Reconstruction and the Creation of American Citizenship
Selim Center for Lifelong Learning—University of St. Thomas
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MAY 23, 1861: FORTRESS MONROE, VA

One of the F. F. V’s after his Contraband.
General Butler “can’t see it.”
WHY RECONSTRUCTION?
THE WINDING ROAD TO EMANCIPATION
FIRST CONFISCATION ACT
AUGUST 6, 1861

“If any person or persons, being the owner or owners of any such property, shall knowingly use or employ, or consent to the use or employment of the same as aforesaid, all such property is hereby declared to be lawful subject of prize and capture wherever found; and it shall be the duty of the President of the United States to cause the same to be seized, confiscated, and condemned.”
The free colored man is allowed to work for himself; or if he work for government, he is paid fair wages.”

“Most of the slaves are compelled to work for a miserable pittance. Up to two months ago they had worked for nothing but quarters and rations….Some of the men, not willing to see their families Suffer, have withdrawn from government service. And the Sergeant has been putting them in the guard-house, whipping and forcing them back into the government gang.”
THE EMANCIPATION PROCLAMATION

EFFECTIVE JANUARY 1, 1863

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom."
“To prevent vagrancy demoralization...and expense to the Government, all officers are forbidden to admit within their lines and harbor runaway Negroes, unless their services are needed.”
“We have found that by undertaking to gather them into contraband camps, we only got the dross; and instead of doing that, we now tell the masters that they ought to begin at once to give them employment and pay them for their work; and the moment that begins, the whole question is settled.”
THE UNITED STATES COLORED TROOPS
“[General Ward] then set his officers to work to impress negroes wherever he could find them—The impressments was without exception the most arbitrary unjust and cruel thing of the sort I ever saw. Men were taken from their shops, their houses, dragged off their hacks...men who had exemption papers—in consideration of having voluntarily worked for the Government were taken with out regard to their papers.”
BREAK TIME!
THE EMERGING CENTRAL GOVERNMENT AND THE LOGIC OF EMANCIPATION
How did slavery fit into Union policy?

- Abraham Lincoln: “The common end is the maintenance of the Union;” emancipation of slaves was “among the means to secure that end.”

--Fourth Annual Message to Congress, December 1864
EMANCIPATION AS WARTIME MEASURE

“Now, therefore I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief, of the Army and Navy of the United States in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do publicly proclaimed for the full period of one hundred days, from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof respectively, are this day in rebellion against the United States....”

- Emancipation Proclamation, January 1, 1863
CHANGES TO FEDERAL POWER DURING THE WAR

- Expansion of executive powers
- Income Tax—Revenue Act (August 1861)
- Legal Tender Act—(February 1862)
- Draft—(March 1863)
THE REPUBLICAN VISION: CONGRESS

- Homestead Act (1862)
- Morrill Land Grant Act (1862)
- Freedmen’s Bureau (1865)
THE THIRTEENTH AMENDMENT
PASSED BY CONGRESS JANUARY 31, 1865

- Section 1: “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

- Section 2: “Congress shall have the power to enforce this article by appropriate legislation.”
THE PROBLEM OF REUNION
THE BASIS FOR REUNION?

- “That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be, in good faith, represented in the Congress of the United States by members chosen thereto at elections wherein a majority of the qualified voters of such State shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States.”

- Emancipation Proclamation, January 1, 1863
Lincoln’s Plan for Reunion
Proclamation of Amnesty and Reconstruction, December 1863

- WHEREAS, in and by the Constitution of the United States, it is provided that the President “shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment;” and

- Whereas, a rebellion now exists whereby the loyal state governments of several states have for a long time been subverted, and many persons have committed, and are now guilty of, treason against the United States; and

- Whereas, with reference to said rebellion and treason, laws have been enacted by congress, declaring forfeitures and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any state or part thereof, pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare....
“I, ABRAHAM LINCOLN, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened, and upon the condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation.”

“And I do further proclaim, declare, and make known that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one tenth in number of the votes cast in such state at the presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid, and not having since violated it, and being a qualified voter by the election law of the state existing immediately before the so-called act of secession, and excluding all others, shall reëstablish a state government which shall be republican, and in nowise contravening said oath, such shall be recognized as the true government of the state.”

“And I do further proclaim, declare, and make known that any provision which may be adopted by such state government in relation to the freed people of such state, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent as a temporary arrangement with their present condition as a laboring, landless, and homeless class, will not be objected to by the National Executive.”
CONGRESS’ PLAN FOR REUNION:
THE WADE-DAVIS BILL, JULY 1864
"One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union even by war, while the Government claimed no right to do more than to restrict the territorial enlargement of it. Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with or even before the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully."
“If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him? Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether."

“With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.”
OBSTRUCTIONS TO REUNION

“The people of the North are not such fools as to fight through a war such as this…and then turn around and say to the traitors, ‘all you have to do is come back into the councils of the nation and take an oath that henceforth you will be true to the Government.’”

Senator Jacob Howard
TWO FUNERALS — APRIL 1865