An Unfinished Revolution

James Oakes, December 5, 2019 Issue

Reconstruction: America After the Civil War

PBS documentary series produced by Henry Louis Gates Jr.

Stony the Road: Reconstruction, White Supremacy, and the Rise of Jim Crow

by Henry Louis Gates Jr.
Penguin, 296 pp., $30.00

The Second Founding: How the Civil War and Reconstruction Remade the Constitution

by Eric Foner
Norton, 224 pp., $26.95

Even the most high-toned historical documentaries rarely satisfy scholars. Ken Burns’s acclaimed series The Civil War featured a charismatic Shelby Foote spouting reactionary pro-Confederate mythology and gushing about Nathan Bedford Forrest, the Southern general who oversaw the massacre of black soldiers during the war and became the first Grand Wizard of the Ku Klux Klan. The period following the Civil War, known as Reconstruction, has been especially ill-served by filmmakers. In 1915 D.W. Griffith, one of the founding geniuses of American cinema, released his blockbuster epic Birth of a Nation. Griffith used dramatic images that were startlingly innovative for the time, but he also portrayed lascivious, half-civilized blacks taking over the South and subjecting it to a reign of violence, corruption, and incompetence until beleaguered white Southerners were at last “redeemed” by fearless Klansmen.

In 1939 another Hollywood epic, Gone with the Wind, though less brutal in its racism, nevertheless perpetuated the stereotype of Reconstruction as a tragic era when a “prostrate South” was put to the heel by an unholy alliance of greedy carpetbaggers, sinister scalawags, and “uppity” blacks just released from slavery and raised far above their station. It’s not as though Hollywood just made this stuff up. Leading historians of the day, notably William Archibald Dunning at Columbia University, were telling the same nightmarish story about Reconstruction under the guise of disinterested scholarship.

There were dissenters, none more formidable than W.E.B. Du Bois. In 1935 he published his flawed masterpiece Black Reconstruction, which, among many other things, excoriated the Dunning school for its egregious distortions. But it was not until the 1960s that the “revisionist” view of Reconstruction filtered into the academic mainstream, as distinguished historians—notably John Hope Franklin and Kenneth Stampp—published brief surveys that introduced a more balanced view of the period. They emphasized the surprisingly mild treatment of ex-Confederates, the impressive achievements of the Reconstruction legislatures, and the long-term
significance of the constitutional changes of the era. Then in 1988 Eric Foner published his definitive account, *Reconstruction: America’s Unfinished Revolution, 1863–1877*, and with that the scholarly demolition of the Dunning school was complete.

When Henry Louis Gates Jr. set out to produce a documentary series on Reconstruction for PBS, he wisely invited Foner to serve as his senior scholarly adviser. Together they assembled many of the very best historians working in the field to guide viewers through four superb hours on the history and significance of Reconstruction. With Gates narrating, the documentary takes us from the origins of Reconstruction as slavery was destroyed during the Civil War all the way to the early twentieth century, with the repudiation—both popular and scholarly—of Reconstruction. The two episodes that constitute Part 1 cover Reconstruction itself, describing it as a revolutionary moment in American history, full of hopeful possibilities. But it provoked a fearsome backlash, what Du Bois called a “counter-revolution of property.” This is the focus of Part 2, which covers the era of Jim Crow segregation, lynching, and disenfranchisement. It would take thousands of pages and dozens of books to tell this story fully. All the more remarkable, then, that the four episodes succeed so well in introducing the broad outlines of what Gates calls “the chaotic, exhilarating, and ultimately devastating period known as Reconstruction.”

The ideological struggle to control how the story of Reconstruction would be told began with the surrender of Confederate forces at Appomattox. As Edward Ayers points out, Ulysses S. Grant believed it was the moment when Northern principles had triumphed, but Robert E. Lee acknowledged nothing more than that the South had succumbed to overwhelming force. Lee thereby introduced the premise of the pro-Confederate myth of the “Lost Cause”: the South had fought courageously for noble ends but was simply dominated by superior Northern numbers. The ideological seeds Lee planted came to flower in the 1890s with the so-called era of sectional reconciliation. Through the first half of the twentieth century and beyond, schoolchildren across America were taught that both sides in the Civil War had fought bravely for their own good reasons, only to have their nobility besmirched by the “tragic era” of Reconstruction.

Early in the first episode, Foner defines Reconstruction as the process by which American society tried to come to terms with the results of the Civil War, in particular the liberation of four million enslaved African-Americans. Slavery’s destruction meant that the social structure of the South had to be rebuilt on an entirely different basis. What sort of labor system would replace it? Were the freed people to be treated as full citizens, entitled to all the rights and privileges guaranteed by the Constitution? Would black men vote as white men did? In short, what did freedom mean? Some of these questions would be answered in Washington and others in the state legislatures of the former Confederacy. But many of them would be addressed in local communities across the South where freed people and their former masters negotiated their new relationship. For recently emancipated slaves, the first priority was to reunite families that had been broken by slavery. They moved about in search of lost relatives or placed ads in newspapers asking for information about parents, children, and spouses. In addition, freed people wanted education, physical security, legal rights, and, above all, land.

To assist in the reconstruction of Southern society, Congress created the Bureau of Refugees, Freedmen, and Abandoned Lands, popularly known as the Freedmen’s Bureau.
officers of the Union Army, it was at once the largest social welfare effort ever undertaken by the federal government and a woefully understaffed and underfunded bureaucracy scarcely able to meet the prodigious demands heaped upon it. The bureau was initially supposed to be funded by rents from the 800,000 acres of Southern lands the Union Army had confiscated by the end of the war. Its director, General Oliver Otis Howard, began to distribute the land to freed people in forty-acre plots, to be rented for a few years until the tenants could purchase them. Though well intentioned, this was hardly a way to achieve the economic independence of the freed people. At most, the plan would have provided plots to 20,000 of the four million former slaves. But the bureau could not even do that much, because Andrew Johnson, who became president after Abraham Lincoln was assassinated, ordered it to return the lands to their original white owners.

The first episode of Reconstruction traces the transition from presidential to congressional control of federal policy. Congress was out of session when Johnson was inaugurated in April 1865 and as usual did not return until December, leaving the president more than half a year to reconstruct the South on his own lenient terms. An unapologetic racist, Johnson issued blanket pardons to thousands of ex-Confederates; he required them to abolish slavery, but otherwise left them free to establish social and political relations between themselves and the former slaves. The restored Southern legislatures proceeded to pass a series of “black codes” that explicitly denied civil and political rights to the freed people and used vagrancy laws to prevent blacks from moving about in search of better jobs, in effect forcing freed people back to work on the plantations, often for their old masters. When Congress returned from its long recess, Johnson announced that Reconstruction had been completed.

But Republicans considered the new state governments illegitimate. They refused to seat the Southerners elected to Congress and proceeded to wrest control of Reconstruction policy from the president. In an attempt to protect former slaves, Congress renewed the Freedmen’s Bureau, and it passed the Civil Rights Act of 1866, which established race-blind citizenship for all those born in the United States, including former slaves, and empowered the federal government to enforce the rights of citizens in the Southern states. Johnson vetoed both, but Congress quickly overrode the vetoes. It also proposed the Fourteenth Amendment to confirm birthright citizenship along with a federal guarantee of “equal protection” of the law to all citizens. But Johnson did not give in easily. After blacks were openly massacred in the streets of Memphis and New Orleans, he blamed the violence on Republican radicals and did all he could to thwart congressional Reconstruction. He fired Freedmen’s Bureau agents and replaced Union officers who displeased white elites. During the elections of 1866, Johnson embarked on a disgraceful campaign of invective urging the Southern states not to ratify the Fourteenth Amendment.

Disgusted by a president who seemed out of control, voters gave Republicans a huge electoral victory in November 1866, and in early 1867 Congress effectively started the Reconstruction process over again. A series of Reconstruction Acts required Southern states to write new constitutions that stripped former Confederates of the vote while enfranchising black men. States were required to ratify the Fourteenth Amendment before being readmitted to the Union. The results were astonishing. In the spring of 1867 less than one percent of black men could vote; by December, over 80 percent could. The Fourteenth Amendment became part of the Constitution in July 1868. As John Stauffer notes, nothing like this had happened in the global history of emancipation. Robert Brown Elliott, a black legislator in South Carolina, was optimistic:
“Behind us lie 243 years of suffering, anguish, and degradation. Before us lies our mighty future.” For the former slaves it was, Foner says, “a remarkable moment of hope and of militancy.” But militancy could be reactionary as well as revolutionary. In many parts of the South, the Ku Klux Klan and other white supremacist organizations functioned as the paramilitary arm of the Democratic Party.

The elections of 1868 were among the most racially charged in American history, but the threat of violence did not prevent half a million blacks from casting their ballots for Ulysses S. Grant. The man who had crushed the Confederacy became president of the United States, while in the South, between 1868 and the late 1870s, 1,500 black men were elected to Congress, state legislatures, or as sheriffs and justices of the peace. Reconstruction legislatures built public schools, hospitals, and welfare systems, and black colleges and universities were established across much of the South, in large part to meet the new demand for black teachers. Blacks developed their own fraternal organizations and built churches that would become the centers of African-American community life. Freed people were buying land and setting up businesses, and many were becoming economically independent. By 1900, a quarter of all black farmers in the South owned their own land. They could do this in large part because black judges and sheriffs, or whites beholden to black votes, could enforce contracts and protect black economic interests.

But as Gates points out, “the more African-Americans achieved, the more they put their lives at risk.” It was black political success that most often provoked racist violence. As the historian Kate Masur points out in the documentary, “organized white supremacist groups were trying to make the cost of federal intervention higher than the federal government was willing to bear.” Republicans responded with the Fifteenth Amendment, ratified in 1870, creating a right to vote and banning discrimination in voting on the basis of race. The following year, Republican congressmen held hearings that produced some eight thousand pages of dramatic testimony by African-Americans as well as ordinary whites detailing the brutal tactics of the Klan. In response, Congress passed a series of laws to enforce the Fourteenth and Fifteenth Amendments and to combat white supremacist groups, including the KKK. President Grant instructed his attorney general to vigorously prosecute offenders, and for a time, the Klan was effectively suppressed.

Grant won reelection in 1872, but the campaign revealed emerging divisions within the Republican Party. Though Grant was personally honest, scandals within his administration provoked a faction of “Liberal Republicans” to call for “good government” along with sectional reconciliation. They were a harbinger of a broader “retreat from Reconstruction.” But the real turning point was the Panic of 1873 and the ensuing depression, which put Republicans on the defensive. In the 1874 elections the Democrats won control of the House of Representatives for the first time since 1860. On March 1, 1875, three days before the new Congress met, Republicans passed another Civil Rights Act banning racial segregation in public accommodations.

But there were increasing signs of the retreat from Reconstruction. Democratic control of the House meant, in the historian Allen Guelzo’s words, “No more money for Reconstruction initiatives.” In the press, derogatory images of African-Americans became more prominent, alongside images of a “prostrate” South oppressed by the weight of a corrupt and barbarous
“negro rule.” On Easter Sunday in April 1873, as many as 150 blacks were massacred in Colfax, Louisiana, as part of the violent struggle by Democrats to regain control of the state government. Only three of those responsible were prosecuted. Their convictions were overturned in 1876 by the Supreme Court, which invalidated the Enforcement Act of 1870 on the grounds that the massacre was a local police matter not covered by the Fourteenth Amendment. Scholars traditionally date the end of Reconstruction to the following year, 1877, and the inauguration of Rutherford B. Hayes as president—described by Guelzo as a “first-rate second-rate man.” Upon taking office, Hayes ordered the removal of the last federal troops from the Southern states. This completed the South’s “Redemption,” the process by which whites regained control of its state governments.

The third episode of the series covers the “redeemed” South, primarily the 1880s, which Foner describes as a kind of “twilight zone” between Reconstruction and the full implementation of the Jim Crow system. The Supreme Court further weakened the federal government’s ability to enforce the civil rights protections of the Fourteenth Amendment by declaring the Civil Rights Act of 1875 unconstitutional. Although terrorized by white supremacist groups, and despite diminished political power, blacks continued to vote, buy land, and open their own businesses. The literacy rate among them rose steadily, and with freedom came better nutrition and a substantial improvement in their health. Life expectancy increased, and the black mortality rate declined.

Blacks sometimes retreated into self-segregated communities that were partially removed from the day-to-day discriminations imposed by whites. But the majority of blacks in the rural South had become sharecroppers, working small family plots on someone else’s land and paid a share of the crop at the end of the year. Although it allowed blacks to live and work in family units away from the daily oversight of white landlords, sharecropping offered few opportunities for economic improvement. (One of the rare missteps of the Reconstruction series is its failure to explore, beyond a passing reference, the origins and nature of the sharecropping system as most Southern blacks experienced it.) Every year, tens of thousands of sharecroppers moved in search of better contracts, but those who ended the year in debt could find themselves trapped in “debt peonage,” unable to move. The least fortunate, imprisoned for debt or vagrancy, ended up victims of the notorious convict-lease system, in which prison laborers were sold to private employers and ruthlessly exploited. So oppressive was the convict-lease system that it is often likened to slavery.

Hoping to gain some measure of economic control over their lives, millions of Southern farmers joined the Farmers’ Alliance and the related Colored Farmers’ Alliance. As Ayers notes, “Black farmers [were] in the same situation as white farmers.” A grassroots coalition of white tenants and black sharecroppers pursuing the same radical economic goals, the Alliance was the most powerful threat to the postwar landlord-merchant class. Realizing that economic power required political power, Alliance farmers became the backbone of the People’s Party, known as the Populists, the largest third-party challenge in American history. Notwithstanding the ultimate defeat of the Populists, the historian Vincent Brown sees “a kind of redemption” in the precedent they set: “To look at those moments when we see those broad participatory coalitions happening, and to think ‘that’s who we are.’ We are those common struggles to make a better future for ourselves. That’s America too.”
The political threat posed by that coalition, more than anything else, set in motion the decisive end of Reconstruction. White terrorists persisted, and the number of lynchings peaked in the 1890s, but lynching a thousand black men turned out to be an inefficient way to disenfranchise a million black voters. For that, the law was needed, and Mississippi pioneered the development of devilishly clever statutes that could effectively disenfranchise blacks without technically violating the Fifteenth Amendment. Poll taxes, grandfather clauses, and literacy tests not only worked to eliminate most black voters from the rolls, they had the added benefit to the white elite of eliminating substantial numbers of poor whites as well. The political threat of a populist coalition was destroyed, and Reconstruction was overthrown.

To justify the new order, white leaders ratcheted up the rhetoric and practice of white supremacy. Laws mandating racial segregation proliferated. Scientific racism gained wide circulation as “experts” concocted a sliding scale of “races” encompassing all of humanity. By the early twentieth century, theorists posited the existence of dozens of races. But blacks were the primary victims, especially in the South. In 1896 the Supreme Court, in *Plessy v. Ferguson*, legitimized “separate but equal” state-sponsored segregation, thus entrenching Jim Crow. “America,” Gates notes, “had entered the nadir of race relations.”

Central to the ideological justification of the Jim Crow era was a new interpretation of the Civil War that removed all references to slavery. In the North, monuments to the Emancipation Proclamation gave way to celebrations of the Gettysburg Address, which made no explicit mention of slavery. Across the South, the United Daughters of the Confederacy spearheaded the construction of monuments celebrating the leaders of the rebellion and formed textbook committees to ensure that a pro-Confederate version of Civil War history prevailed in schools. In both scholarly and popular accounts, slavery was romanticized as a paternalistic institution ideally suited to an inferior race. Southern children were taught that the Confederacy was a noble Lost Cause that was followed by a monstrous era of “negro rule.”

The last episode of Gates’s series covers the period between the overthrow of Reconstruction in the 1890s and the civil rights era, and focuses on the emergence of the “New Negro,” a burst of cultural and intellectual creativity among educated African-Americans, whom Du Bois labeled the Talented Tenth. “The New Negro generation,” Gates explains, “sought to engender black uplift through individual achievement and through production of the arts, especially fiction and poetry.” Whereas the Colored Farmers Alliance represented a mass movement for democracy and economic justice from the bottom up, the Talented Tenth pressed for reform from the top down.

In 1905 Du Bois helped found the Niagara Movement, an all-black group that agitated against lynching. But when a number of blacks were lynched in Springfield, Illinois—the former home of Abraham Lincoln—black leaders realized they would need the support of prominent whites. In 1909 they founded the NAACP, an interracial group, with Du Bois as the director of research and editor of its influential publication, *The Crisis*. In one sense, the founding of an interracial civil rights organization represented a continuation of a long tradition in American politics stretching back to the abolitionist movement. But the NAACP’s approach to social change, led by the Talented Tenth, was also a departure from the democratic orientation of earlier struggles.
Foner and Gates have each written new books that add nuance and detail to the story told in the PBS series. As the dean of Reconstruction studies, Foner is the ideal scholar to produce a history of the three amendments added to the Constitution during the period—amendments so powerful as to justify the book’s title, *The Second Founding*. He shows how each of them had its origins in the antislavery constitutionalism of the pre–Civil War abolitionist movement. Yet each was also the product of the specific moment in which it was proposed and ratified.

All three had shortcomings. The Thirteenth Amendment borrowed the “boilerplate” language of the antislavery movement in abolishing slavery “except as a punishment for crime whereof the party shall have been duly convicted.” Adopting this familiar trope, Foner notes, inadvertently created a loophole that Southern states later used to justify the brutal convict-lease system. The Fourteenth Amendment guaranteed equal protection of the law but failed to specify exactly what rights the amendment protected. Rather than establish a general right to vote, the Fifteenth Amendment banned franchise restrictions based on race, thereby enabling a later generation to devise other ways of removing blacks en masse from the voting rolls. But for all their limitations, Foner emphasizes, the Reconstruction amendments were an enormous achievement, not only in meeting the issues confronting Americans in the 1860s and 1870s, but in setting a standard of freedom and equality that subsequent generations have appealed to, often successfully, in the continuing struggle for civil rights.

Gates’s *Stony the Road* is a very different book. A short chapter breezes through the history of Reconstruction before reaching the subject that has fascinated Gates ever since he was an undergraduate: the contrast between the culture of white supremacy and the counterculture of the New Negro that emerged in the late nineteenth century with the overthrow of Reconstruction and reached its apogee in the Harlem Renaissance of the 1920s. Part monograph, part exhibition catalog, the book is packed with an array of reproductions documenting the appalling variety of racist images that infected American culture by the early twentieth century. Those crude depictions stand in stark relief against the literary sophistication and dignity of the leading lights of the New Negro movement—among them the poets Langston Hughes and Countee Cullen and the novelists Zora Neale Hurston and Jean Toomer. Gates’s New Negro movement is more expansive than the familiar Harlem Renaissance, and includes Du Bois, the activist Mary McLeod Bethune, and the singer Paul Robeson.

Less stark, but no less real, is the difference in the way Foner and Gates approach their material. Foner places Reconstruction within the setting of a much older struggle for justice in the antislavery movement, and he sees later campaigns for civil rights as building on their predecessors. He posits an enduring conflict between democracy and equality on the one hand and racism and injustice on the other, and, crucially for Foner, the outcome of that conflict at any given moment comes down to a balance of power, primarily political power.

Gates, by contrast, stresses how brief and unusual the Reconstruction era was in a nation where white supremacy is built into what he calls America’s “cultural DNA.” This unfortunate but increasingly popular genetic metaphor amounts to a confession of intellectual failure, an inability to think about history, about change over time, in analytically useful terms. Worse, it indicates a disturbing return to the kind of quasi-biological reasoning employed by the very white supremacists Gates so effectively exposes. Claims that racism is “built into the DNA” of the
United States or that “slavery is built into the DNA” of American capitalism are not merely ahistorical, they are antihistorical. Their purpose and effect is to deny the manifest reality of historical change.

Nevertheless, one of the most impressive aspects of the PBS series is how often it cuts against the overly racialized dichotomy between white supremacy and black resistance. On camera, one scholar after another points out that what was most threatening to Southern white elites was the very real possibility of a popular, democratic coalition of whites and blacks. Vincent Brown sees interracial coalitions as a powerfully redemptive strain of American history. Kate Masur notes that significant numbers of Southern whites were Unionists who had opposed secession and who, during Reconstruction, often voted Republican. “They didn’t stop being racists,” Foner explains; they merely voted their economic interests, which substantially overlapped with those of poor blacks.

Gates invokes the familiar metaphor of white supremacy as America’s “original sin,” suggesting yet again an inherent trait that reappears anew with each generation. But the scholars he interviewed see something else at work: white elites ramped up the rhetoric of white supremacy in the effort to break any alliance of poor whites and blacks. “That was difficult work to do,” Brown explains. “A lot of propaganda had to go into that.” According to Gregory Downs, the Democratic Party “ha[d] to sell white supremacy to other white Southerners who might not have the same or even any significant economic stake in white supremacy.” Kimberlé Crenshaw notes that during Reconstruction, the KKK was “actually committing atrocities against everyone. They’re attacking freedmen and white Southerners who were sympathetic to the Union cause and to the Republican Party.” In this account, white supremacy is less a pseudo-biological imperative than an ideological strategy deployed by elites to undermine the threat of multiracial coalitions committed to democracy and economic justice.

Even at the height of the Jim Crow era there were alternatives to the virulent racial imagery Americans encountered in Birth of a Nation. Griffith himself, stung by criticism of the film, responded a year later with a second blockbuster, Intolerance, that appealed to a very different sensibility. In 1927 Carl Laemmle, another pioneer of early American cinema, released an extravagant film version of Uncle Tom’s Cabin that was seen as an antidote to Griffith’s vicious portrayal of African-Americans. “Mr. Laemmle seems to have tried to take just the opposite view of the Negro that Griffith took,” one African-American reviewer wrote. “All though the story the Negro is shown to splendid advantage.” Even at the nadir of American race relations, white supremacy had vocal critics.

It is this theme that makes Reconstruction such an important period and this excellent series so relevant. “If you don’t know the history of Reconstruction,” Crenshaw explains, if you don’t know what was tried and then dismantled, then your inference about why we still have these problems is, it’s a problem with the people, it’s a problem with their work ethic, their family structure, their values, rather than, it’s a problem of an unfinished revolution—which Reconstruction was.