17.3: Reconstruction After the Assassination of Abraham Lincoln

At the time of Abraham Lincoln’s assassination, Vice President Andrew Johnson assumed the presidency. He also assumed the role that both he and Lincoln believed belonged to the executive branch: reconstructing the South. Johnson was a unique figure in American politics and more than one historian has characterized him as one of the most unfortunate men ever to take the Presidency. He was grim-faced and taciturn, and was about as ill-prepared as anyone could be to lead the nation in a time of crisis. Prior to becoming President, Johnson had had a varied career. He was a slave owner before the War; the only southern senator to remain in that body after his state, Tennessee, had seceded from the Union; he served as military governor of Tennessee in 1862; and, during the early years of the war, he was a Southern War Democrat. Johnson’s success as governor of Tennessee led to Lincoln’s choosing him as running mate in 1864 on the National Union Party ticket. Johnson had no strong allies in either the North or South, did not learn how to read until taught by his wife, and did not enjoy a significant following in either party.

Johnson's opinion about reconstructing the South changed over the first few months of his Presidency. At first, he tended to agree with the Radicals in Congress that the South should be punished for seceding from the Union and was famous for remarking in the spring of 1865, “Treason is a crime and must be…made infamous, and traitors must be impoverished.” He was particularly hostile toward Southern aristocrats, whose attachment to slavery he blamed for the war. A staunch Jacksonian, he distrusted banks, corporations, and the New England states generally. Shortly after he came to the presidency, Ben Wade, an ardent Radical Republican, declared, “Johnson, we have faith in you. By the gods, there will be no trouble now in running this government.”
On the other hand, Johnson did not share the Radical Republican idea that the freedmen should be assured of constitutional equality with white Americans. As a previous slave owner who believed in white supremacy, and despite the fact that he told Tennessee blacks in 1864 that he would be their “Moses,” he commented earlier, “Damn the Negroes! I am fighting these traitorous aristocrats, their masters.” Two years later he remarked, “As for the Negro I am for setting him free but at the same time I assert that this is a white man’s government…If whites and blacks can’t get along together arrangements must be made to colonize the blacks.” He was equally blunt in 1866 when a delegation, led by Frederick Douglass, visited the White House to make a plea for black suffrage, remarking that not only did he have no interest in black suffrage, but also he distrusted Douglass, who “would sooner cut a white man’s throat than not.”

Despite Ben Wade’s optimism, trouble came soon enough, because Johnson, like Lincoln, believed that reconstruction, which he labeled “restoration,” fell within the purview of the executive branch of the national government. Because of a conviction that he could proceed without the “advice and consent” of Congress, Johnson did not call for a special session when Lincoln was assassinated; instead, he moved to accomplish the restoration of the Confederate states before Congress was scheduled to assemble in December 1865. Following another line of Lincoln’s reasoning, Johnson took the position that it was individuals who had rebelled and not states; therefore, individuals should be punished but not states, as they retained their constitutional rights. Thus, the states could quickly be brought back into a proper relationship with the Union.
17.3.1: Andrew Johnson Undertakes Reconstruction, 1865

In May 1865, Johnson issued two proclamations that would go far to define his approach to reconstructing the South. The first offered amnesty and restoration of property (except slaves) to anyone who took an oath of loyalty to the United States. Excepted from this offer were Confederate officials, army officers above the rank of Army Colonel, and Navy lieutenant; any men who had held positions in the Union government before the war and had left their posts to join in the rebellion; and all who owned property worth $20,000 or more. The first proclamation was similar to that issued by Lincoln in December, 1863, with the exception of the last category. In order for states to be readmitted to the union, they must repudiate their war debts, accept the Thirteenth Amendment, declare secession null and void, and draft a constitution. The second proclamation appointed a provisional governor for North Carolina and called for the state to create a constitution. In the ensuing weeks, Johnson made similar offers to six additional southern states and recognized the Lincoln-sponsored governments of Louisiana, Arkansas, and Tennessee. By the fall of 1865, “regular civil administrations” were thereby functioning in all of the former Confederate states except Texas. When Congress convened in December 1865, ten of the eleven Confederate states had therefore been readmitted to the Union.

In neither proclamation did Johnson address the issue of civil rights for freedmen; the only requirement for the new constitutions was that they must specify that suffrage was limited to white men who had taken an oath of loyalty to the national government and received amnesty. None of the constitutions deviated from this instruction, so no state granted blacks the right to vote.

17.3.2: The South Reacts

Though the North was distrustful of Johnson’s reconstruction measures, white southerners were jubilant. Southerners had braced themselves for a harsh retaliation, especially in light of the earlier utterances of the president, and at first, they could not believe their good fortune. On September 11, 1865, a delegation of Southerners met with the president to express their thanks for his “desire and intention to sustain Southern rights in the Union.” Johnson was equally solicitous, declaring his “love, respect and confidence” in the Southern people.

The measures of the President had an unintended lulling effect on the South, and within months Southern leaders began to show their previous irascible independence. Some of state legislatures ratified the Thirteenth Amendment; some did not. Some began to argue about war debts, and, while some declared secession null and void, others merely “repealed” their articles of secession. And if this were not enough to alarm the Radical Republicans, old Confederate leaders were elected to the state constitutional conventions, and the states even sent ex-Confederate generals, colonels, and congressmen to Washington, among these including the Vice President of the Confederacy, Alexander Stephens.

The worst offense of the newly reconstructed states, however, was the creation of Black Codes in every state; these were based on the preemancipation Slave Codes. Designed to create a supply of cheap labor and to prevent integration of the races, these codes regulated every aspect of the lives of “blacks, mulattos, or other persons of color.” Although the Codes varied from state to state to state, in most, marriage among blacks was recognized, and the newly freed-men could sue and be sued in court. But here the rights of the freemen ended, as the Codes denied basic rights, including the following: the right of freedmen to bear arms or vote; serve on juries; comingle with whites; leave the premises of an employer without permission; own property except in designated areas of a state, city, or town; and testify in court.
except in cases involving other blacks. Rules also prohibited miscegenation. According to the Black Code of Florida, for example, any black man guilty of sexual relations with a white woman would be fined $1000 and whipped (not to exceed 39 lashes); the woman would be similarly punished. In Mississippi, the punishment was even harsher; any person convicted of intermarriage would be sentenced to life in prison.

Because a primary goal of the Codes was to provide a constant source of subservient labor in the post-emancipation South, most contained sections dealing with free labor. All terms between laborer and employer were spelled out in contracts that specified the number of hours to be worked and amount of wages to be paid. Most Codes also contained clauses that children of freed people could be arbitrarily bound out by the state as apprentices; some of these listed obligations that the master owed the apprentice such rights as education, religious instruction, and housing; some did not. The monies gained from the apprentice’s employment belonged to the master, except for a “small allowance” given the apprentice at the end of his tenure “with which to begin life.” Similarly, freedpeople living in “idleness,” such as gamblers and the unemployed, could be bound out to a master for a period of time “no longer than a year.” Most states defined “person of color” as any man or woman who had one-eighth “or more Negro blood.”

17.3.3: The Issue of Equality

The North voiced outrage at the Codes, but it is interesting to look closely at the issue of black equality in the North as well as in the South. As early as 1863, Frederick Douglass, an abolitionist and former slave, warned that emancipation was only the first step toward black equality, and his words were echoed by Thaddeus Stevens and Charles Sumner, the authors of a radical plan of reconstruction, as they urged integration be adopted in southern society. But the fact is that the majority of Northerners were no more in favor of racial equality than were those in the South. In the North, only seven percent of the black population was allowed to vote and that was in the five New England states. All public facilities were segregated, including schools, prisons, hospitals, churches, and cemeteries; also, most states had housing and job restrictions. Moreover, many northern states still had laws against the immigration of blacks from state to state. But if Northerners, like Southerners, were not in favor of social and economic equality, most did want a reconstruction that would bring a better life for southern blacks, one in which they would enjoy equality before the law, freedom of movement, the right to sit on juries, and like punishment for like crimes.

17.3.4: Congress Intervenes, 1865-1866

Radicals in the North looked with dismay as the South apparently returned to its pre-War social structure, with the exception of an established institution of slavery. The election of Confederate leadership to positions of importance in state and national offices was bad enough, but the Black Codes looked very much like a return to slavery. James G. Blaine, then Speaker of the House of Representatives, wrote in the early 1870s, “If the Southern men had intended as their one special desirable aim, to inflame public opinion of the North against them, they would have proceeded precisely as they did.”

When Congress convened in December 1865, its members acted to forestall the effects of the Black Codes and remind Southerners that the Confederacy had indeed been defeated. First, Congress created a Joint Committee on Reconstruction. Although the committee was not controlled by the Radicals, it did have among its membership one of the most influential Radicals in Congress: Thaddeus Stevens of Pennsylvania. Stevens and Charles Sumner, who was
the Republican leader in the Senate, were the most outspoken proponents of radical reconstruction. The irascible Stevens made clear his position on Presidential Reconstruction when he remarked, “The punishment of traitors has been wholly ignored by a treacherous Executive and a sluggish Congress.” The Joint Committee eventually created the plan for reconstruction that Congress would ultimately adopt.

While the Joint Committee was getting to work, Congress acted on its determination to wrest control of reconstruction from the executive branch. In February 1866, the body tried to extend the life and powers of the Freedmen’s Bureau, though this measure was vetoed by Johnson. In April, Congress passed the Civil Rights bill of 1866, which struck at the Black Codes and foreshadowed the provisions of the Fourteenth Amendment by specifying that “all persons born in the United States...of every race and color, without regard to any previous condition of slavery” would be entitled to the full protection of the Constitution. Further, the federal government could intervene in the affairs of the states to see that civil rights for all citizens were upheld and that any law designed to deprive citizens of their rights would be considered unconstitutional. Johnson vetoed the Civil Rights Act, but his veto was overridden, a sign of the solidarity of opinion that was beginning to become apparent in Congress. The Civil Rights Act was the first act passed over a Presidential veto.

Meanwhile, the Joint Committee drafted and sent the Fourteenth Amendment to the states for ratification. This Amendment echoes the intent and language of the Civil Rights Act by proclaiming that “all persons born or naturalized in the United States are citizens of the United States and of the states wherein they reside.” No state could “deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” Moreover, suffrage could not be denied to any adult male citizen; if this denial of suffrage was accomplished by state law, then that state’s representation in Congress would be decreased. And lastly, the Amendment disqualified from any state or national office anyone who had been involved in an “insurrection or rebellion against the [United States].” The still undeterred white South would not accept the third provision, and the Amendment did not pass at that time.

Race Riots in the South

To make matters worse, violence against blacks began to sweep through the South. In Memphis, trouble broke out in May 1866 when carriages driven by a white man and a black man collided. What began as a fight between the two men evolved into violence when a group of whites stormed the black quarter and began burning houses and killing their inhabitants. A more serious riot occurred in New Orleans when a peaceful procession of blacks was fired upon. When the smoke cleared, 119 blacks and seventeen of their supporters had been injured, and thirty-seven blacks and three white friends were killed. It was in the context of this unrest that the Congressional campaigns of 1866 began.

The Radical Cause Strengthens

The Southern refusal to ratify the Fourteenth Amendment strengthened the Radical position in Congress as northerners became more convinced than ever that the South was unreconstructed and unrepentant and that the plans of Johnson and Lincoln were failures. Northern opinion shaped the Congressional elections of 1866, as Johnson and the Radicals squared off before the American public. Johnson made what he called a “Swing around the Circle,” an eighteen-day tour in which he went from Washington to New York to Chicago, south to St. Louis and then back to the nation’s capital. While he did not declare a party allegiance, his rhetoric was decidedly pro-Democratic. Despite his efforts, the
Republicans won by a landslide, taking thirty-seven additional seats in the House, which gave them a total of 173 seats in that body; the Democrats were left with forty-seven. In the Senate, the Republicans held fifty-seven seats and the Democrats held nine. Not until the 1930s’ New Deal would the Democrats enjoy a similar majority.

**Radical Reconstruction**

The Radicals now had a firm base of support in both the House and Senate, and they moved to adopt the plans outlined by the Joint Committee, including the First Reconstruction Act of March 1867. Historian Samuel Eliot Morison calls this act “the most important legislation of the entire period.” Thaddeus Stevens, an important contributor to the act’s wording, commented, somewhat incorrectly, “I was a Conservative in the last session of this Congress, but I mean to be a Radical henceforth.” The basic premise of the act was that “no legal state governments or adequate protection for life and property now exists in the southern states,” with the exception of Tennessee, which had accepted the Fourteenth Amendment in July 1866. The Act, which passed over Johnson’s veto, divided the ten unreconstructed states into five military districts, each under a federal military commander “not below the rank of brigadier-general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.” The responsibilities of the commanders were to establish new requirements for voting, set up new state governments, and oversee the drafting of state constitutions.

![Image](https://human.libretexts.org/Bookshelves/History/Book%3A_United_States_History_to_1877_(Locks)/17%3A_Reconstruction/17.3%3A_Reconstruction_After_the_Assassination_of_Abraham_Lincoln)

*Figure (PageIndex{2}): The Radical Republicans | Thaddeus Stevens and Charles Sumner were the main authors of Radical Reconstruction. Authors: Mathew Brady, Julian Vannerson Sources: National Archives US Presidents in the Census Records, Library of Congress*

When a convention was elected by all citizens of a state (with the exception of those disenfranchised because of participating in “the rebellion” or those who had been convicted of a felony), a constitution created in keeping with the language and intent of the Constitution of the United States, and the Fourteenth Amendment ratified, then the states could apply for reentry into the union. The constitutions of the states must guarantee black suffrage. An addendum to this act was passed in July; it stated, “no district commander… shall be bound in his action by any opinion of any civil officer of the United States.” This addendum was of dubious constitutionality because it infringed on the powers of the as Commander in Chief by keeping him from removing the commanders of the military districts.

The state constitutions established under the direction of the military commanders were more egalitarian than those they replaced. In South Carolina, for example, property qualifications for voting were removed, thus allowing universal manhood suffrage; the Bill of Rights was expanded; all reference to “distinctions on account of color” were removed; women’s rights were expanded; and imprisonment for debt ended. By the summer of 1868, six of the previous...
confederate states, Arkansas, North Carolina, South Carolina, Louisiana, Alabama, and Florida, had met all requirements and been accepted back into the Union. The remainder of the states were reconstructed in 1870, at which time they had to ratify the Fifteenth Amendment as well as the Fourteenth; the former specified that “the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race color or previous condition of servitude.” Once the conditions of the Reconstruction Act had been met, Congress formally readmitted the states to the union.

17.3.5: A Constitutional Imbalance: The Impeachment of Andrew Johnson

As the Radicals in Congress attempted to solidify Congressional power, an important aspect of this goal was to bring the Presidency into a position inferior to that of Congress. The Reconstruction Act began this process when it included the provision that “no district commander…shall be bound in his action by any opinion of any civil officer of the United States.” A second attempt came with the passage of the Tenure of Office Act in 1867 which denied the president the right to remove civil officials, including his own cabinet, without the approval of the Senate. The immediate goal of this legislation was to keep President Johnson from removing the Secretary of War, Edwin Stanton, who was the last remaining Radical in his cabinet. The next goal was to remove Johnson through impeachment; if Johnson were impeached and convicted, then his replacement would be the president pro-tempore of the Senate, the Radical Benjamin Wade. Falling in line with the Radical plan, Johnson did in fact dismiss Stanton and appointed to his place in the War Department General Lorenzo Thomas. On February 24, 1867, the House voted to impeach Johnson for “high crimes and misdemeanors.” According to the Constitution, once impeached, or indicted, a president is tried by the Senate with the Chief Justice of the Supreme Court presiding. Seven Senators voted against conviction, so Johnson was not removed from office. Had one more Senator voted to convict, Wade would have become the President of the United States.

Figure \(\PageIndex{3}\): Johnson’s Impeachment | Andrew Johnson was impeached by the House of Representatives in 1867 for disobeying the Tenure of Office Act, itself clearly unconstitutional. He was narrowly acquitted. Author: Theodore R. Davis Source: Library of Congress
17.3.6: Before You Move On...

Key Concepts

With the death of Abraham Lincoln, the presidency passed to his Vice President, Andrew Johnson, who, like Lincoln, believed that the process of restructuring the South lay in the hands of the Presidency. Johnson’s Amnesty Proclamation, delivered shortly after he came to office, was mild, and, within eight months of the death of Lincoln, all but one of the previous Confederate states had been brought back into the Union. When white Southerners displayed attitudes and political policies reminiscent of those in place before the beginning of the War, the Radicals in Congress seized the reins of reconstructing the South and created a series of Reconstruction Acts designed to punish as well as reconstruct the South. Congress also attempted to secure Congressional supremacy over the executive branch by passing the Tenure of Office Act and then bringing articles of impeachment against Johnson. Though he was indeed impeached, Johnson was not convicted. The last of the southern states fulfilled the dictates of the Congressional reconstruction acts, including the acceptance of the Thirteenth, Fourteenth, and Fifteenth amendments, and were returned to the union in 1870.

Test Yourself

Exercise \(\PageIndex{1}\)

The Black Codes passed in most southern states in 1865-1866 were based on the Slave Codes common in the period before emancipation.

a. True

b. False

Answer

a

Exercise \(\PageIndex{2}\)

The purpose of the Tenure of Office Act was to:

a. Force Andrew Johnson into a position that could lead to his impeachment.

b. Allow the presidency greater freedom in appointing officials to his Cabinet.

c. Limit the number of terms members of the Supreme Court could serve.

d. Keep previous confederate officials from holding office in southern states.

Answer

a
According to the First Reconstruction Act passed in 1867, the South was divided into military districts.

a. True

b. False

**Answer**

a

Exercise (PageIndex(4))

The Fifteenth Amendment specifies that no citizen of the United States will be:

a. Deprived of the right of due process.

b. Forced into servitude.

c. Deprived of the right to vote.

d. Kept from the occupation of his/her choice.

**Answer**

c