. Congress gave to Mississippi among other states the "16th section" of the public lands for schools. In thirty years the proceeds of this land in Mississippi were embezzled to the amount of at least one and a half millions of dollars. In Columbus, Mississippi, a receiver of public moneys stole $100,000 and resigned. His successor stole $55,000, and a treasury agent wrote: "Another receiver would probably follow in the footsteps of the two. You will not be surprised if I recommend his being retained in preference to another appointment." From 1830 to 1860 Southern men in federal offices alone embezzled more than a million dollars—a far larger sum then than now. There might have been less stealing in the South during Reconstruction without negro suffrage but it is certainly highly instructive to remember that the mark of the thief which dragged its slime across nearly every great Northern state and almost up to the presidential chair could not certainly in those cases be charged against the vote of black men. This was the day when a national secretary of war was caught stealing, a vice-president presumably took bribes, a private secretary of the president, a chief clerk of the Treasury, and eighty-six government officials stole millions in the whiskey frauds, while the Credit Mobilier filched fifty millions and bribed the government to an extent never fully revealed; not to mention less distinguished thieves like Tweed.

Is it surprising that in such an atmosphere a new race learning the a-b-c of government should have become the tools of thieves? And when they did was the stealing their fault or was it justly chargeable to their enfranchisement?

Undoubtedly there were many ridiculous things connected with Reconstruction governments: the placing of ignorant field-hands who could neither read nor write in the legislature, the gold spittoons of South Carolina, the enormous public printing bill of Mississippi—all these were extravagant and funny, and yet somehow, to one who sees beneath all that is bizarre, the real human tragedy of the upward striving of downtrodden men, the groping for light among people born in darkness, there is less tendency to laugh and gibe than among shallower minds and easier consciences. All that is funny is not bad.

Then too a careful examination of the alleged stealing in the South reveals much. First, there is repeated exaggeration. For instance it is said that the taxation in Mississippi was fourteen times as great in 1874 as in 1869. This sounds staggering until we learn that the state taxation in 1869 was only ten cents on one hundred dollars, and that the expenses of government in 1874 were only twice as great as in 1860, and that too with a depreciated currency. It could certainly be argued that the state government in Mississippi was doing enough additional work in 1874 to warrant greatly increased cost. A Southern white historian acknowledges that

> the work of restoration which the government was obliged to undertake, made increased expenses necessary. During the period of the war, and for several years thereafter, public buildings and state institutions were permitted to fall into decay. The state house and grounds, the executive mansion, the penitentiary, the insane asylum, and the buildings for the blind, deaf, and dumb were in a dilapidated condition, and had to be extended and repaired. A new building for the blind was purchased and fitted up. The reconstructionists established a public school system and spent money to maintain and support it, perhaps too freely, in view of the impoverishment of the people. When they took hold, warrants were worth but sixty or seventy cents on the dollar, a fact which made the price of building materials used in the work of construction correspondingly higher. So far as the conduct of state officials who were intrusted with the custody of public funds is concerned, it may be said that there were no great embezzlements or other cases of misappropriation during the period of Republican rule.[17]

The state debt of Mississippi was said to have been increased from a half million to twenty million when in fact it had not been increased at all.

The character of the real thieving shows that white men must have been the chief beneficiaries and that as a former South Carolina slaveholder said:

> The legislature, ignorant as it is, could not have been bribed without money, that must have been furnished from some source that it is our duty to discover. A legislature composed chiefly of our former slaves has been bribed. One prominent feature of this transaction is the part which native Carolinians have played in it, some of our own household men whom the state, in the past, has delighted to honor, appealing to their cupidity and avarice make them the instruments to effect the robbery of their impoverished white brethren. Our former slaves have been bribed by these men to give them the privilege by law of plundering the property-holders of the state.[18]

The character of much of the stealing shows who were the thieves. The frauds through the manipulation of state and railway bonds and of bank-notes must have inured chiefly to the benefit of experienced white men, and this must have been largely the case in the furnishing and printing frauds. It was chiefly in the extravagance for "sundries and incidentals" and direct money payments for votes that the negroes received their share.

That the negroes led by astute thieves became tools and received a small

[17] Garner, *Reconstruction in Mississippi*, p. 322.
[18] Hon. F. F. Warley in Brewster's *Sketches*, p. 150.

share of the spoils is true. But two considerations must be added: much of the legislation which resulted in fraud was represented to the negroes as good legislation, and thus their votes were secured by deliberate misrepresentation. Take for instance the land frauds of South Carolina. A wise negro leader of that state, advocating the state purchase of lands, said:

> One of the greatest of slavery bulwarks was the infernal plantation system, one man owning his thousand, another his twenty, another fifty thousand acres of land. This is the only way by which we will break up that system, and I maintain that our freedom will be of no effect if we allow it to continue. What is the main cause of the prosperity of the North? It is because every man has his own farm and is free and independent. Let the lands of the South be similarly divided.

From such arguments the negroes were induced to aid a scheme to buy land and distribute it; yet a large part of $800,000 appropriated was wasted and went to the white landholder's pockets. The railroad schemes were in most cases feasible and eventually carried out; it was not the object but the method that was wrong.

Granted then that the negroes were to some extent venal but to a much larger extent ignorant and deceived, the question is: did they show any signs of a disposition to learn better things? The theory of democratic government is not that the will of the people is always right, but rather that normal human beings of average intelligence will, if given a chance, learn the right and best course by bitter experience. This is precisely what the negro voters showed indubitable signs of doing. First, they strove for schools to abolish ignorance, and, second, a large and growing number of them revolted against the carnival of extravagance and stealing that marred the beginning of Reconstruction, and joined with the best elements to institute reform; and the greatest stigma on the white South is not that it opposed negro suffrage and resented theft and incompetence, but that when it saw the reform movement growing and even in some cases triumphing, and a larger and larger number of black voters learning to vote for honesty and ability, it still preferred a Reign of Terror to a campaign of education, and disfranchised negroes instead of punishing rascals.

No one has expressed this more convincingly than a negro who was himself a member of the Reconstruction legislature of South Carolina and who spoke at the convention which disfranchised him, against one of the onslaughts of Tillman:*

> The gentleman from Edgefield [Mr. Tillman] speaks of the piling up of the State debt; of jobbery and peculation during the period between 1869 and 1873 in South Carolina, but he has not found voice eloquent enough, nor pen exact enough to mention those imperishable gifts bestowed upon South Carolina between 1873 and 1876 by Negro legislators—the laws relative to finance, the building of penal and charitable institutions, and, greatest of all, the establishment of the public school system. Starting as infants in legislation in 1869, many wise measures were not thought of, many injudicious acts were passed. But in the administration of affairs for the next four years, having learned by experience the result of bad acts, we immediately passed reformatory laws touching every department of state, county, municipal and town governments. These enactments are today upon the statute books of South Carolina. They stand as living witnesses of the Negro's fitness to vote and legislate upon the rights of mankind.
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> When we came into power town governments could lend the credit of their respective towns to secure funds at any rate of interest that the council saw fit to pay. Some of the towns paid as high as twenty per cent. We passed an act prohibiting town governments from pledging the credit of their hamlets for money bearing a greater rate of interest than five per cent.
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> Up to 1874, inclusive, the State Treasurer had the power to pay out State funds as he pleased. He could elect whether he would pay out the funds on appropriations that would place the money in the hands of the speculators, or would apply them to appropriations that were honest and necessary. We saw the evil of this and passed an act making specific levies and collections of taxes for specific appropriations.
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> Another source of profligacy in the expenditure of funds was the law that provided for and empowered the levying and collecting of special taxes by school districts, in the name of the schools. We saw its evil and by a constitutional amendment provided that there should only be levied and collected annually a tax of two mills for school purposes, and took away from the school districts the power to levy and to collect taxes of any kind. By this act we cured the evils that had been inflicted upon us in the name of the schools, setled the public school question for all time to come, and established the system upon an honest, financial basis.
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> Next, we learned during the period from 1869 to 1874, inclusive, that what was denominated the floating indebtedness, covering the printing schemes and other indefinite expenditures, amounted to nearly $2,000,000. A conference was called of the leading Negro representatives in the two houses together with the State Treasurer, also a Negro. After this conference we passed an act for the purpose of ascertaining the bona fide floating debt and found that it did not amount to more than $250,000 for the four years; we created a commission to sift that indebtedness and to scale it. Hence when the Democratic party came into power they found the floating debt covering the legislative and all other expenditures, fixed at the certain sum of $250,000. This same class of Negro legislators led by the State Treasurer, Mr. F. L. Cardoza, knowing that there were millions of fraudulent bonds charged against the credit of the State, passed another act to ascertain the true bonded indebtedness, and to provide for its settlement. Under his law, at one sweep, those entrusted with the power to do so, through Negro legislators, stamped

* EDITOR'S NOTE: "Pitchfork Ben" Tillman led the successful effort to disfranchise Negro voters in South Carolina, and later defended lynching in the United States Senate.

six millions of bonds, denominated as conversion bonds, "fraudulent". The commission did not finish its work before 1876. In that year, when the Hampton government came into power, there were still to be examined into and settled under the terms of the act passed by us providing for the legitimate bonded indebtedness of the state, a little over two and a half million dollars worth of bonds and coupons which had not been passed upon.

Governor Hampton, General Hagood, Judge Simonton, Judge Wallace and in fact, all of the conservative thinking Democrats aligned themselves under the provision enacted by us for the certain and final settlement of the bonded indebtedness and appealed to their Democratic legislators to stand by the Republican legislation on the subject and to confirm it. A faction in the Democratic party obtained a majority of the Democratis in the legislature against settling the question and they endeavored to open up anew the whole subject of the state debt. We had a little over thirty members in the house and enough Republican senators to sustain the Hampton conservative faction and to stand up for honest finance, or by our votes place the debt question of the old state into the hands of the plunderers and peculators. We were appealed to by General Hagood, through me, and my answer to him was in these words: "General, our people have learned the difference between profligate and honest legislation. We have passed acts of financial reform, and with the assistance of God when the vote shall have been taken, you will be able to record for the thirty odd Negroes, slandered though they have been through the press, that they voted solidly with you all for honest legislation and the preservation of the credit of the State." The thirty odd Negroes in the legislature and their senators, by their votes did settle the debt question and saved the state $13,000,000. We were eight years in power. We had built school houses, established charitable institutions, built and maintained the penitentiary system, provided for the education of the deaf and dumb, rebuilt the jails and court houses, rebuilt the bridges and re-established the ferries. In short, we had reconstructed the State and placed it upon the road to prosperity and, at the same time, by our acts of financial reform transmitted to the Hampton Government an indebtedness not greater by more than $2,500,000 than was the bonded debt of the State in 1868, before the Republican Negroes and their white allies came into power.[19]

So, too, in Louisiana in 1872 and in Mississippi later the better element of the Republicans triumphed at the polls and joining with the Democrats instituted reforms, repudiated the worst extravagance, and started toward better things. But unfortunately there was one thing that the white South feared more than negro dishonesty, ignorance, and incompetency, and that was negro honesty, knowledge, and efficiency.

In the midst of all these difficulties the negro governments in the South accomplished much of positive good. We may recognize three things which negro rule gave to the South:

1. Democratic government.
2. Free public schools.
3. New social legislation.

Two states will illustrate conditions of government in the South before and after negro rule. In South Carolina there was before the war a property qualification for office-holders, and, in part, for voters. The Constitution of 1868, on the other hand, was a modern democratic document starting (in marked contrast to the old constitutions) with a declaration that "We, the People", framed it, and preceded by a broad Declaration of Rights which did away with property qualifications and based representation directly on population instead of property. It especially took up new subjects of social legislation, declaring navigable rivers free public highways, instituting homestead exemptions, establishing boards of county commissioners, providing for a new penal code of laws, establishing universal manhood suffrage "without distinction of race or color," devoting six sections to charitable and penal institutions and six to corporations, providing separate property for married women, etc. Above all, eleven sections of the Tenth Article were devoted to the establishment of a complete public-school system.

So satisfactory was the constitution thus adopted by negro suffrage and by a convention composed of a majority of blacks that the state lived twenty-seven years under it without essential change and when the constitution was revised in 1895, the revision was practically nothing more than an amplification of the Constitution of 1868. No essential advance step of the former document was changed except the suffrage article.

In Mississippi the Constitution of 1868 was, as compared with that before the war, more democratic. It not only forbade distinctions on account of color but abolished all property qualifications for jury service, and property and educational qualifications for suffrage; it required less rigorous qualifications for office; it prohibited the lending of the credit of the state for private corporations—an abuse dating back as far as 1830. It increased the powers of the governor, raised the low state salaries, and increased the number of state officials. New ideas like the public-school system and the immigration bureau were introduced and in general the activity of the state greatly and necessarily enlarged. Finally, that was the only constitution ever submitted to popular approval at the polls. This constitution remained in force twenty-two years.

In general the words of Judge Albion W. Tourgée, a "carpetbagger," are true when he says of the negro governments:

[19] Speech of Thomas E. Miller, one of the six negro members of the South Carolina Constitutional Convention of 1895. The speech was not published in the *Journal* but may be found in the *Occasional Papers* of the American Negro Academy, no. 6, pp. 11–13.

They obeyed the Constitution of the United States, and annulled the bonds of states, counties, and cities which had been issued to carry on the war of rebellion and maintain armies in the field against the Union. They instituted a public school system in a realm where public schools had been unknown. They opened the ballot box and jury box to thousands of white men who had been debarred from them by a lack of earthly possessions. They introduced home rule into the South. They abolished the whipping post, the branding iron, the stocks and other barbarous forms of punishment which had up to that time prevailed. They reduced capital felonies from about twenty to two or three. In an age of extravagance they were extravagant in the sums appropriated for public works. In all of that time no man's rights of person were invaded under the forms of law. Every Democrat's life, home, fireside and business were safe. No man obstructed any white man's way to the ballot box, interfered with his freedom of speech, or boycotted him on account of his political faith.[20]

A thorough study of the legislation accompanying these constitutions and its changes since would of course be necessary before a full picture of the situation could be given. This has not been done, but so far as my studies have gone I have been surprised at the comparatively small amount of change in law and government which the overthrow of negro rule brought about. There were sharp and often hurtful economies introduced marking the return of property to power, there was a sweeping change of officials, but the main body of Reconstruction legislation stood.

This democracy brought forward new leaders and men and definitely overthrew the old Southern aristocracy. Among these new men were negroes of worth and ability. John R. Lynch when speaker of the Mississippi house of representatives was given a public testimonial by Republicans and Democrats and the leading Democratic paper said:

His bearing in office had been so proper, and his rulings in such marked contrast to the partisan conduct of the ignoble whites of his party who have aspired to be leaders of the blacks, that the conservatives cheerfully joined in the testimonial.[21]

Of the colored treasurer of South Carolina, Governor Chamberlain said:

I have never heard one word or seen one act of Mr. Cardozo's which did not confirm my confidence in his personal integrity and his political honor and zeal for the honest administration of the State Government. On every occasion, and under all circumstances, he has been against fraud and jobbery, and in favor of good measures and good men.[22]

[20] *Occasional Papers* of the American Negro Academy, no. 6, p. 10; Chicago *Weekly Inter Ocean*, December 26, 1890.

[21] Jackson (Mississippi) *Clarion*, April 24, 1873.

[22] Allen, *Governor Chamberlain's Administration in South Carolina*, p. 82.



Jonathan C. Gibbs, a colored man and the first state superintendent of instruction in Florida, was a graduate of Dartmouth. He established the system and brought it to success, dying in harness in 1874. Such men —and there were others—ought not to be forgotten or confounded with other types of colored and white Reconstruction leaders.

There is no doubt but that the thirst of the black man for knowledge —a thirst which has been too persistent and durable to be mere curiosity or whim—gave birth to the public free-school system of the South. It was the question upon which black voters and legislators insisted more than anything else and while it is possible to find some vestiges of free schools in some of the Southern States before the war yet a universal, well-established system dates from the day that the black man got political power. Common-school instruction in the South, in the modern sense of the term, was begun for negroes by the Freedmen's Bureau and missionary societies, and the state public-school systems for all children were formed mainly by negro Reconstruction governments. The earlier state constitutions of Mississippi "from 1817 to 1865 contained a declaration that 'Religion, morality and knowledge being necessary to good government, the preservation of liberty and the happiness of mankind, schools and the means of education shall forever be encouraged.' It was not, however, until 1868 that encouragement was given to any general system of public schools meant to embrace the whole youthful population." The Constitution of 1868 makes it the duty of the legislature to establish "a uniform system of free public schools, by taxation or otherwise, for all children between the ages of five and twenty-one years." In Alabama the Reconstruction Constitution of 1868 provided that "It shall be the duty of the Board of Education to establish throughout the State, in each township or other school district which it may have created, one or more schools at which the children of the State between the ages of five and twenty-one years may attend free of charge." Arkansas in 1868, Florida in 1869, Louisiana in 1868, North Carolina in 1869, South Carolina in 1868, and Virginia in 1870, established school systems. The Constitution of 1868 in Louisiana required the general assembly to establish "at least one free public school in every parish," and that these schools should make no "distinction of race, color or previous condition." Georgia's system was not fully established until 1873.

We are apt to forget that in all human probability the granting of negro manhood suffrage and the passage of the Fifteenth Amendment were decisive in rendering permanent the foundation of the negro common school. Even after the overthrow of the negro governments, if the negroes had been left a servile caste, personally free, but politically

powerless, it is not reasonable to think that a system of common schools would have been provided for them by the Southern States. Serfdom and education have ever proven contradictory terms. But when Congress, backed by the nation, determined to make the negroes full-fledged voting citizens, the South had a hard dilemma before her: either to keep the negroes under as an ignorant proletariat and stand the chance of being ruled eventually from the slums and jails, or to join in helping to raise these wards of the nation to a position of intelligence and thrift by means of a public-school system. The "carpet-bag" governments hastened the decision of the South, and although there was a period of hesitation and retrogression after the overthrow of negro rule in the early seventies, yet the South saw that to abolish negro schools in addition to nullifying the negro vote would invite Northern interference; and thus eventually every Southern state confirmed the work of the negro legislators and maintained the negro public schools along with the white.

Finally, in legislation covering property, the wider functions of the state, the punishment of crime and the like, it is sufficient to say that the laws on these points established by Reconstruction legislatures were not only different from and even revolutionary to the laws in the older South, but they were so wise and so well suited to the needs of the new South that in spite of a retrogressive movement following the overthrow of the negro governments the mass of this legislation, with elaboration and development, still stands on the statute books of the South.

Reconstruction constitutions, practically unaltered, were kept in

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| Florida, 1868–1885 | 17 years. |
| Virginia, 1870–1902 | 32 years. |
| South Carolina, 1868–1895 | 27 years. |
| Mississippi, 1868–1890 | 22 years. |

Even in the case of states like Alabama, Georgia, North Carolina, and Louisiana, which adopted new constitutions to signify the overthrow of negro rule, the new constitutions are nearer the model of the Reconstruction document than they are to the previous constitutions. They differ from the negro constitutions in minor details but very little in general conception.

Besides this there stands on the statute books of the South to-day law after law passed between 1868 and 1876, and which has been found wise, effective, and worthy of preservation.

Paint the "carpet-bag" governments and negro rule as black as may be, the fact remains that the essence of the revolution which the overturning of the negro governments made was to put these black men and their friends out of power. Outside the curtailing of expenses and stopping of extravagance, not only did their successors make few changes in the work which these legislatures and conventions had done, but they largely carried out their plans, followed their suggestions, and strengthened their institutions. Practically the whole new growth of the South has been accomplished under laws which black men helped to frame thirty years ago. I know of no greater compliment to negro suffrage.

# *The Undoing of Reconstruction*

## WILLIAM A. DUNNING

The most scholarly expression of the turn-of-the-century consensus regarding Reconstruction was by William Dunning of Columbia University. Born in New York, an admirer of Rhodes, pupil of John W. Burgess, and teacher of Ulrich Phillips, Dunning wrote from a standpoint which seems to us now characteristically Southern. For Dunning as for Rhodes, Charles Sumner exhibited "that narrow fanaticism which erudition and egotism combined to produce."

The following esay, a brilliant narrative of the retreat from Reconstruction by the South and the nation, reveals its bias in its conclusions. Like Ulrich Phillips, Dunning believed that "the ultimate root of the trouble in the South had been, not the institution of slavery, but the coexistence in one society of two races so distinct in characteristics as to render coalescence impossible." Reflecting the newly burgeoning imperialism of the day, Dunning observed that "in view of the questions which have been raised by our lately established relations with other races, it seems most improbable that the historian will soon, or ever, have to record a reversal of the conditions" of racial inequality then established in the South.

Yet Dunning's students began the careful state-by-state chronicling of Reconstruction. And Dunning himself, in *Reconstruction, Political And Economic* (1907), anticipated his critics by noting that the heavy spending of Reconstruction legislatures in part reflected their increased concern with

William A. Dunning, "The Undoing of Reconstruction," *The Atlantic Monthly* (1901), pp. 437–449.

social welfare; that after the Civil War corruption existed in Congress and in the North as well as in the South; and that complaints against Reconstruction often came from rural property-owners unused to being taxed.

IN JULY OF 1870, WHEN THE LAW DECLARING GEORGIA ENTITLED TO representation in Congress was finally enacted, the process of reconstruction was, from the technical point of view, complete. Each of the states which had seceded from the Union had been "made over" by the creation of a new political people, in which the freedmen constituted an important element, and the organization of a new government, in the working of which the participation of the blacks on equal terms with the whites was put under substantial guarantees. The leading motive of the reconstruction had been, at the inception of the process, to insure to the freedmen an effective protection of their civil rights,—of life, liberty, and property. In the course of the process, the chief stress came to be laid on the endowment of the blacks with full political rights,—with the electoral franchise and eligibility to office. And by the time the process was complete, a very important, if not the most important part had been played by the desire and the purpose to secure to the Republican party the permanent control of several Southern states in which hitherto such a political organization had been unknown. This last motive had a plausible and widely accepted justification in the view that the rights of the negro and the "results of the war" in general would be secure only if the national government should remain indefinitely in Republican hands, and that therefore the strengthening of the party was a primary dictate of patriotism.

Through the operation of these various motives successive and simultaneous, the completion of the reconstruction showed the following situation: (1) the negroes were in the enjoyment of the equal political rights with the whites; (2) the Republican party was in vigorous life in all the Southern states, and in firm control of many of them; and (3) the negroes exercised an influence in political affairs out of all relation to their intelligence or property, and, since so many of the whites were disfranchised, excessive even in proportion to their numbers. At the present day, in the same states, the negroes enjoy practically no political rights; the Republican party is but the shadow of a name; and the influence of the negroes in political affairs is nil. This contrast suggests what has been involved in the undoing of reconstruction.

Before the last state was restored to the Union the process was well under way through which the resumption of control by the whites was to



be effected. The tendency in this direction was greatly promoted by conditions within the Republican party itself. Two years of supremacy in those states which had been restored in 1868 had revealed unmistakable evidences of moral and political weakness in the governments. The personnel of the party was declining in character through the return to the North of the more substantial of the carpet-baggers, who found Southern conditions, both social and industrial, far from what they had anticipated, and through the very frequent instances in which the "scalawags" ran to open disgrace. Along with this deterioration in the white element of the party, the negroes who rose to prominence and leadership were very frequently of a type which acquired and practiced the tricks and knavery rather than the useful arts of politics, and the vicious courses of these negroes strongly confirmed the prejudices of the whites. But at the same time that the incapacity of the party in power to administer any government was becoming demonstrable the problems with which it was required to cope were made by its adversaries such as would have taxed the capacity of the most efficient statesmen the world could produce. Between 1868 and 1870, when the cessation of the national military authority left the new state governments to stand by their own strength, there developed that widespread series of disorders with which the name of the Ku Klux is associated. While these were at their height the Republican party was ousted from control in five of the old rebel states,—Tennessee, North Carolina, Texas, Georgia, and Virginia. The inference was at once drawn that the whites of the South were pursuing a deliberate policy of overthrowing the negro party by violence. No attention was paid to the claim that the manifest inefficiency and viciousness of the Republican governments afforded a partial, if not a wholly adequate explanation of their overthrow. Not even the relative quiet and order that followed the triumph of the whites in these states were recognized as justifying the new regime. The North was deeply moved by what it considered evidence of a new attack on its cherished ideals of liberty and equality, and when the Fifteenth Amendment had become part of the Constitution, Congress passed the Enforcement Acts and the laws for the federal control of elections. To the forces making for the resumption of white government in the South was thus opposed that same apparently irresistible power which had originally overthrown it.

That the Ku Klux movement was to some extent the expression of a purpose not to submit to the political domination of the blacks is doubtless true. But many other motives were at work in the disorders, and the purely political antithesis of the races was not so clear in the origin and development of the movement as in connection with the efforts

of the state governments to suppress it. Thousands of respectable whites, who viewed the Ku Klux outrages with horror, turned with equal horror from the projects of the governments to quell the disturbances by a negro militia. Here was the crux of the race issue. Respectable whites would not serve with the blacks in the militia; the Republican state governments would not—and indeed from the very nature of the case, could not—exclude the blacks from the military service; the mere suggestion of employing the blacks alone in such service turned every white into practically a sympathizer with the Ku Klux: and thus the government was paralyzed at the foundation of its authority. It was demonstrated again and again that the appearance of a body of negroes under arms, whether authorized by law or not, had for its most certain result an affray, if not a pitched battle, with armed whites, in which the negroes almost invariably got the worst of it.

On the assumption, then, that the white state governments in the South were unwilling, and the black governments were unable, to protect the negro in his rights, Congress inaugurated the policy of the "Force Acts." The primary aim was to protect the right to vote, but ultimately the purely civil rights and even the so-called "social rights," were included in the legislation. By the act of 1870, a long series of minutely specified offenses, involving violence, intimidation, and fraud, with the effect or even the intention of denying equal rights to any citizens of the United States, were made crimes and misdemeanors, and were thus brought under the jurisdiction of the federal courts. Great activity was at once displayed by the United States district attorneys throughout the South, and hundreds of indictments were brought in; but convictions were few. The whites opposed to the process of the federal courts, supported by federal troops, no such undisguised resistance as had often been employed against state officers backed by a posse comitatus or a militia company of negroes. But every advantage was taken of legal technicalities; in the regions where the Ku Klux were strong, juries and witnesses were almost invariably influenced by sympathy or terror to favor the accused; and the huge disproportion between the number of arrests and the number of convictions was skillfully employed to sustain the claim that the federal officers were using the law as the cover for a systematic intimidation and oppression of the whites. As the effect of this first act seemed to be rather an increase than a decrease in the disorders of the South, Congress passed in the following year a more drastic law. This known commonly as the Ku Klux Act, healed many technical defects in the earlier law; reformulated in most precise and far-reaching terms the conspiracy clause, which was especially designed to cover Ku Klux methods; and, finally, authorized the President, for a limited time, to suspend the writ of habeas corpus, and employ military force in the suppression of violence and crime in any given district. In addition to the punitive system thus established, Congress at the same time instituted a rigorous preventive system through the Federal Elections Laws. By acts of 1871 and 1872, every polling place, in any election for Congressmen, might be manned by officials appointed by the federal courts, with extensive powers for the detection of fraud and with authority to employ the federal troops in the repression of violence.

Through the vigorous policy thus instituted by the national government the movement toward the resumption of control by the whites in the South met with a marked though temporary check. The number of convictions obtained under the Ku Klux Act was not large, and President Grant resorted in but a single instance—that of certain counties in South Carolina, in the autumn of 1871—to the extraordinary powers conferred upon him. But the moral effect of what was done was very great, and the evidence that the whole power of the national government could and would be exerted on the side of the blacks produced a salutary change in method among the whites. The extreme and violent element was reduced to quiescence, and haste was made more slowly. No additional state was redeemed by the whites until 1874. Meanwhile, the wholesale removal of political disabilities by Congress in 1872 brought many of the old and respected Southern politicians again into public life, with a corresponding improvement in the quality of Democratic leadership. More deference began to be paid to the Northern sentiment hostile to the Grant administration which had been revealed in the presidential campaign of 1872, and the policy of the Southern whites was directed especially so as to bring odium upon the use of the military forces in the states yet to be wrested from black control.

It was upon the support of the federal troops that the whole existence of the remaining black governments in the South came gradually to depend. Between 1872 and 1876 the Republican party split in each of the states in which it still retained control, and the fusion of one faction with the Democrats gave rise to disputed elections, general disorder, and appeals by the radical Republicans to the President for aid in suppressing domestic violence. Alabama and Arkansas emerged from the turmoil in 1874 with the whites triumphant; and the federal troops, after performing useful service in keeping the factions from serious bloodshed, ceased to figure in politics. But in Louisiana and South Carolina the radical factions retained power exclusively through the presence of the troops who were employed in the former state to reconstitute both the legislature and the executive at the bidding of one of the claimants of the gubernatorial office. The very extraordinary

proceedings in New Orleans greatly emphasized the unfavorable feeling at the North toward "governments resting on bayonets"; and when, upon the approach of the state election of 1875 in Mississippi, the radical governor applied for troops to preserve order, President Grant rather tartly refused to furnish them. The result was the overthrow of black government in that state. Though strenuously denied at the time, it was no deep secret that the great negro majority in the state was overcome in this campaign by a quiet but general exertion of every possible form of pressure to keep the blacks from the polls. The extravagance and corruption of the state administration had become so intolerable to the whites that questionable means of terminating it were admitted by even the most honorable without question. There was relatively little "Ku Kluxing" or open violence, but in countless ways the negroes were impressed with the idea that there would be peril for them in voting. "Intimidation" was the word that had vogue at the time, in describing such methods, and intimidation was illegal. But if a party of white men, with ropes conspicuous on their saddlebows, rode up to a polling place and announced that hanging would begin in fifteen minutes, though without any more definite reference to anybody, and a group of blacks who had assembled to vote heard the remark and promptly disappeared, votes were lost but a conviction on a charge of intimidation was difficult. Or if an untraceable rumor that trouble was impeding over the blacks was followed by the mysterious appearance of bodies of horsemen on the roads at midnight, firing guns and yelling at nobody in particular, votes again were lost, but no crime or misdemeanor could be brought home to any one. Devices like these were familiar in the South, but on this occasion they were accompanied by many other evidences of a purpose on the part of the whites to carry their point at all hazards. The negroes, though numerically much in excess of the whites, were very definitely demoralized by the aggressiveness and unanimity of the latter, and in the ultimate test of race strength the weaker gave way.

The "Mississippi plan" was enthusiastically applied in the remaining three states, Louisiana, South Carolina, and Florida, in the elections of 1876. Here, however, the presence of the federal troops and of all the paraphernalia of the Federal Elections Laws materially stiffened the courage of the negroes and the result of the state election became closely involved in the controversy over the presidential count. The Southern Democratic leaders fully appreciated the opportunity of their position in this controversy, and, through one of those bargains without words which are common in great crises, the inauguration of President Hayes was followed by the withdrawal of the troops from the support



of the last radical governments, and the peaceful lapse of the whole South into the control of the whites.

With these events of 1877 the first period in the undoing of reconstruction came to an end. The second period, lasting till 1890, presented conditions so different from the first as entirely to transform the methods by which the process was continued. Two, indeed, of the three elements which have been mentioned as summing up reconstruction still characterized the situation: the negroes were precisely equal in rights with the other race, and the Republican party was a powerful organization in the South. As to the third element, the disproportionate political influence of the blacks, a change had been effected, and their power had been so reduced as to correspond much more closely to their general social significance. In the movement against the still enduring features of reconstruction the control of the state governments by the whites was of course a new condition of the utmost importance, but not less vital was the party complexion of the national government. From 1875 to 1889 neither of the great parties was at any one time in effective control of both the presidency and the two houses of Congress. As a consequence no partisan legislation could be enacted. Though the state of affairs in the South was for years a party issue of the first magnitude, the legislative deadlock had for its general result a policy of non-interference by the national government, and the whites were left to work out in their own way the ends they had in view. Some time was necessary, however, to overcome the influence of the two bodies of legislation already on the national statute book,—the Force Acts and the Federal Elections Laws.

During the Hayes[1] administration the latter laws were the subject of a prolonged and violent contest between the Democratic houses and the Republican President. The Democrats put great stress on the terror and intimidation of the whites and the violation of freemen's rights due to the presence of federal officials at the polls, and of federal troops near them. The Republicans insisted that these officials and troops were essential to enable the negroes to vote and to have their votes counted. As a matter of fact, neither of these contentions was of the highest significance so far as the South was concerned. The whites, once in control of the state electoral machinery, readily devised means of evading or neutralizing the influence of the federal officers. But the patronage in the hands of the administration party under these laws was enormous. The power to appoint supervisors and deputy marshals at election time was a tower of strength, from the point of view of

[1] EDITOR'S NOTE: Rutherford Hayes was elected President on the Republican ticket in the disputed election of 1876.

direct votes and of indirect influence. Accordingly, the attack of the Democrats upon the laws was actuated mainly by the purpose of breaking down the Republican party organization in the South. The attack was successful in Mr. Hayes's time only to the extent that no appropriation was made for the payment of the supervisors and deputy marshals for their services in the elections of 1880. The system of federal supervision remained, but gradually lost all significance save as a biennial sign that the Republican party still survived and when Mr. Cleveland became President even this relation to its original character disappeared.

The Force Acts experienced a similar decline during the period we are considering. In 1875, just before the Republicans lost control of Congress, they passed, as a sort of memorial to Charles Sumner, who had long urged its adoption, a Supplementary Civil Rights Bill, which made criminal, and put under the jurisdiction of the federal courts, any denial of equality to negroes in respect to accommodations in theatres, railway cars, hotels, and other such places. This was not regarded by the most thoughtful Republicans as a very judicious piece of legislation; but it was perceived that, with the Democrats about to control the House of Representatives there was not likely to be a further opportunity for action in aid of the blacks, and so the act was permitted to go through and take its chances of good. Already, however, the courts had manifested a disposition to question the constitutionality of the most drastic provisions of the earlier Enforcement Acts. It has been said above that indictments under these acts had been many, but convictions few. Punishments were fewer still; for skillful counsel were ready to test the profound legal questions involved in the legislation, and numbers of cases crept slowly up on appeal to the Supreme Court. In 1875, this tribunal threw out an indictment under which a band of whites who had broken up a negro meeting in Louisiana had been convicted of conspiring to prevent negroes from assembling for lawful purposes and from carrying arms; for the right to assemble and the right to bear arms, the court declared, pertained to citizenship of a state, not of the United States, and therefore redress for interference with these rights must be sought in the courts of the state. In the same year, in the case of United States *v.* Reese, two sections of the Enforcement Act of 1870 were declared unconstitutional, as involving the exercise by the United States of powers in excess of those granted by the Fifteenth Amendment. It was not, however, till 1882 that the bottom was taken wholly out of the Ku Klux Act. In the case of United States *v.* Harris the conspiracy clause in its entirety was declared unconstitutional. This was a case from Tennessee, in which a band of whites had taken a negro away from the officers of the law and maltreated him. The court held that, under the last three amendments to the Constitution, Congress was authorized to guarantee equality in civil rights against violation by a state through its officers or agents, but not against violation by private individuals. Where assault or murder or other crime was committed by a private individual, even if the purpose was to deprive citizens of rights on the ground of race, the jurisdiction, and the exclusive jurisdiction, was in the state courts. And because the conspiracy clause brought such offenses into the jurisdiction of the United States it was unconstitutional and void. This decision finally disposed of the theory that the failure of a state to protect the negroes in their equal rights could be regarded as a positive denial of such rights, and hence could justify the United States in interfering. It left the blacks practically at the mercy of white public sentiment in the South. A year later, in 1883, the court summarily disposed of the act of 1875 by declaring that the rights which it endeavored to guarantee were not strictly civil rights at all, but rather social rights, and that in either case the federal government had nothing to do with them. The act was therefore held unconstitutional.

Thus passed the most characteristic features of the great system through which the Republicans had sought to prevent by normal action of the courts, independently of changes in public opinion and political majorities, the undoing of reconstruction. Side by side with the removal of the preventives, the Southern whites had made enormous positive advances in the suppression of the other race. In a very general way, the process in this period, as contrasted with the earlier, may be said to have rested, in last resort, on legislation and fraud rather than on intimidation and force. The statute books of the states, especially of those in which negro rule had lasted the longest, abounded in provisions for partisan—that is, race—advantage. These were at once devoted as remorselessly to the extinction of black preponderance as they had been before to the repression of the whites. Moreover, by revision of the constitutions and by sweeping modifications of the laws, many strongholds of the old regime were destroyed. Yet with all that could be done in this way, the fact remained that in many localities the negroes so greatly outnumbered the whites as to render the political ascendency of the latter impossible, except through some radical changes in the laws touching the suffrage and the elections; and in respect to these two points the sensitiveness of Northern feeling rendered open and decided action highly inexpedient. Before 1880 the anticipation, and after that year the realization, of a "solid South" played a prominent part in national politics. The permanence of white dominion in

the South seemed, in view of the past, to depend as much on the exclusion of the Republicans from power at Washington as on the maintenance of white power at the state capitals. Under all the circumstances, therefore, extralegal devices had still to be used in the "black belt."

The state legislation which contributed to confirm white control included many ingenious and exaggerated applications of the gerrymander and the prescription of various electoral regulations that were designedly too intricate for the average negro intelligence. In Mississippi appeared the "shoestring district," three hundred miles long and about twenty wide, including within its boundaries nearly all the densest black communities of the state. In South Carolina, the requirement that, with eight or more ballot boxes before him, the voter must select the proper one for each ballot in order to insure its being counted, furnished an effective means of neutralizing the ignorant black vote; for though the negroes, unable to read the lettering on the boxes, might acquire, by proper coaching, the power to discriminate among them by their relative positions, a moment's work by the whites in transposing the boxes would render useless an hour's laborious instruction. For the efficient working of this method of suppression, it was indispensable, however, that the officers of election should be whites. This suggests at once the enormous advantage gained by securing control of the state government. In the hot days of negro supremacy the electoral machinery had been ruthlessly used for partisan purposes, and when conditions were reversed the practice was by no means abandoned. It was, indeed, through their exclusive and carefully maintained control of the voting and the count that the whites found the best opportunities for illegal methods.

Because of these opportunities the resort to bulldozing and other violence steadily decreased. It penetrated gradually to the consciousness of the most brutal white politicians that the whipping or murder of a negro, no matter for what cause, was likely to become at once the occasion of a great outcry at the North while by an unobtrusive manipulation of the balloting or the count very encouraging results could be obtained with little or no commotion. Hence that long series of practices, in the regions where the blacks were numerous, that give so grotesque a character to the testimony in the contested-election cases in Congress, and to the reminiscences of candid Southerners. Polling places were established at points so remote from the densest black communities that a journey of from twenty to forty miles was necessary in order to vote; and where the roads were interrupted by ferries, the resolute negroes who attempted to make the journey were very likely to find the boats laid up for repairs. The number of polling places was kept so small as to make rapid voting indispensable to a full vote; and



then the whites, by challenges and carefully premeditated quarrels among themselves, would amuse the blacks and consume time, till only enough remained for their own votes to be cast. The situation of the polls was changed without notice to the negroes, or, conversely, the report of a change was industriously circulated when none had been made. Open bribery on a large scale was too common to excite comment. One rather ingenious scheme is recorded which presents a variation on the old theme. In several of the states a poll-tax receipt was required as a qualification for voting. In an important local election, one faction had assured itself of the negro vote by a generous outlay in the payment of the tax for a large number of the blacks. The other faction, alarmed at the prospect of almost certain defeat, availed itself of the opportunity presented by the providential advent of a circus in the neighborhood and the posters announced that poll-tax receipts would be accepted for admission. As a result, the audience at the circus was notable in respect to numbers, but the negro vote at the election was insignificant.

But exploitation of the poverty, ignorance, credulity, and general childishness of the blacks was supplemented, on occasion, by deliberate and high-handed fraud. Stuffing of the boxes with illegal ballots, and manipulation of the figures in making the count, were developed into serious arts. At the acme of the development undoubtedly stood the tissue ballot. There was in those days no prescription of uniformity in size and general character of the ballots. Hence miniature ballots of tissue paper were secretly prepared and distributed to trusted voters, who, folding as many, sometimes, as fifteen of the small tickets within one of the ordinary large tickets passed the whole, without detection, into the box. Not till the box was opened were the tissue tickets discovered. Then, because the number of ballots exceeded the number of voters as indicated by the polling list, it became necessary, under the law, for the excess to be drawn out by a blindfolded man before the count began. So some one's eyes were solemnly bandaged, and he was set to drawing out ballots, on the theory that he could not distinguish those of one party from those of the other. The result is not hard to guess. In one case given by the Senate investigating committee, through whose action on the elections of 1878, in South Carolina, the theory and practice of the tissue ballot were revealed to an astonished world, the figures were as follows:—

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|---|---|
| Number of ballots in box | 1163 |
| Names on polling list | 620 |
| Excess drawn out | 543 |
| Tissue ballots left to be counted | 464 |

Not the least interesting feature of this episode was the explanation given by the white committee, of the existence of the great mass of tissue ballots. They were prepared, it was said in order to enable the blacks who wished to vote the Democratic ticket to do so secretly, and thus to escape the ostracism and other social penalties which would be meted out to them by the majority of their race.

Under the pressure applied by all these various methods upon the negroes, the black vote slowly disappeared. And with it the Republican party faded into insignificance. In the presidential election of 1884 the total vote in South Carolina was, in round numbers, 91,000, as compared with 182,000 in 1876. In Mississippi the corresponding decrease was from 164,000 to 120,000; in Louisiana, from 160,000 to 108,000. The Republican party organization was maintained almost exclusively through the holders of federal offices in the postal and revenue service. When in 1885, a Democratic administration assumed power, this basis for continued existence was very seriously weakened, and the decline of the party was much accelerated. Save for a few judicial positions held over from early appointments, the national offices, like those of the states, were hopelessly removed from the reach of any Republican's ambition. A comparison of the congressional delegation from the states of the defunct Confederacy in the Forty-First Congress (1869–71) with that in the Fifty-First (1889–91) is eloquent of the transformation that the two decades had wrought: in the former, twenty out of the twenty-two Senators were Republican, and forty-four out of fifty-eight Representatives; in the latter, there were no Republican Senators, and but three Representatives.

Summarily, then, it may be said that the second period in the undoing of reconstruction ends with the political equality of the negroes still recognized in law, though not in fact, and with the Republican party, for all practical purposes, extinct in the South. The third period has had for its task the termination of equal rights in law as well as in fact.

The decline of negro suffrage and of the Republican party in the South was the topic of much discussion in national politics and figured in the party platforms throughout the period from 1876 to 1888; but owing to the deadlock in the party control of the national legislature the discussion remained academic in character, and the issue was supplanted in public interest by the questions of tariff, currency, and monopoly. By the elections of 1888, however, the Republicans secured not only the presidency, but also a majority in each house of Congress. The deadlock of thirteen years was broken, and at once an effort was made to resume the policy of the Enforcement Acts. A bill was brought in that was designed to make real the federal control of elections. The



old acts for this purpose were, indeed, still on the statute books, but their operation was farcical; the new project, while maintaining the general lines of the old, would have imposed serious restraints on the influences that repressed the negro vote, and would have infused some vitality into the moribund Republican party in the South. It was quickly demonstrated however, that the time for this procedure had gone by. The bill received perfunctory support in the House of Representatives, where it passed by the regular party majority, but in the Senate it was rather contemptuously set aside by Republican votes. Public sentiment in the North, outside of Congress, manifested considerable hostility to the project, and its adoption as a party measure probably played a rôle in the tremendous reaction which swept the Republicans out of power in the House in 1890, and gave to the Democrats in 1892 the control of both houses of Congress and the presidency as well. The response of the Democrats to the futile project of their adversaries was prompt and decisive. In February, 1894, an act became law which repealed all existing statutes that provided for federal supervision of elections. Thus the last vestige disappeared of the system through which the political equality of the blacks had received direct support from the national government.

In the meantime, a process had been instituted in the Southern states that has given the most distinctive character to the last period in the undoing of reconstruction. The generation-long discussions of the political conditions in the South have evoked a variety of explanations by the whites of the disappearance of the black vote. These different explanations have of course all been current at all times since reconstruction was completed, and have embodied different degrees of plausibility and truth in different places. But it may fairly be said that in each of the three periods into which the undoing of reconstruction falls one particular view has been dominant and characteristic. In the first period, that of the Ku Klux and the Mississippi plan, it was generally maintained by the whites that the black vote was not suppressed, and that there was no political motive behind the disturbances that occurred. The victims of murder, bulldozing, and other violence were represented as of bad character and socially dangerous, and their treatment as merely incident to their own illegal and violent acts, and expressive of the tendency to self-help instead of judicial procedure, which had always been manifest in Southern life, and had been aggravated by the demoralization of war time. After 1877, when the falling off in the Republican vote became so conspicuous, the phenomenon was explained by the assertion that the negroes had seen the light, and had become Democrats. Mr. Lamar gravely maintained, in a famous controversy with Mr. Blaine, that

the original Republican theory as to the educative influence of the ballot had been proved correct by the fact that the enfranchised race had come to recognize that their true interests lay with the Democratic party; the Republicans were estopped, he contended, by their own doctrine from finding fault with the result. A corollary of this idea that the negroes were Democrats was generally adopted later in the period, to the effect that, since there was practically no opposition to the democracy the negroes had lost interest in politics. They had got on the road to economic prosperity, and were too busy with their farms and their growing bank accounts to care for other things.

Whatever of soundness there may have been in any of these explanations, all have been superseded, during the last decade, by another, which, starting with the candid avowal that the whites are determined to rule, concedes that the elimination of the blacks from politics has been effected by intimidation, fraud, and any other means, legal or illegal, that would promote the desired end. This admission has been accompanied by expressions of sincere regret that illegal means were necessary, and by a general movement toward clothing with the forms of law the disfranchisement which has been made a fact without them. In 1890, just when the Republicans in Congress were pushing their project for renewing the federal control of elections Mississippi made the first step in the new direction. Her constitution was so revised as to provide that, to be a qualified elector, a citizen must produce evidence of having paid his taxes (including a poll tax) for the past two years, and must, in addition, "be able to read any section in the constitution of this state, or . . . be able to understand the same when read to him, or give a reasonable interpretation thereof." Much might be said in favor of such an alternative intelligence qualification in the abstract: the mere ability to read is far from conclusive of intellectual capacity. But the peculiar form of this particular provision was confessedly adopted, not from any consideration of its abstract excellence, but in order to vest in the election officers the power to disfranchise illiterate blacks without disfranchising illiterate whites. In practice, the white must be stupid indeed who cannot satisfy the official demand for a "reasonable interpretation," while the negro who can satisfy it must be a miracle of brilliancy.

Mississippi's bold and undisguised attack on negro suffrage excited much attention. In the South it met with practically unanimous approval among thoughtful and conscientious men, who had been distressed by the false position in which they had long been placed. And at the North, public opinion, accepting with a certain satirical complacency the confession of the Southerners that their earlier explanations of conditions had been false, acknowledged in turn that its views as to the political capacity of the blacks had been irrational, and manifested no disposition for a new crusade in favor of negro equality. The action of Mississippi raised certain questions of constitutional law which had to be tested before her solution of the race problem could be regarded as final. Like all the other seceded states, save Tennessee, she had been readmitted to representation in Congress, after reconstruction, on the express condition that her constitution should never be so amended as to disfranchise any who were entitled to vote under the existing provisions. The new amendment was a most explicit violation of this condition. Further, so far as the new clause could be shown to be directed against the negroes as a race, it was in contravention of the Fifteenth Amendment. These legal points had been elaborately discussed in the state convention, and the opinion had been adopted that, since neither race, color, nor previous condition of servitude was made the basis of discrimination in the suffrage, the Fifteenth Amendment had no application, and that the prohibition to modify the constitution was entirely beyond the powers of Congress, and was therefore void. When the Supreme Court of the United States was required to consider the new clause of Mississippi's constitution, it adopted the views of the convention on these points, and sustained the validity of the enactment. There was still one contingency that the whites had to face in carrying out the new policy. By the Fourteenth Amendment it is provided that if a state restricts the franchise her representation in Congress shall be proportionately reduced. There was a strong sentiment in Mississippi, as there is throughout the South, that a reduction of representation would not be an intolerable price to pay for the legitimate extinction of negro suffrage. But loss of Congressmen was by no means longed for, and the possibility of such a thing was very carefully considered. The phrasing of the franchise clause may not have been actually determined with reference to this matter; but it is obvious that the application of the Fourteenth Amendment is, to say the least, not facilitated by the form used.

The action of Mississippi in 1890 throws a rather interesting light on the value of political prophecy, even when ventured upon by the most experienced and able politicians. Eleven years earlier, Mr. Blaine, writing of the possibility of disfranchisement by educational and property tests, declared: "But no Southern state will do this, and for two reasons: first, they will in no event consent to a reduction of representative strength; and, second, they could not make any disfranchisement of the negro that would not at the same time disfranchise an immense number of whites." How sadly Mr. Blaine misconceived the spirit and

underrated the ingenuity of the Southerners Mississippi made clear to everybody. Five years later South Carolina dealt no less unkindly with Mr. Lamar, who at the same time with Mr. Blaine had dipped a little prophecy on the other side. "Whenever," he said,—"and the time is not far distant,—political issues arise which divide the white men of the South, the negro will divide, too. . . . The white race, divided politically, will want him to divide." Incidentally to the conditions which produced the Populist party, the whites of South Carolina, in the years succeeding 1890, became divided into two intensely hostile factions. The weaker manifested a purpose to draw on the negroes for support, and began to expose some of the devices by which the blacks had been prevented from voting. The situation had arisen which Mr. Lamar had foreseen, but the result was as far as possible from fulfilling his prediction. Instead of competing with its rival for the black vote, the stronger faction, headed by Mr. Tillman, promptly took the ground that South Carolina must have a "white man's government," and put into effect the new Mississippi plan. A constitutional amendment was adopted in 1895 which applied the "understanding clause" for two years, and after that required of every elector either the ability to read and write or the ownership of property to the amount of three hundred dollars. In the convention which framed this amendment, the sentiment of the whites revealed very clearly, not only through its content, but especially through the frank and emphatic form in which it was expressed, that the aspirations of the negro to equality in political rights would never again receive the faintest recognition.

Since the action of South Carolina, two other states, Louisiana and North Carolina, have excluded the blacks from the suffrage by analogous constitutional amendments; and in two others still, Alabama and Virginia, conventions are considering the subject as this article goes to press (August, 1901). By Louisiana, however, a new method was devised for exempting the whites from the effect of the property and intelligence tests. The hereditary principle was introduced into the franchise by the provision that the right to vote should belong, regardless of education or property, to every one whose father or grandfather possessed the right on January 1, 1867. This "grandfather clause" has been adopted by North Carolina, also, and, in a modified form and for a very limited time, by the convention in Alabama. The basis for the hereditary right in this latter state has been found, not in the possession of the franchise by the ancestor, but in the fact of his having been a soldier in any war save that with Spain. As compared with the Mississippi device for evading the Fifteenth Amendment, the "grandfather clause" has the merit of incorporating the discrimination



in favor of the whites in the written law rather than referring it to the discretion of the election officers. Whether the Supreme Court of the United States will regard it as equally successful in screening its real purpose from judicial cognizance remains to be seen.

With the enactment of these constitutional amendments by the various states, the political equality of the negro is becoming as extinct in law as it has long been in fact, and the undoing of reconstruction is nearing completion. The many morals that may be drawn from the three decades of the process it is not my purpose to suggest. A single reflection seems pertinent, however, in view of the problems which are uppermost in American politics at present. During the two generations of debate and bloodshed over slavery in the United States certain of our statesmen consistently held that the mere chattel relationship of man to man was not the whole of the question at issue. Jefferson, Clay, and Lincoln all saw more serious facts in the background. But in the frenzy of the war time public opinion fell into the train of the emotionalists, and accepted the teachings of Garrison and Sumner and Phillips and Chase, that abolition and negro suffrage would remove the last drag on our national progress. Slavery was abolished, and reconstruction gave the freedmen the franchise.

But with all the guarantees that the source of every evil was removed, it became obvious enough that the results were not what had been expected. Gradually there emerged again the idea of Jefferson and Clay and Lincoln, which had been hooted and hissed into obscurity during the prevalence of the abolitionist fever. This was that the ultimate root of the trouble in the South had been, not the institution of slavery, but the coexistence in one society of two races so distinct in characteristics as to render coalescence impossible; that slavery had been a *modus vivendi* through which social life was possible; and that, after its disappearance, its place must be taken by some set of conditions which, if more humane and beneficent in accidents, must in essence express the same fact of racial inequality. The progress in the acceptance of this idea in the North has measured the progress in the South of the undoing of reconstruction. In view of the questions which have been raised by our lately established relations with other races, it seems most improbable that the historian will soon, or ever, have to record a reversal of the conditions which this process has established.