

Grant and Reconstruction

Describing the surrender at Appomattox, he wrote: "I felt like anything rather than rejoicing at the downfall of a foe who had fought so long and valiantly, and had suffered so much for a cause, though that cause was, I believe, one of the worst for which a people ever fought, and one for which there was the least excuse."

What do you think about this man?

Grant's style of Presidential government

Administration of Reconstruction fell to Atty General and Sect. of Defense

- Amos T. Ackerman "no atty general more vigorous in the prosecution of cases designed to protect Black Americans"

Grant exercised closer scrutiny over the military than he did other departments

- Grant continued to give orders, as commander in chief, to the army.
- Grant was reluctant to use military force against civilians when other means were available.
- Grant, however, had no hesitation to deploy the army if that were the only way to combat terrorism in the South.

Grant put faith in ballot box and fought to secure 15th Amendment's passage.

- 15th—proposed by Congress in 1869 and ratified by 1870, enfranchises black men.
- Garrison...nothing equaled the "sudden transformation" from the "auction block to the ballot box"
- American Anti-Slavery society disbanded in 1870

Fight against the KKK

Assertion here is that neither Grant, nor reformers, nor Republicans in Congress foresaw the extent of virulence in southern states

- KKK—avowed purpose—undermine Reconstruction, destroy the Republican Party in the eleven states of the Confederacy, reestablish black subordination and institute white supremacy.

Issue is of state/federal responsibility—traditionally crime a state issue.

- Prosecution of such crimes by national government would indicate a significant departure from precedent...however, inaction would mean Klan would go unpunished.
- **14th and 15th Amendment** appeared to authorize federal government, and over Democratic opposition, in 1870 Congress enacted first of three Enforcement Acts

Enforcement Acts

- To counteract terrorist violence
- Statute made it a federal offense to attempt to deprive anyone of his civil or political rights.

Prosecution of the Klan began in earnest.

- US attorneys secured nearly 1000 indictments in early 1870s, fully 55% of cases resulted in conviction
- Ackerman believed suppressing the Klan required "extraordinary means"
- Many localities saw continued violence
 - South Carolina—227 "outrages" in one county, 300 in an other
 - Klan terrorism helped NC return Democrats to Congress
- Congress responded with **Second Enforcement Act in 1871**—provided for federal oversight of voter registration and elections

1871—42nd Congress

Grant requested special legislation to suppress the Klan

If Congress could tackle one issue, he wrote James Blaine, this should be it.

KKK Bill

- Federal crime to “overthrow or destroy by force the government of the United States” or
- Conspire to prevent persons from holding office, voting, or enjoying equal protection of the laws
- Empowered the president to use the army to enforce the measure, as well as to suspend the writ of habeas corpus in areas he declared in insurrection
- Unprecedented peacetime extension of national authority
- Private acts of violence made punishable in federal court—first time this happens.
- Engenders opposition from: white supremacists, states righters, civil libertarians, those Grant haters
- Reconstruction lost political/electoral appeal
- Members request Grant to put himself out in front of the issue
- Grant wrote “A condition of affairs now exists in some of the States of the Union rendering life and property insecure, and the carrying of the mails, and the collection of revenue dangerous.”
- Gave hook to those wary of federal intervention with reference to mail, asked Congress for authority noting there was “no other subject on which I would recommend legislation during the current session.”

KKK Bill in effect 1871

- Grant issues proclamation urging voluntary support and asking people of South to suppress the Klan
- Would not take action unless violence continued
- May, orders troops to the field, and by October, suspended habeas corpus in 9 South Carolina counties
- Klan put on the defensive-600 convicted, fines and jail time, 65 imprisoned in federal prison
- Broken the Klan’s back in 1872
- 1882 Supreme Court will declare it unconstitutional

1872 Election

Liberal Republicans—Sumner, Jacob Cox, Carl Schurz, “liberals” heterogeneous, free traders, disillusioned reformers, civil libertarians, some east coast intellectuals

New York Tribune editor **Horace Greeley**

- Wanted new policy for South—uniting factor
- Greeley—universal amnesty and reconciliation with gentlemen of South
- Critical of freedmen
- Called for “local self government”
- Condemned Grant’s “arbitrary measures,” railed at “bayonet rule”

Frederick Douglass—supporting Grant—if Grant had not acted to crush the Klan—the Negro would have been remanded to a condition worse than that from which the Civil War delivered him. “The Republican party is the ship and all else is the sea.”—watchword for African-Americans

- Grant viewed the liberal Republicans as the prairie wolves he had once encountered while serving with Zachary Taylor in Texas—estimated he was listening to a least a hundred only to discover that all of the noise came from but two animals.

.....Grant wins

- Greeley, tragic story—dominated in election, wife lost week before, lost control of paper due to declining circulation, he himself died by end of month.
- Election of 1872 the high water mark of Grant’s two terms

1873-74, while Grant floundered under scandal, however, also a big issue is his nomination for the **Supreme Court**

- After a dizzying number of appointees, Grant settled on Morrison Waite, an obscure attorney living in Toledo, Ohio, brilliant lawyer, no singe of partisan politics, character unassailable.
- Grant had 4 justices on bench...only one voted to uphold rights of freedmen
- Two of most egregious decisions wrote by Waite...

US v. Reese

- Voting rights case in KY
- Court invalidated the operative sections of the Enforcement Act of 1870—holding that the 15th Amendment did not confer the right of suffrage in state and local elections
- Court’s reasoning in Reese, reflecting a determined effort to restrict the scope of the national government, rested on limited view of citizenship from previous year in *Minor v. Hepperset* denying women the right to vote. “Citizenship, did not necessarily confer right of suffrage”
- Citizenship—idea of membership of a nation—nothing more
- Effect of Court’s decision overturned with 19th Amendment in 1920

Same day as Reese, court handed down US v. Cruikshank

- 14th and 15th applied only to actions by states, not individuals
- “The power of Congress to legislate (to enforce the amendments) does not extend to the passage of the laws for the suppression of ordinary crimes within the States. That duty was originally assumed by the States, and it still remains there.”
- Retreat from Reconstruction—these two cases are key in that retreat.
- Justice Hunt—lone dissenter
- Court had brought to “an impotent conclusion the vigorous Amendments on the subject of slavery.”

Cruikshank had greater impact—

- Context is Louisiana—disputed election in 1872—both Republicans and Democrats claimed victory, Grant ordered troops to enforce federal judge ruling that Republicans won, Louisiana whites refused to accept decision, White Leagues (paramilitary organizations) formed, state became an armed camp, violence flared.
Worst violence—**Colfax**, in central part of state
- In the spring of 1873, Blacks in the town of Colfax, Louisiana, cordoned it off, dug trenches, and formed a small militia. Drilling under the command of black veterans, they were preparing for war. Grant had crushed the Klan, but whites were still determined to take back control and restore Southern society. All across the defeated states, new and more open armed groups had sprung up. In Mississippi, they were called "white liners;" in Louisiana, the White League.
- Lots of these vigilante groups are roaming the roads of Louisiana and Mississippi, roaming the streets of towns like Baton Rouge and Vicksburg, and shooting black people in the open. Like one observer said, almost like you'd shoot pigeons. And there's no consequences for this. These are real racial riots, in a sense. And blacks didn't just sit back and accept this. In some corners of the South, it came close to all out racial warfare.
- In all of Louisiana, there were fewer than seven hundred federal troops, thinly spread across the state. Blacks in Colfax dug in and waited. They held on for three weeks, skirmishing with bands of armed white men, but on Easter Sunday, whites armed with rifles and a small cannon overpowered them. Blacks took refuge in the courthouse.
- African American faction in control there, on Easter Sunday—attack on local courthouse—over a hundred blacks killed, many in cold blood after they surrendered.

- There was a momentary truce, and then the Caucasians set fire to the building, burning and killing a number of the people in the building. When they came out of the building and were marched to the local jailhouse, the guards shot a number of the black men in the head, disemboweled some of them. And then the bodies of seventy-one of these people were thrown into the river along with the bodies of two white men.
- **72 indicted, nine tried, three convicted—Supreme Court overturned those convictions, and doomed Grant administration legal efforts to protect freedmen.**
- Louisiana still seething—**Coushatta**, 1874—six Republican officeholders killed by White Leagues
- New Orleans—White League intent on taking city—conflict with federal troops, insurgency crushed...but only after Grant sent 5000 troops and three frigates.
- Sent Phil Sheridan to Louisiana
- Sheridan writes back to the president that these people won't be converted. "Suasion won't work. They have to be taken out like banditti and shot." Those are the words he used.

Republicans paid heavily for Grant's actions

- 1874—Democrats took control of House
- But Grant dug in **"Under existing conditions, the negro votes the Republican ticket because he knows his friends are of that party. Many a good citizen votes the opposite, not because he agrees with the great principles of state which separate parties, but because he is opposed to negro rule. This is a most delusive cry. Treat the negro as a citizen and as a voter, as he is and must remain, and soon parties will be divided, not on the color line, but on principle. Then we shall have no complaint of sectional interference."**
- Yet to those critical of executive leadership, "If this can be done in Louisiana," said one Senator, "how long will it be before it can be done in Massachusetts and in Ohio?"

To reassure the Senate, Grant added he had no desire to push US troops

- "I have repeatedly and earnestly entreated the people of the South to live together in peace and obey the laws....I regret to say that this state of things does not exist, nor does its existence seem to be desired in some localities."
- "To the extent that Congress has conferred power upon me to prevent it, neither Ku Klux Klans, White Leagues, nor any other associations using arms and violence can be permitted to govern any part of this country."

But Grant paid dearly for intervention against White League

Louisiana the Republican party albatross (curse)

- Except for Radical Republicans...northern commitment to black equality not very deep, emancipation, civil rights, Negro suffrage were wartime by products, not considered social purpose—as war receded, so too did support for African American rights.
- "The truth is, our people are tired out with this worn out cry of 'Southern outrages', wrote one Republican politician."

Grant's memoirs and reflections on Presidency

"Looking back, over the whole policy of reconstruction, it seems to me that the wisest thing would have been to have continued for some time the military rule. That would have enabled the Southern people to pull themselves together and repair material losses. Military rule would have been just to all: the negro who wanted freedom, the white man who wanted protection, the Northern man who wanted Union. As state after state showed a willingness to come into the Union, not on their terms but upon ours, I would have admitted them. The trouble about the military rule in the South was that our people did not like it. It was not in accordance with our institutions. I am clear now that it would have been better to have postponed suffrage, reconstruction, State governments, for ten years, and held the South in a territorial condition. But we made our scheme, and must do what we can with it. Suffrage once given can never be taken away, and all that remains now is to make good that gift by protecting those that received it."