

# THE CHANGE IN STATUS OF AFRICAN AMERICANS DURING POST- CIVIL WAR RECONSTRUCTION

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*The period of Reconstruction after the American Civil War introduced arguably more discrimination against African Americans, than prior to the civil war. The end of the American Civil War was supposed to solidify the death of slavery in America, however, slavery essentially continued in the South. New systems of labour, such as sharecropping, gave the impression of freedom, but kept African Americans economically disenfranchised. African Americans were denied judicial, economic, and political agency, despite being guaranteed these rights by the American Constitution. New racist groups, such as the Ku Klux Klan formed in the South, and violently terrorized newly freed African Americans. Discrimination was rampant in the North as well. Ultimately, the perception of African Americans as a threat to the livelihood of white Americans lead to even more discrimination against them after the Civil War.*

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The period of Reconstruction after the American Civil War was in some respects, a time of great change, and a time of no change. During this period spanning from 1865-1877, African Americans were granted equal rights to white Americans in the American Constitution, and slavery was outlawed.<sup>1</sup> Despite these great political strides, the implementation of these new rights remained murky and riddled with sociopolitical issues. The period of Reconstruction after the American Civil War, which was supposed to be a period of redemption and social reconstruction for enslaved African Americans, was marred by the implementation of a new labour system which shared multiple characteristics with pre-war slavery and in some ways, increased inequality between white Americans and African Americans. After the civil war, forces such as governmental policy, the Ku Klux Klan, and threats by employers deprived African Americans of new civil and political rights, while

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<sup>1</sup>Ross, *The Supreme Court, Reconstruction, and the Meaning of the Civil War*, 275.

forces such as the new sharecropping labour system, racist hiring habits, the black codes, and the Ku Klux Klan, kept African Americans economically disenfranchised.

The federal government failed to enforce the newly attained civil and political rights of ex-slaves in Southern states, posing a significant challenge to the integration of African Americans into the rest of American society. As part of the Reconstruction, amendments to the American Constitution were made, including: The **Thirteenth Amendment** which ended slavery, the **Fourteenth Amendment** which guaranteed African Americans the rights of American citizenship, and the **Fifteenth Amendment** which guaranteed African American men the constitutional right to vote.<sup>2</sup> Under Republican President Andrew Johnson's Reconstruction, all land that had been confiscated by the Union Army and distributed to the freed slaves was returned to its prewar owners.<sup>3</sup> This showed that despite introducing amendments that give ex-slaves equal status to all other Americans, the federal government did not view them as equal in practice. President Johnson's strong advocacy of state self-governance also hampered the power of federal troops in the South to enforce the Fourteenth and Fifteenth Amendments, and led to premature withdrawal of federal troops from the South.<sup>4</sup> The Southern states were left to enforce the new amendments themselves which were often willfully ignored, and the federal government made little effort to address this problem.<sup>5</sup> There were also indications that President Johnson never cared for ex-slaves gaining equal rights, being a former slave owner himself.<sup>6</sup> This showed in his administration, where he vetoed legislation which extended the life of Freedman's Bureau and assured African Americans full US citizenship.<sup>7</sup> By prematurely pulling federal troops out of the South, failing to adequately enforce the new amendments on Southern state governments, and actively blocking legislation that provided funding to organizations which aided the integration of ex-slaves, the federal government failed to uphold and enforce the new amendments, leaving African Americans in a weak position to assert their new civil and political rights.

The failure of the federal government to enforce the new amendments led to the passing of racist state policies in the South, which greatly limited these newfound rights. The passing of "black codes" by Southern states after the civil war, severely restricted the civil rights of African Americans, and ensured their availability as a

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<sup>2</sup>Ross, 275.

<sup>3</sup>Ross, 276; Fleischmann, Tyson, and Oldroyd, *The U.S. Freedman's Bureau*, 76-77.

<sup>4</sup>Grimsley, *Wars for the American South*, 10.

<sup>5</sup>Fleischmann, Tyson, and Oldroyd, 76-77.

<sup>6</sup>Frederick, *Reconstruction*, 762.

<sup>7</sup>Frederick, 763.

cheap labour force.<sup>8</sup> These laws granted certain legal rights to African Americans, including the right to marry within their own ethnicity, own property, and sue in court, but the codes also made it illegal for African Americans to serve on juries, marry or socialize with white people, own firearms, buy alcohol, meet in groups of six or more after sundown, use insulting gestures or language toward whites, testify against white people, and serve in state militias.<sup>9</sup> Apprenticeship laws in black codes bound many young African American orphans to white plantation owners who forced them to work.<sup>10</sup> Adult freed slaves were forced to sign contracts with their employers, usually their previous owners.<sup>11</sup> Any former slaves who violated these contracts were fined, beaten, or arrested.<sup>12</sup> Upon arrest, many African Americans were made to work for no wages, reducing them to slaves again.<sup>13</sup> Through the limitations imposed by the black codes, slavery essentially continued in many Southern states. Ex-slaves were also routinely denied their judiciary rights in the South. It was still common for white Americans to kill African Americans for no reason, and with no legal penalty.<sup>14</sup> African Americans were frequently denied a trial for a crime they were accused of, and were killed, often by lynching.<sup>15</sup> This lack of judicial recourse gave African Americans no legitimate support for their newfound rights. Limited access to courts, and the black codes severely undermined the civil rights of African American ex-slaves.

The political rights of ex-slaves were also impeded by their post-war employers, and Democratic propaganda in the South. Ex-slaves were routinely threatened with dismissal if they cast Republican ballots, and when this did not work, employers would resort to intimidation and violence.<sup>16</sup> These threats greatly limited the political rights of African Americans. Democratic press would also print propaganda to agitate white Southerners and encourage the repression of economic, social, and political rights of African Americans.<sup>17</sup> Many ex-slaves despaired that they were still held in bondage despite being granted new rights, and their initial idealism after the war quickly faded.<sup>18</sup> The newly attained civil and political rights of African Americans incited fear amongst the white population of the South, which led to further disparagement and repression of ex-slaves who they viewed as a threat to their way of life.

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<sup>8</sup>Fleischmann, Tyson, and Oldroyd, 84.

<sup>9</sup>Fleischmann, Tyson, and Oldroyd, 84.

<sup>10</sup>Fleischmann, Tyson, and Oldroyd, 85; Kelly, *Jubilee and the Limits of African American Freedom after Emancipation*, 65.

<sup>11</sup>Frederick, 764.

<sup>12</sup>Fleischmann, Tyson, and Oldroyd, 88.

<sup>13</sup>Fleischmann, Tyson, and Oldroyd, 88.

<sup>14</sup>Fleischmann, Tyson, and Oldroyd, 89.

<sup>15</sup>Fleischmann, Tyson, and Oldroyd, 89.

<sup>16</sup>Robinson, *To Think, Act, Vote, and Speak for Ourselves*, 364-365.

<sup>17</sup>Robinson, 364-365.

<sup>18</sup>Kelly, 67.

African Americans were also blocked from their civil and political rights by white supremacist groups, such as the Ku Klux Klan. In response to the increasing number of African American politicians, increased involvement of African Americans in government jobs, and Republican laws against racial discrimination in public transport and accommodations, the Ku Klux Klan formed in the South.<sup>19</sup> They were largely made up of white confederate veterans who feared the loss of control of white men over Southern society.<sup>20</sup> They violently reversed much of the progress made toward equality of African Americans in the South. Prior to the civil war, African Americans were barred from all formal education.<sup>21</sup> After the civil war, Freedman's Bureau provided funding for around 3000 schools for ex-slaves in the South.<sup>22</sup> They were taught by white female teachers from the North, and black teachers from the South, and were well attended.<sup>23</sup> However, these schools, and their teachers, were frequently under attack by white supremacist groups, especially the Ku Klux Klan.<sup>24</sup> Members of the Ku Klux Klan actively discouraged African Americans from going to school.<sup>25</sup> These tactics kept power in the hands of plantation owners in the South. Northern patriotic clubs, such as the Union League, made efforts to encourage ex-slaves to register to vote, but these efforts were largely undone by the Ku Klux Klan.<sup>26</sup> Members of the Klan threatened violence if African Americans exercised their right to vote, and they often committed murder by lynching.<sup>27</sup> Fledgling state Republican governments treated activities of Ku Klux Klan members as mere criminal activities, and Klan members had full access to state courts which they dominated.<sup>28</sup> It was extremely difficult to convict Klan members because the federal government refused to intervene in what was seen as state affairs.<sup>29</sup> This further undermined the judicial agency of ex-slaves. Through violence, the Ku Klux Klan heavily suppressed the newfound political and civil rights of African Americans.

Economic discrimination was pervasive against African Americans throughout the Northern and Southern United States after the civil war. African American workers were paid less than white workers for doing the same job.<sup>30</sup> African American workers were also less likely to get hired than a white worker, even if they were

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<sup>19</sup>Butchart and Roller, *Secondary Education and Emancipation*, 160.

<sup>20</sup>Butchart and Roller, 160.

<sup>21</sup>Butchart and Roller, 157.

<sup>22</sup>Fleischmann, Tyson, and Oldroyd, 76.

<sup>23</sup>Butchart and Roller, 158.

<sup>24</sup>Butchart and Roller, 175.

<sup>25</sup>Butchart and Roller, 172.

<sup>26</sup>Roark, *The Union League Movement in the Deep South*, 672.

<sup>27</sup>Fleischmann, Tyson, and Oldroyd, 78; Roark, 673.

<sup>28</sup>Pearson, *A New Birth of Regulation*, 430.

<sup>29</sup>Pearson, 430.

<sup>30</sup>Maudlin, *Freedom, Economic autonomy, and Ecological Change*, 403.

more qualified.<sup>31</sup> White workers in both the North and the South were fearful that ex-slaves would take their jobs and livelihood, which reinforced their racist attitudes.<sup>32</sup> In the North, African American workers were rarely hired for higher level positions, and were constrained to laborious positions such as: building railroads, cleaning the streets, being nannies, cooks, and taking care of sick people.<sup>33</sup> For African Americans who stayed in the South after the Civil War, most remained on the same land as their white landowners labouring on part of the land as sharecroppers picking cotton, where they would give a percentage of the crop yield to the landowner as rent.<sup>34</sup> Sharecroppers did not own land, and were often attacked by white supremacists, usually the Ku Klux Klan, if they tried to secure land of their own.<sup>35</sup>

This inability to secure land kept African Americans dependent on white plantation owners for their livelihood, keeping them economically disenfranchised and dependent on their pre-war slavers. The black codes also required African American sharecroppers and tenant farmers to sign annual labour contracts with white landowners.<sup>36</sup> Labour contracts from 1865 and 1866, including those approved by the Freedmen's Bureau, closely resembled former master-slave dynamics. They restricted the movements and activities of ex-slaves, and included clauses related to behaviour and comportment, including fines for disobedience.<sup>37</sup> Early contracts stipulated that freed people were firmly bound to landlords, promised to labour on the farms unconditionally, and would do whatever is directed in order to promote the landlords' interests.<sup>38</sup> Freedmen's Bureau agents proved reluctant to suggest specific contract terms and worked only to ensure that agreements provided the necessities of life.<sup>39</sup> Labour contracts explicitly preserved pre-civil war land use practices which included work beyond cultivating the crop.<sup>40</sup> They also prevented African Americans from working for more than one employer at the same time keeping wages low.<sup>41</sup> These employment terms caused a lot of discord, as they very closely resembled pre-war slavery. African Americans were kept economically repressed after the civil war through their inability to secure their own land, racist hiring practices, fear of ex-slaves taking jobs from white Americans, limiting employment contracts, and low wages.

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<sup>31</sup>Maudlin, 404.

<sup>32</sup>Maudlin, 405.

<sup>33</sup>Pearson, 433.

<sup>34</sup>Maudlin, 416.

<sup>35</sup>Pearson, 420.

<sup>36</sup>Fleischmann, Tyson, and Oldroyd, 84.

<sup>37</sup>Maudlin, 417.

<sup>38</sup>Maudlin, 417.

<sup>39</sup>Maudlin, 417.

<sup>40</sup>Graber, *The Second Freedman's Bureau Bill's Constitution*, 1368.

<sup>41</sup>Fleischmann, Tyson, and Oldroyd, 105.

There were many social, economic, and political forces that kept newly freed African Americans in slavery-like conditions during the Reconstruction, particularly in the South. All these issues bleed into one another making it difficult to discuss them in isolation. The passing of black codes, a discriminatory judicial system, weak state Republican governments, an unresponsive Republican federal government, land insecurity, and tenuous and poorly paid employment, kept African Americans poor and repressed. Contemporary issues, such as the formation of the Ku Klux Klan, had a strong role in using violence to suppress the newfound rights of freed African Americans. Due to these factors, life for African Americans became increasingly destabilized, and worsened during the Reconstruction. Slavery essentially continued in the South, and while the American constitution declared ex-slaves to be equal to white Americans, in practice African Americans were treated even worse than before the war, as white Americans began to feel threatened by the newfound rights of their ex-slaves. With virtually no judicial recourse for ex-slaves, their living conditions became increasingly dangerous as they began to be perceived as more of a threat to the supremacy of white Americans. The perception of African Americans as a threat ultimately led to even greater inequality between white Americans and African Americans.

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