

# Slavery is dead!

Lydia Plath

## Fighting for freedom after the American Civil War

This article explores the struggle for legal rights which followed the end of slavery in the USA. For former slave workers, 'freedom' was still to be attained

### Exam links

**Edexcel A2** The United States: challenged and transformed

**OCR (B) AS** Race and American society, 1865–1970s

Between the first shot fired at Fort Sumter on 12 April 1861, and Confederate general Robert E. Lee's surrender at Appomattox on 9 April 1865, approximately 620,000 Americans died in the American Civil War. The impact of this brutal war on American history should not be underestimated: it fundamentally changed American society and culture. Most significantly, the war ended slavery in the American South, and freed 4 million enslaved people. However, African Americans and whites had very different ideas about the meaning of 'freedom'.

### Slavery before the Civil War

Over four centuries, more than 12 million Africans were forcibly taken to the Americas and forced to work as slaves. Approximately 400,000 of these enslaved people were shipped to North America, and the first Africans arrived in what is now the USA in 1619. They worked mostly in agricultural industries in the southern states, making slavery a highly profitable system at the heart of the American economy.

African-American enslaved people in the USA were defined as 'property'. They (and their children) could be bought and sold at the whim and will of their owners. It was against the law for slaves to learn to read and write, get married or travel away

from their plantation without a pass. Any who tried could be subjected to severe violence in the form of a whipping. Many African Americans had members of their families 'sold down the river' to new owners in other states, never to be seen again.

Yet over time, Africans and their descendants established a distinct African-American community in the USA. They had a strong sense of family, culture and religion, despite their legal status as slaves.

By 1860, slavery had been abolished in the northern states, but there were 4 million enslaved people living and working in the South. Any enslaved people who escaped to the North (and many tried) were legally required to be returned under the Fugitive Slave Act of 1850.

In 1857 the US Supreme Court ruled that black people 'had no rights which the white man was bound to respect'. Racism and slavery were a normal part of US society, culture and law, despite the efforts of abolitionists, like former slave Frederick Douglass, to gain full citizenship rights for African Americans.

### abolitionism

A movement in the North from the 1830s to the 1860s that campaigned for immediate emancipation and full citizenship for slaves.

Slavery is dead? Illustration from 1867 of a slave being sold before emancipation, and an African American being whipped after emancipation





**Figure 1** The Confederate States of America was formed by the 11 states which seceded from the Union in 1860–61. It explicitly allowed slavery in its constitution

### Lincoln and the Emancipation Proclamation

When he ran for president in 1860, Abraham Lincoln had no intention of freeing the slaves in the South. Instead, he wanted to prevent slavery from expanding into the new western states, like Kansas. He was morally opposed to slavery, but he shared many of the racist views of the time.

However, white southerners were convinced that he posed a threat to their system, so when he was elected in November 1860, seven states almost immediately seceded from the Union. These states formed the **Confederate States of America**, under a new constitution with Jefferson Davis as their president (see Figure 1). In April 1861, shortly after Lincoln's inauguration, the crisis of the Civil War began.

Lincoln was worried that northerners would not support the war effort if it was explicitly fought over slavery. It was only in late 1862, when it seemed as though the Union was going to lose the war, that Lincoln decided to issue the **Emancipation Proclamation**. On 1 January 1863, Lincoln proclaimed that all slaves 'henceforth shall be free'.

The slaves were not freed immediately because Lincoln did not have control over the Confederacy, but the proclamation meant that when the Union eventually won the war, slavery would be over. In the meantime, 180,000 black men, many of them fugitive slaves, signed up to fight for the Union because it enabled them to earn their freedom.

### Presidential reconstruction

On 31 January 1865, Congress approved the Thirteenth Amendment (see Box 1), which officially abolished slavery in the USA, and emancipated 4 million African Americans when the war came to an end a few months later. In his second inaugural address in March of that year, Lincoln called for reconciliation 'with malice towards none'. However, it is unclear what his plans for the **reconstruction** of the Union would have been because on 15 April he was assassinated by John Wilkes Booth.

After Lincoln was assassinated, his vice-president, Andrew Johnson, was left with the task of reuniting the country until Congress returned in December. As a southerner, and a deeply racist man, Johnson did not want to punish the South for **secession**. Instead he restored property rights to white southerners and pardoned those who had fought for the Confederacy. Although he had opposed slavery, he made no effort to help the newly freed African Americans adjust to their new circumstances. He therefore returned power to white southerners by allowing them to form their own governments.

### Defining 'freedom'

For those African Americans who were emancipated in 1865, 'freedom' did not simply mean no longer being enslaved. They wanted full and equal citizenship, including the right to own land and work for themselves, to gain an education, to marry as they pleased, to take care of their families, to travel without restriction, to freely practise religion and to

**Emancipation Proclamation** Issued on 1 January 1863 by Abraham Lincoln, this freed slaves in areas under Confederate control (but not Union control) and allowed black soldiers to enlist in the Union army.



vote. All of these rights had been denied to them when they were enslaved.

In the first days and weeks after **emancipation**, former slaves had varying priorities. Some, whose families had been sold away, spent many months trying to find their husbands, wives and children. Some attended religious services and made their marriages legal. Some organised mass meetings to discuss how to achieve the vote. Some moved away from the plantations where they had been held as slaves to find better jobs elsewhere. Others looked to educate themselves as quickly as possible, while others again immediately purchased dogs, guns and alcohol, all of which had been illegal for them to own as slaves.

In order to help African Americans achieve these freedoms, Congress established the **Freedmen's Bureau**, a government agency tasked with establishing black schools, helping the poor and elderly, and settling disputes between former slaves and their employers.

White southerners, on the other hand, had different ideas about what emancipation should mean. The South had been devastated by the war, with entire towns and cities left in ruins, and much of their property (including slaves) lost or destroyed. They resented the losses of the war and believed that African Americans should be kept in a state as close to slavery as possible.

The new white southern governments therefore implemented laws called the **black codes**. Although the black codes gave former slaves the right to marry, worship and be educated, they were very restrictive.

## Questions



- How did African Americans define 'freedom'?
- To what extent was reconstruction 'radical'?
- Was reconstruction a failure? Why?
- What were the longer-term consequences of reconstruction?

In particular, the codes legally tied African Americans to plantations by forcing them to sign employment contracts, and prevented them from serving on juries. Most African Americans therefore had no choice but to continue to work for their former owners under an exploitative system called **sharecropping**. Significantly, the black codes prevented African Americans from voting.

### Radical reconstruction

When Congress returned in December 1865, radical Republican congressmen including Representative Thaddeus Stevens and Senator Charles Sumner insisted that all men, black and white, should have equal rights, including the right to vote. They therefore passed a series of acts, often passed over President Johnson's veto, to give African Americans their rights.

The first of these was the Civil Rights Act in April 1866, which specified that all people born in the USA were citizens, and therefore had equal rights before the law, regardless of race. This meant that southern governments could no longer enforce the black codes. Another was the Reconstruction Act, which divided the South into five military districts and gave black men the right to vote.

**reconstruction** The period between 1865 and 1877, when the country was rebuilt after the devastation of the Civil War, and freedom and citizenship were defined in law.

**secession** The act of a state leaving the Union. Seven states seceded in 1860–61 after the election of Abraham Lincoln, beginning with South Carolina, to eventually form the Confederacy. Four further states followed later in 1861.

**emancipation** Becoming free from slavery. Approximately 4 million slaves were emancipated by the Thirteenth Amendment in 1865.

**Freedmen's Bureau** Agency established in 1865 to help former slaves adjust to freedom, especially in terms of education, work and land. It also helped to protect their legal rights.

**black codes** Laws passed in the South in 1865 and 1866 that restricted the rights and movements of former slaves. Overturned by the Civil Rights Act of 1866.

**sharecropping** An often exploitative form of farm tenancy in which landless former slaves worked on former plantations in return for a share of the crop.

Freed men voting in Virginia in 1871





Most significantly, though, the radical Republicans introduced the Fourteenth and Fifteenth Amendments (see Box 1). The Fourteenth Amendment (ratified in 1868) placed the principle of citizenship as defined in the 1866 Civil Rights Act into the Constitution, specifying that all born in the USA were due the 'equal protection of the laws'. It also empowered the federal government to protect the rights of African Americans. The Fifteenth Amendment, ratified in 1870 after the election of Ulysses S. Grant to the presidency, gave African-American men the right to vote.

### Black politics in the South

These monumental changes to the US Constitution were eagerly seized upon by African Americans, especially in the South where there was a large enough black population in some areas to gain a majority and elect black candidates. Two thousand African Americans were elected to public office, so former slaves were soon represented at all levels of government.

In the federal government, there were 14 African Americans in the House of Representatives, and two in the Senate, both from Mississippi (Senator Hiram Revels and Senator Blanche K. Bruce). The first black governor, Pinckney B. S. Pinchback, served in Louisiana from 1872 to 1873. Seven hundred African Americans served in state legislatures, and

## Box 1 Excerpts from the American Constitution

### The Thirteenth Amendment

'Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the USA, or any place subject to their jurisdiction.'

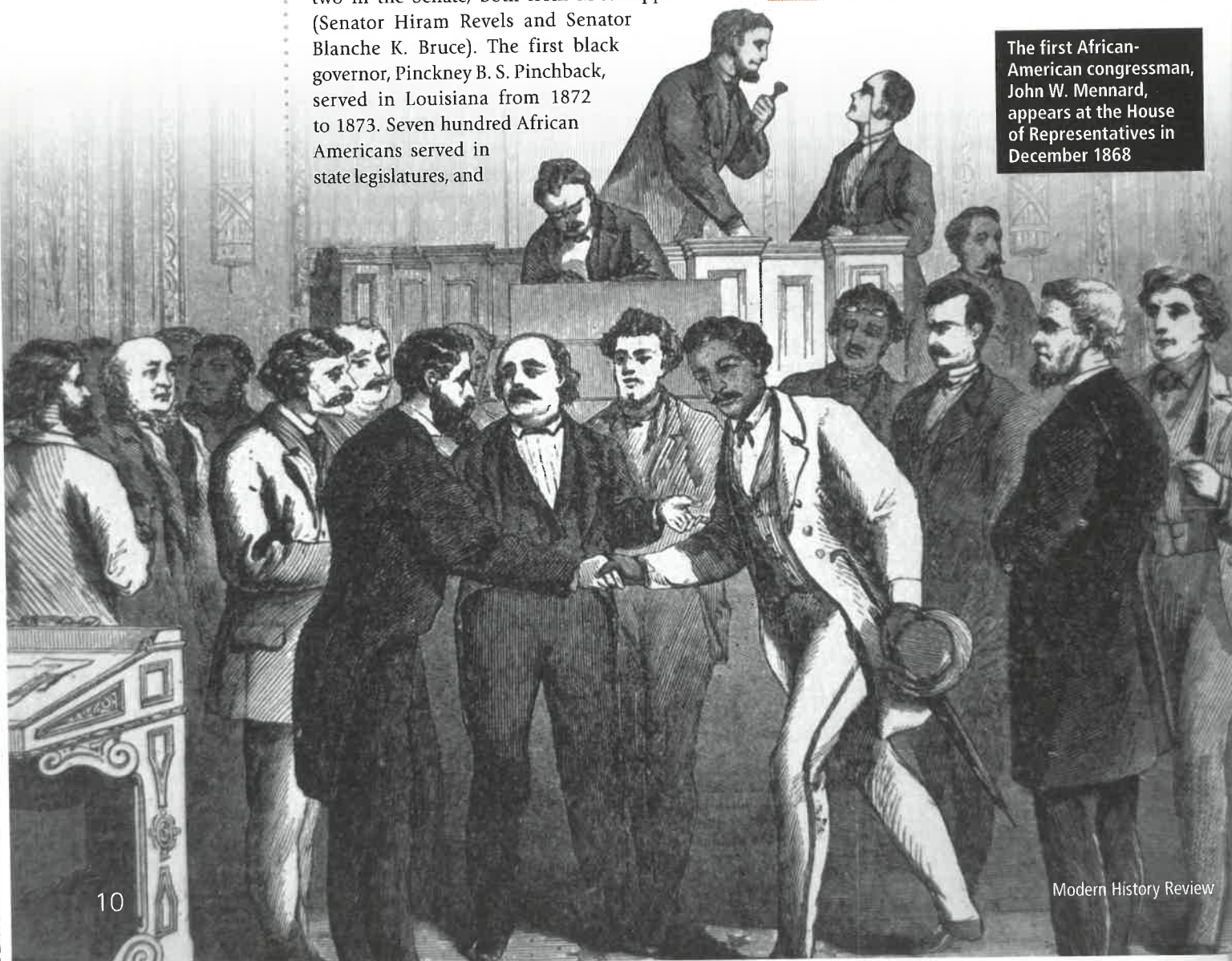
### The Fourteenth Amendment

'All persons born or naturalized in the USA, and subject to the jurisdiction thereof, are citizens of the USA and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the USA; nor shall any state 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.'

### The Fifteenth Amendment

'The right of citizens of the USA to vote shall not be denied or abridged by the USA or by any state on account of race, color, or previous condition of servitude.'

The first African-American congressman, John W. Mennard, appears at the House of Representatives in December 1868





Mississippi Ku Klux Klan members in the disguises in which they were captured

## Chronology



- 1860** Election of Abraham Lincoln
- 1861** Start of the Civil War
- 1863** Emancipation Proclamation
- 1865** Thirteenth Amendment  
Lincoln assassinated  
End of the Civil War  
Freedmen's Bureau established
- 1866** Civil Rights Act  
Ku Klux Klan formed
- 1867** Reconstruction Act
- 1868** Fourteenth Amendment ratified  
Election of Ulysses S. Grant
- 1870** Fifteenth Amendment ratified
- 1872** Ku Klux Klan officially disbanded
- 1877** End of reconstruction

## Further reading



After Slavery: race, labor and politics in the post-emancipation Carolinas: <http://afterslavery.com/>

Born in Slavery: slave narratives from the Federal Writers' Project (WPA): [www.tinyurl.com/97ffv](http://www.tinyurl.com/97ffv)

Foner, E. (1994) 'The meaning of freedom in the age of emancipation', *Journal of American History*, Vol. 81, pp. 435–60.

Foner, E. (1990) *A Short History of Reconstruction*, HarperCollins. See especially Chapter 3.

many more were elected to local offices such as sheriffs, tax assessors and policemen. Many of these men were former slaves who had served as soldiers for the Union army during the Civil War.

### The white response

Unsurprisingly, white people in the South did not respond well to this black political activity. Some white women, who had hoped that the radical nature of reconstruction might mean that they could gain the suffrage, were outraged that their former slaves were able to vote before they could (women did not get the vote in the USA until 1920).

White men, especially those who had been slave owners before the Civil War, tried to prevent African Americans from exercising their freedoms. They began to segregate public facilities, and introduced rules such as the **grandfather clause** and literacy tests to prevent African-American men from voting.

The simplest way to prevent African Americans from becoming fully 'free' was through violence. The violence of the war continued in the South. African-American men and women were beaten, whipped, tortured and killed for attempting to assert their rights. In 1866, a small group of Confederate veterans formed the **Ku Klux Klan**, a secret society which inflicted a reign of terror across the South. Acting as the militant wing of the Democratic Party, the Klan targeted both African Americans and those white Republicans (such as members of the Freedmen's Bureau) who tried to help them. Although the Klan was officially shut

down by a Congressional investigation in the early 1870s, the violence continued.

### Conclusion

By 1877, white southerners had taken back control of the South. Although the Thirteenth, Fourteenth and Fifteenth Amendments remained in the Constitution, racist whites were able to find loopholes to allow them to continue to discriminate against African Americans. Over time, these became the Jim Crow **segregation** laws which civil rights leaders such as Martin Luther King eventually overcame in the 1950s and 1960s.

However, this does not mean that the freedoms African Americans fought for in the years after the Civil War were insignificant. No matter how great the extent of the racism and violence they faced after emancipation, African Americans were never re-enslaved in the USA. They were free, and they had rights that white men were legally bound to respect.

Dr Lydia Plath is a senior lecturer in African-American history at Canterbury Christ Church University. She teaches courses on slavery and race relations on the American studies programme.

**grandfather clause**  
A method for preventing former slaves from voting in the late nineteenth century, which specified that a man could only vote if his grandfather had been able to.

**Ku Klux Klan** A violent secret society formed in Pulaski, Tennessee, in 1866, designed to terrorise African Americans in order to prevent them from claiming their rights, especially the vote.

**segregation** The policy of separating people by race in public areas, such as schools and transportation, which was legal in the South from reconstruction until the Civil Rights Act of 1964.