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Beginning in March 1865, shortly before the capture of Richmond and the surrender of Lee's army, Congress enacted a series of measures known collectively as Reconstruction. Through legislation and constitutional amendment, the Republican party emancipated enslaved African Americans, accorded blacks equality under the law, enfranchised black men, and created new, biracial, state governments in the South controlled by Republicans. But former Confederates fought those governments tooth and nail, and by 1877 had overthrown them all. Under the banner of the Democratic party, white southerners proceeded to render blacks powerless.[1]

Almost one hundred years later, the Civil Right Movement initiated a second national effort to bring about racial equality. That effort began with Supreme Court's *Brown* decision in 1954, became a mass protest movement with the Montgomery bus boycott of 1955-56, and scored legislative breakthroughs in 1964-65. After the assassination of Martin Luther King, Jr. in 1968, it faded away. Unlike Reconstruction, however, whose gains were rolled back and even extinguished, the Civil Rights Movement wrought profound and lasting changes to American society, notwithstanding the persistence of racism and racial inequalities.[2]

What, if anything, connected these two periods? The obvious answer would be: very little. Reconstruction and the Civil Rights Movement were separated by a century and unfolded under radically different circumstances. The latter movement was necessary, it appears, because the earlier one failed so miserably.

Yet perhaps there was more continuity than meets the eye. Some historians now contend that the Civil Rights Movement was a sequel to, or completion of, a process that started with Reconstruction. Once dismissed as an unequivocal failure, Reconstruction is now described as an 'unfinished revolution,' to quote from the title of Eric Foner's influential 1988 synthesis. College textbooks reflect the historiographical trend. Tindall and Shi's *America* tells students that the 'enduring legacy' of Reconstruction created the

[1] I wish to thank the editors of *Leidschrift* for their helpful suggestions.

[2] Direct comparisons are rare, but see R.M. Valelly, *The Two Reconstructions: The Struggle for Black Enfranchisement* (Chicago 2004).

'opportunity for future transformation.' The multi-authored *Making America* states that 'Historians today recognize that Reconstruction was not the failure that had earlier been claimed.' Writing in the *Washington Post*, James Loewen described the notion that Reconstruction failed as a 'myth'. In order to assess this argument for continuity, we need to look more closely at Reconstruction, and examine how historians have viewed that project over time.[3]

Reconstruction and the promise of racial equality

In 1865 Congress passed, and the states ratified, the Thirteenth Amendment to the Constitution, abolishing 'slavery and involuntary servitude.' A year later it passed the Fourteenth Amendment, ratified by the states in 1868, conferring citizenship upon former slaves and guaranteeing 'equal protection of the laws' to all citizens. In 1870 the states ratified the Fifteenth Amendment, adopted by Congress a year earlier, making it illegal to deny the right to vote 'on account of race, color, or previous condition of servitude.'[4]

These amendments, along with the Civil Rights Act of 1875, heralded a transformation of American society. The Republican party not only liberated four million enslaved people but also created, for the first time in American history, a definition of national citizenship—*equal* citizenship--that embraced every person born on U.S. soil. The Republican postwar program aimed to create an interracial democracy based upon universal manhood suffrage. Racial discrimination was to disappear from public life.

At the time of Lincoln's assassination, however, few Republicans supported such a radical policy. The Republican party was founded in 1854 as an anti-slavery party, but it had not advocated abolition, only the restriction of slavery to the existing slave states. When war broke out in 1861, Lincoln, the first Republican president, made it clear that his overriding goal was the

[3] E. Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York 1988); G.B. Tindall and D.E. Shi, *America: A Narrative History* (New York 2000), 630; C. Berkin et al., *Making America: A History of the United States* (Boston 2012), 410; J. Loewen, 'Five Myths About Reconstruction,' *Washington Post*, June 21, 2016.

[4] During Reconstruction, the Democratic party stood for white supremacy. It was only in the 1960s that the Democrats became the party of civil rights, a shift that prompted the South's white voters to move en masse to the Republican party over the following decades. In today's South, the Republican party is overwhelmingly white, the Democratic party overwhelmingly black.

preservation of the Union, not the abolition of slavery. But as the war dragged on, Lincoln recognized that defeating the Confederacy could not be accomplished without undermining slavery, which buttressed the South's economy, and without recruiting black troops, including former slaves, to reinforce the Union army. The North's victory therefore doomed slavery. It was far from clear, however, what position the freed people would occupy in American society after the war. Should they be full citizens or be placed in a special category—citizens, but with limited rights? Should they be allowed to vote and hold elective office when probably 95 per cent of former slaves could neither read nor write? [5]

Unforeseen circumstances soon pushed the Republican party to regard the former slaves as essential political allies. Lincoln's death elevated Vice President Andrew Johnson, a Democrat and former slaveholder, to the presidency. Elected on a wartime 'Union' ticket, Johnson showed little interest in identifying as a Republican. Worse, his vicious racism, lenient treatment of former Confederates, and haste to readmit the ex-rebel states to full representation in the Union encouraged white southerners to defy the Republican-controlled Congress, and to treat their former slaves with brutal injustice.

Republicans became convinced that the South had been let off too lightly; its state governments, and representation in Congress, restored too quickly; its power over the freed people too unrestrained. They also feared that the ex-Confederate states represented a continuing threat to the Union, especially if they allied with the northern Democrats to form a national majority. Congress therefore made citizens and voters of the freedmen in order to create a loyal electorate in the southern states that would preserve Republican political hegemony. It calculated, too, that the ballot would give the black population political influence, and with it protection and security, thereby obviating the need for a lengthy and expensive military occupation of the South. As Paul Escott writes, this 'major step toward racial equality and justice came in an ironic way—not through morally enlightened or

[5] L. Cox, *Lincoln and Black Freedom: A Study in Presidential Leadership* (Columbia 1981); P.D. Escott, *'What Shall We Do With the Negro?' Lincoln, White Racism, and Civil War America* (Charlottesville 2009); E. Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (New York 2010); J. Rodrigue, *Lincoln and Reconstruction* (Carbondale 2013)

principled action of Congress but in reaction to the intransigence of white southerners.'[6]

The effects were immediate and far-reaching in the former slave states of the vanquished Confederacy, home to at least nine-tenths of the nation's black population. Under the strong hand of the Union army, former Confederate leaders were barred from office and, temporarily at least, prohibited from voting. Male ex-slaves were enrolled as voters and turned out in massive numbers to cast ballots, in some states constituting a majority of the electorate. The ex-Confederate states adopted egalitarian constitutions and elected Republican governments. Under the banner of the Republican party, blacks were elected to public office at every level of government, from the U.S. Senate to state legislatures and county commissions. Black judges held court; blacks served as sheriffs and policemen.[7]

The end of Reconstruction and the consolidation of white supremacy

Yet a policy that Republicans had deemed essential to the safety of the Union soon came to be viewed as a political liability. With the election in 1868 of U.S. Grant, former commander-in-chief of the Union army, to the presidency, and his re-election in 1872, Republican fear of Southern disloyalty abated. It became clear that white southerners wished to subordinate blacks, not engage in further rebellion. The maintenance of black political rights in the teeth of violent white resistance required repeated interventions by the U.S. army, a use of troops that became deeply unpopular with white voters in the North. Moreover, given the vast rural spaces of the South, and the sparse military presence, white political violence proved impossible to suppress. The Panic of 1873 and onset of a serious economic depression further weakened the Republicans' appetite for Reconstruction: the Republicans lost control of the House in 1875 and the Senate in 1877.[8]

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[6] P.D. Escott, *The Worst Passions of Human Nature: White Supremacy in the Civil War North* (Charlottesville 2020), 178.

[7] L. Bennett, Jr., *Black Power U.S.A.: the Human Side of Reconstruction* (Baltimore 1970); E. Foner, *Freedom's Lawmakers: A Directory of Black Officeholders during Reconstruction* (Baton Rouge 1996).

[8] W.L. Gillette, *Retreat from Reconstruction, 1869-1879* (Louisiana 1979); G.C. Rable, *But There was No Peace: The Role of Violence in the Politics of Reconstruction* (Athens, GA 2007); R. Zuczek, *State of Rebellion: Reconstruction in South Carolina* (Columbia 1996).

Within ten years of Congress launching Reconstruction, Republican rule in the South collapsed, and the Democratic party, which stood for the restoration of white domination, ruled supreme. In 1877, after a bitterly contested presidential election, Republican candidate Rutherford B. Hayes took the electoral votes of Republican-controlled Louisiana, Florida, and South Carolina, but once in the White House he allowed the Democratic party to seize power in those states by force. Hayes undertook not to interfere in the political affairs of the southern states, in effect giving whites a green light to solve the 'race problem' as they saw fit. In parts of the South blacks continued to vote, and even hold office, after 1877. But everyone recognized that Hayes's policy of non-intervention marked a turning-point. From 1877 to 1956, when President Eisenhower dispatched soldiers to Little Rock, Arkansas, to enforce school integration, the federal government declined to deploy military power to defend the rights of blacks in the South. When race riots and lynchings took place, Washington stood by and did nothing.[9]

Once in power, the South's Democrats ensured that they held on to it. First stealthily and then brazenly, they rigged and stole election; as soon as they could get away with it, they disfranchised black voters and destroyed the region's Republican party as a political force. After 1901 no blacks sat in Congress. As blacks lost power and influence, whites subjected them to discriminatory segregation laws, confined them to the lowest rungs of the economy, and made sure that black schools received but a fraction of the funding that white schools enjoyed. Should blacks protest against these inequities, or offend white sensibilities in any way, they faced a punitive criminal justice system—white policemen, white prosecutors, white jurors, white judges, white jailors—or suffered the state-sanctioned violence of a lynch mob. This system of white supremacy ('Jim Crow') lasted until the 1960s. Laws criminalizing marriage between whites and blacks remained in force until 1967. Schools remained substantially segregated until 1970.[10]

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[9] On the disputed presidential election of 1876 and the Compromise of 1877 see: P.L. Haworth, *The Hayes-Tilden Disputed Presidential Election of 1876* (Cleveland 1906); C. Vann Woodward, *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction* (Garden City, NY 1956); A. Peskin, 'Was There a Compromise of 1877?' *Journal of American History* 60:1 (June 1973): 63–75; K.I. Polakoff, *The Politics of Inertia: The Election of 1876 and the End of Reconstruction* (Baton Rouge 1973); M.F. Holt, *By One Vote: The Disputed Presidential Election of 1876* (Lawrence 2008)

[10] M. Perman, *Struggle for Mastery: Disfranchisement in the South, 1888-1908* (Chapel Hill 2001); C. Vann Woodward, *The Strange Career of Jim Crow* (1955; New York 2001); S.E.

The failure of Reconstruction fostered a tenacious belief among whites, North as well as South, that racial prejudice was immutable. As sociologist William Graham Sumner put it in 1906, 'legislation cannot make mores.' In sustaining Louisiana's railway segregation law in the pivotal case of *Plessy v. Ferguson* (1896) the Supreme Court made the same argument. 'Legislation is powerless to eradicate racial instincts, and the attempt to do so can only result in accentuating the difficulties of the present situation.'[11]

In the early 1900s, at a time when Social Darwinism and racism provided ideological cover for the subjugation of darker-skinned peoples ('half-devil and half-child,' as Kipling put it), white scholars generally celebrated the demise of Reconstruction. Historians of the so-called Dunning School (after Professor Archibald Dunning of Columbia University) judged Reconstruction as an aberration, a violation of the natural social order. The attempt to elevate blacks to a position of equality with whites was bound to fail, and rightly so. The Dunningites condemned the enfranchisement of the newly freed slaves as especially egregious: It had allowed unscrupulous white politicians (northern 'carpetbaggers' and southern 'scalawags') to manipulate ignorant black voters in order to engage in corrupt schemes for self-enrichment. Describing Republican leaders as vindictive 'radicals' and ruthless 'Jacobins', they portrayed white southerners as the oppressed victims of 'Negro domination.' Hence they justified the violent resistance of the Ku Klux Klan as a regrettable necessity. The overthrow of the South's Republican governments represented a 'redemption'; the restoration of white supremacy was a blessing. Former enemies re-created a sense of shared nationality by stipulating that the abolition of slavery had been correct, the effort to accord blacks social and political equality a mistake.[12]

Tolnay and E.M. Beck, *Festival of Violence: An Analysis of Southern Lynchings, 1882-1930* (Urbana 1995); C. Waldrep, *The Many Faces of Judge Lynch: Extralegal Violence and Punishment in America* (New York 2002); M.J. Pfeifer, *Rough Justice: Lynching and American Society, 1874-1947* (Urbana 2004); The classic mid-twentieth century analysis of racial segregation and racism in general is G. Myrdal, *An American Dilemma: The Negro and Modern Democracy* (New York 1944), an encyclopedic study that was product of an extensive research project involving dozens of scholars.

[11] W.G. Sumner, *Folkways: A Study of the Sociological Importance of Usages, Manners, Customs, Mores, and Morals* (Boston 1906), 78-79; *Plessy v. Ferguson*, 163 U.S. 537 (1896) https://supreme.justia.com/cases/federal/us/163/537/ - tab-opinion-1917401, accessed 23 March 2021.

[12] R. Kipling, 'The White Man's Burden,' (1899), http://historymatters.gmu.edu/d/5478/, accessed 23 March 2021; J.D. Smith and

Judging Reconstruction in the post-colonial era

After 1945 these interpretations, with their obvious racial bias, came under attack. The Holocaust discredited racism, and darker-skinned peoples in Africa and Asia set about destroying European colonialism. A new generation of historians, supportive of anti-colonial struggles and sympathetic to the aspirations of black Americans, rewrote the Reconstruction story and gave it a wholly different emphasis. They depicted blacks as intelligent political actors, not ignorant dupes; their white Republican allies as principled idealists, not unscrupulous rascals. Pointing out how *leniently* the victorious Union treated the defeated Confederates, these 'revisionist' historians rejected the notion that clothing the freed people with civil and political rights had led to chronic misgovernment or the oppression of the South's white population. And they roundly condemned the violence of the Ku Klux Klan as terrorism pure and simple: an effort to cripple the Republican party and undermine democracy through intimidation and murder.[13]

Many of the studies published in the 1970s and 1980s contended that the tragedy of Reconstruction was not that the policy was misconceived but that it failed. Some argued that far from being too radical, Republican measures were not radical enough. The federal government declined to allocate land to the ex-slaves. Its efforts to establish schools for blacks lasted but a few years. The Republicans granted constitutional rights to blacks but failed to effectively enforce them. The work of the revisionists led to the depressing conclusion that the Civil War ended slavery only to usher in, after Reconstruction's collapse, nearly a century of systematic racial discrimination.[14]

The Republican party's apparently weak commitment to its own Reconstruction program prompted a reevaluation of the anti-slavery struggle

J.V. Lowery, eds., *The Dunning School: Historians, Race, and the Meaning of Reconstruction* (Lexington 2013), ix-xi. But see also A. Fairclough, 'Was the Grant of Black Suffrage a Political Error? Reconsidering the Views of John W. Burgess, William A. Dunning, and Eric Foner,' *Journal of the Historical Society* 12:2 (2012): 155-88.

[13] Many of the revisionists' arguments were anticipated in Du Bois's *Black Reconstruction*, but they did not gain widespread acceptance before the publication of J.H. Franklin, *Reconstruction: After the Civil War* (Chicago 1961).

[14] Revisionist works are too numerous to cite here, but a good sample and summary can be found in O.H. Olsen, ed., *Reconstruction and Redemption in the South* (Baton Rouge 1980).

and the Civil War. Historians documented how blacks in the northern states, although nominally free, had been treated as second-class citizens—excluded from juries, denied the right to vote, and victimized by race riots. They demonstrated that opposition to slavery was often motivated by a desire to exclude blacks from the northern states and western territories, not by a humanitarian desire to turn slaves into equal citizens. Historians even questioned Lincoln's reputation as the 'Great Emancipator', arguing that his primary aim was to preserve the Union for the exclusive benefit of white people, as evidenced by his plan (ultimately futile) to 'colonize' freed slaves in some foreign territory.[15]

Historians now emphasize that racism is, and always has been, a deeply-rooted *national* phenomenon, not merely a southern trait. Study after study has revealed that after the Civil War the North not only condoned the South's racism but developed its own methods of maintaining white supremacy. The North's schools were largely segregated by race, and its cities were *more* racially segregated than those in the South. Discrimination in employment, aided and abetted by labor unions, was almost universal. White police forces treated blacks with routine brutality. *National* institutions, moreover, buttressed the racial order: the Supreme Court gutted the 1875 Civil Rights Bill, limited the application of the 14th Amendment, sanctioned segregation laws, and allowed southern states to disfranchise black voters. The U.S. army segregated its regiments by race. President Woodrow Wilson segregated the federal civil service. In the 1930s, as the federal government expanded its reach into the economy—housing, agriculture, banking—racial segregation expanded along with it.[16]

The publication in 1988 of Eric Foner's *Reconstruction: America's Unfinished Revolution* marked an effort to offer a more positive assessment of

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[15] L. Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago 1961); J.A. Rawley, *Race and Politics: 'Bleeding Kansas' and the Coming of the Civil War* (Lincoln 1979); S. Middleton, *The Black Laws: Race and Legal Process in Early Ohio* (Athens, OH 2005); L. Bennett, Jr., *Forced Into Glory: Abraham Lincoln's White Dream* (Chicago 2000); E. Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (New York 2010).

[16] D. King, *Separate and Unequal: Black Americans and the Federal Government* (Oxford 1995); A. Fairclough, *Better Day Coming: Blacks and Equality, 1890-2000* (New York 2001); B. Nelson, *Divided We Stand: American Workers and the Struggle for Racial Equality* (Princeton 2001); R.J. Norrell, *The House I Live In: Race in the American Century* (Oxford 2005); P. Daniel, *Dispossession: Discrimination Against African American Farmers in the Age of Civil Rights* (Champaign 2015).

Reconstruction and its legacy. Foner synthesized the largely pessimistic revisionist accounts, but placed his emphasis upon the actions of blacks themselves, arguing that the grant of equal citizenship, including the right to vote, enabled the freed people to make social, economic, and educational gains that withstood, at least in part, the subsequent white reaction. Reconstruction provided a protective umbrella, albeit imperfect, under which blacks could form autonomous communities made up of families, churches, societies, and political organizations. Although they failed to receive land from the federal government, that protective umbrella prevented whites from restricting their freedom of movement and forcing them to work in gangs under strict supervision. Sharecropping did not provide economic independence, but it did enable blacks to determine their own hours of labor, take days off, and protect their families. Mobility—the right to quit and choose a different employer—gave them a degree of bargaining power. At its worst, sharecropping resembled peonage, or debt slavery. But peonage was the exception, not the rule. The post-Reconstruction labor system was not slavery or even semi-slavery.[17]

Reconstruction also enabled blacks to take a great leap forward in the field of education. Without it, they might never have gained the right to attend public schools and acquire, slowly but surely, basic literacy. After Reconstruction, whites starved black schools of funds, tried to restrict the curriculum, and resisted the provision of any public education beyond the elementary grades. But they proved unable to arrest the steady upward climb of black educational progress. Even under Jim Crow, especially after 1920, a small but growing minority of blacks gained access to secondary schools and colleges. In 1960 black college students formed the spearhead of the Civil Rights Movement. It was with such gains in mind that Foner described Reconstruction as an unfinished revolution rather than a failed one.[18]

Foner also pointed to another achievement of Reconstruction that whites never entirely reversed: the Fourteenth and Fifteenth Amendments. Although trammeled by the Supreme Court and unenforced by the President and Congress, these amendments remained part of the Constitution—'sleeping giants to be awakened by the efforts of subsequent generations to redeem the promise of freedom for the descendants of slavery.' Racial discrimination had to rely upon subterfuges like the 'separate but equal'

[17] Foner, *Reconstruction*, xxiii-xxvii, 603.
[18] *Ibid.*, 602, 612; A. Fairclough, *A Class of Their Own: Black Teachers in the Segregated South* (Cambridge, MA 2007).

doctrine, and the pretense that blacks were disfranchised not because of their race, but because they could not pass 'literacy tests.' Over time, as the inequalities of segregation became increasingly flagrant, and the rationale for denying blacks the right to vote more obviously absurd, the Supreme Court became uncomfortable with the manifest contradiction between the words of the Constitution and the oppressive reality of Jim Crow. This gave black organizations like the National Association for the Advancement of Colored People, founded in 1910, a means of challenging, in federal courts, the inequalities of segregation and, ultimately, the principle of racial segregation itself. It was thus of crucial importance that the guarantee of equal citizenship, however inadequately enforced, remained in the Constitution. In ruling that segregated public schools were unconstitutional (*Brown v. Board of Education*, 1954), the Supreme Court declared that such schools violated the Fourteenth Amendment's provision for 'equal protection of the laws.' [19]

It can be argued with some justification, therefore, that even the limited freedom and restricted opportunity available to blacks after Reconstruction frustrated white efforts to construct a self-perpetuating caste system. Blacks in the South may have accommodated to the Jim Crow system insofar as they had no choice, but they never accepted their inferior status as a permanent condition. Indeed, they were able to advance to a point where they could effectively challenge that system and persuade influential whites—notably President Truman and the Justices of the Supreme Court—that the charge of racial inferiority was baseless. 'Negro progress under segregation has been spectacular,' wrote Justice Robert H. Jackson in 1954; it had 'enabled him to outgrow the system and to overcome the presumptions on which it was based.'[20]

In order to provide a link between Reconstruction and the Civil Rights Movement, some 'post-revisionist' historians have pushed beyond Foner's nuanced formulation—yes, Reconstruction failed, but it did not fail totally—to assert that Reconstruction was not a failure at all. Foner himself adopted a more positive tone. 'What remains certain,' he wrote in 1988, 'is that Reconstruction failed, and that for blacks its failure was a disaster who magnitude cannot be obscured by the genuine accomplishments that did

[19] E. Foner, 'The Civil War and the Idea of Freedom,' *Art Institute of Chicago Museum Studies* 27:1 (2001), 25; E. Foner *The Second Founding: How the Civil War and Reconstruction Remade the Constitution* (New York 2020).

[20] M.J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (New York 2014), 309.

endure.' In 2013, by contrast, he noted that 'Scholars now . . . emphasize its accomplishments as much as its failings.' As one multi-authored textbook puts it, 'Reconstruction was not so much a promise betrayed as a promise waiting to be fulfilled.'[21]

The Civil Rights Movement as a 'Second Reconstruction'—or not

Efforts to link Reconstruction and the Civil Rights Movement run up against an obvious problem: one hundred years elapsed between the original promise of equal citizenship in 1865-70 and its eventual (if partial) fulfilment in 1964-70. During that century the United States, and the world, underwent a dizzying transformation. Racist ideologies had produced colonialism, Jim Crow, and the Third Reich, but by 1960 they stood condemned and discredited. European empires had come and (mostly) gone. Democracy prevailed in Western Europe (Spain and Portugal excepted), Scandinavia, Canada, Australia, New Zealand, India, Japan and elsewhere. Labor unions had created a politically-influential working-class. As Michael Lind put it, the civil rights movement was 'part of a global process of overturning white supremacy and white colonialism that occurred simultaneously throughout the world in the decades following World War II.'

The impulse to reinterpret Reconstruction as a partial success that anticipated the Civil Rights Movement can be explained, in part, by a desire to affirm the notion of 'American exceptionalism.' This national myth, which permeates culture so thoroughly as to constitute a 'civil religion', asserts that the United States is unique in being founded upon a clearly-defined set of principles, as expounded in the Declaration of Independence and the Constitution, rather than upon European-style 'blood and soil' nationalism. In the patriotic narrative that underlines America's uniqueness, the Civil War, and Lincoln's role in it, are central. It was Lincoln, after all, who defined the war as a vindication of democracy: a test of whether a nation 'conceived in liberty, and dedicated to the proposition that all men are created equal,' and a government 'of the people, by the people, and for the people', could survive.

[21] Foner, *Reconstruction*, 603; Smith and Lowery, *The Dunning School*, xii; J. Oakes, et al., *Of The People: A History of the United States since 1865* (New York 2011), 479.

Such a nation, he believed, was a beacon of liberty in a benighted world of monarchs and tyrants—'the last best hope of earth.'[22]

The 'exceptionalist' narrative allows for the restricted scope of American freedom—slavery and the denial of equality to women, for example—by positing 1776 as a kind of baseline from which the promise of 'life, liberty, and the pursuit of happiness' becomes a reality, over time, for oppressed and excluded groups. Americans are continually striving, to quote words from the Constitution's preamble that Barack Obama often invoked, 'to form a more perfect Union.' For a nation that has never experienced dictatorship or foreign occupation, and which possesses the largest economy and the most powerful military in the world, this kind of optimism is second-nature.[23]

All historians to some extent search for a 'usable past' that is somehow relevant to their contemporaries. American historians, C. Vann Woodward has suggested, are especially susceptible to this tendency because of their belief, implicit or explicit, that 'the United States stands for certain values, and that it is the duty of the historian . . . to discover, record, and celebrate those values.' Hence Foner's emphasis upon the democratic idealism of Reconstruction, situating it within a master narrative that centers on the progressive broadening of liberty. 'Freedom,' he asserts, has been 'fundamental to Americans' sense of themselves;' it anchors 'the American sense of exceptional national identity.' Reconstruction represented an attempt by Americans to 'live up to the noble professions of their political creed—something few societies have ever done.' Recent works by James Oakes and Sean Wilentz similarly place the progress of freedom, not the persistence of racism, at the center of their works on ante-bellum and Civil War America.[24]

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[22] R.N. Bellah, 'Civil Religion in America,' *Daedalus*, 96:1 (1967), 1-21; For a full-throated endorsement of American exceptionalism, and Lincoln's contribution to it, see J.M. McPherson, 'Last Best Hope for What?', in: McPherson, ed., *'We Cannot Escape History:' Lincoln and the Last Best Hope of Earth* (Urbana 1995), 1-12; For contrary views, see G. Hodgson, *The Myth of American Exceptionalism* (New Haven 2009); L.P. Ribuffo, 'Twenty Suggestions for Studying the Right Now that Studying the Right is Trendy', *Historically Speaking*, 12:1 (2011), 6.

[23] Barack Obama, 'A More Perfect Union,' March 18, 2008, https://www.npr.org/templates/story/story.php?storyId=88478467, accessed 23 March 2021.

[24] C. Vann Woodward, *The Future of the Past* (New York 1989), 22-23; E. Foner, American Freedom in a Global Age,' *American Historical Review* 106:1 (2001), 4-6; idem, *Reconstruction*, xxvii. J. Oakes, *Freedom National: The Destruction of Slavery in the United*

The story of Reconstruction, however, contradicts this kind of narrative because American democracy embraced black Americans and then excluded them. Still, by depicting it as a half-success, historians can shoe-horn Reconstruction into a 'longue durée' in which the arc of American history is defined by the continual extension of freedom, democracy, and equality. As Michael W. Fitzgerald put it in a recent history of the period, Reconstruction failed, 'but only for a time.' The era of Jim Crow was, by implication, a brief interruption, a temporary setback.[25]

Describing the Civil Rights Movement as a 'Second Reconstruction' is another way of putting a positive spin on the 'First' Reconstruction. Woodward labelled this the 'deferred success approach, the justification (or dismissal) of failure in the First Reconstruction on the ground that it prepared the way for success in the Second Reconstruction.' In their search for a past that inspires and edifies, he complained, historians 'have increasingly assumed a space-time continuum that homogenizes time past with time present.' [26]

It is telling that the term 'Second Reconstruction' was coined by historians and political scientists; activists in the Civil Rights Movement never used it. To the Civil Rights Movement, Reconstruction served as neither model nor inspiration. In one of his rare references to Reconstruction, Martin Luther King, Jr. underlined its failure. 'After his emancipation in 1863,' King noted, 'the Negro still confronted oppression and inequality. It is true that for a time, while the Army of Occupation remained in the South and Reconstruction ruled, the Negro had a brief period of eminence and political power. But he was quickly overwhelmed by the white majority.' In his crusade to destroy segregation and overturn white supremacy, King enlisted the moral authority of the Bible and the democratic ideals of the Declaration of Independence—'all men are created equal'—not the legalities of the Civil War amendments. He understood that laws and Constitutions are only as good as the political will to enforce them. Mobilizing a mass movement that employed nonviolent direct action—boycotts, marches, sit-ins, and demonstrations—the Civil Rights Movement undermined Jim Crow, enlisted

States, 1861-1865 (New York 2014); S. Wilentz, *No Property in Man: Slavery and Anti-Slavery at the Nation's Founding* (Cambridge, MA 2018).

[25] A. Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York 2000), xix-xxiv; M.W. Fitzgerald, *Splendid Failure: Postwar Reconstruction in the American South* (Chicago 2007), 212.

[26] Foner, *Reconstruction*, xxvii; 187-88.

public opinion, and compelled action from all three branches of the federal government.[27]

There is another reason why civil rights leaders failed to hail Reconstruction as a forerunner: to do so would have hurt their cause, not helped it. The heyday of the Civil Rights Movement, 1955-65, preceded the widespread dissemination of revisionist scholarship; the influence of the Dunning school still dominated. As Justice Robert H. Jackson noted in his discussion of *Brown v. Board of Education*, a negative assessment of Reconstruction had bolstered Jim Crow by emphasizing, for southern whites, 'the deep humiliation of carpetbag government imposed by conquest.' Three years later, in *Profiles in Courage,* Senator John F. Kennedy of Massachusetts painted Reconstruction as an orgy of corruption and misgovernment, 'sustained and nourished by federal bayonets.' The experience, he added, was a 'black nightmare the South would never forget.' As president, when confronted with the challenge of the Civil Rights Movement, this profoundly distorted view of Reconstruction made Kennedy extremely reluctant to employ federal troops in response to crises in the South.[28]

If the leaders of the Civil Rights Movement avoided referring to Reconstruction, Southern whites who opposed that movement regarded the period as an inspiration. The fact that they had defeated the North's first effort to impose racial equality upon the South convinced them that they could also fend off the second. Recalling that northern whites had quickly tired of Reconstruction, they assumed that northern support for the Civil Rights Movement was similarly shallow. At heart, white southerners believed, northern whites were no more ready to accept racial integration than they were. By adopting a strategy of 'massive resistance' to integration, and by utilizing legal and political delaying tactics, they would hold out until the inevitable 'white backlash' occurred at the ballot box, just as the elections of 1874 had gone against the Republican party. Some segregationists drew another lesson from Reconstruction: they should not resort to violence. Secret terrorist organizations like the Ku Klux Klan had angered northern whites, prompting Congress to pass anti-Klan laws and provoking military intervention by President Grant. 'We know that we must stay within the law

[27] C. Carson et al. eds., *The Papers of Martin Luther King, Jr.* Vol. 3. *Birth of a New Age* (Berkeley 1997), 323.

[28] 'Memorandum by Mr. Justice Jackson,' March 15, 1954, copy courtesy of Professor M.J. Klarman; Kennedy quoted in Brook Thomas, *The Literature of Reconstruction: Not in Plain Black and White* (Baltimore 2017), 17.

to win public approval,' insisted William M. Rainach, Louisiana's foremost segregationist.[29]

Rainach's strategy might have worked had the 'respectable' segregationists succeeded in restraining the more violent white racists. But other segregationist leaders, notably Governor George C. Wallace of Alabama, drew a different lesson from Reconstruction: they encouraged mob violence and tolerated murderous attacks by a revived Ku Klux. This enabled Black leaders like King to turn racist violence, limited as it was, to the advantage of the Civil Rights Movement. The murder of civil rights activists and the beating of nonviolent protesters elicited widespread condemnation and discredited the segregationist cause. The expected 'white backlash' did occur, but it came too late to prevent Congress from passing the 1964 Civil Rights Act, which overturned Jim Crow, and the 1965 Voting Rights Act, which re-enfranchised black southerners.

Conclusion

The fact that blacks had to fight the battle for equal citizenship all over again, almost one hundred years later, indicates the extent to which Reconstruction failed. Consciously or instinctively, the Civil Rights Movement avoided many of the pitfalls that contributed to that failure. Reconstruction was a political project of the Republican party; it had no Democratic support. The Civil Rights Movement portrayed itself as a moral crusade that transcended politics; nonpartisan, it attracted support from both Republicans and Democrats. Because Reconstruction was intertwined with party politics, many elected officials, both blacks and whites, became tarnished by the corrupt practices common to that time. The Civil Rights Movement operated outside of conventional politics; its leaders could resist the temptations of office and present themselves as selfless and incorruptible. Reconstruction rested upon a base of black southern voters, but its most influential leaders where whites, especially northerners. The Civil Rights Movement was black-led, and most of its leaders were native southerners. During Reconstruction, blacks were forced onto the defensive by well-armed and well-organized whites who utilized violence at times and places of their own choosing. When they attempted armed resistance, white retaliation had inflicted heavy loss of life.

[29] A. Fairclough, *Race and Democracy: The Civil Rights Struggle in Louisiana, 1915-1972* (Athens, GA 1995), 192.

By utilizing nonviolence, the Civil Rights Movement retained the initiative and placed its white opponents on the defensive.

The forgoing comparison is not intended to denigrate Reconstruction. Thousands of blacks lost their lives attempting to exercise freedoms and constitutional rights that they believed were secure. Whites in the South who supported those rights risked their lives, and in some cases lost them. The proclamation of legal equality, however, proved unenforceable as long as the United States remained, to quote Woodward again, a 'race-conscious, segregated society devoted to the doctrine of white supremacy and Negro inferiority.' The Civil Rights Movement operated upon vastly more favorable terrain. It had the wind behind its sails: the *Zeitgeist* was in its favor. It never faced the kind of violent opposition that crushed Reconstruction.[30]

This stark contrast underlines the fallacy of regarding Reconstruction as the foundation for the Civil Rights Movement. True, the court decisions and acts of Congress that accompanied the civil rights revolution of the 1950s and 1960s found their constitutional justification in the Civil War amendments. But Congress and the Supreme Court only put teeth into those amendments, having defanged them in the late nineteenth century, when changed circumstances, above all the pressure generated by the Civil Rights Movement, made it necessary and unavoidable. As Justice Jackson explained to his colleagues in 1954, when arguing why the Supreme Court should overturn *Plessy v. Ferguson*, 'present-day conditions' made a racially-segregated society unsustainable.[31]

[30] C. Vann Woodward, 'Seeds of Failure in Radical Race Policy,' *Proceedings of the American Philosophical Society,* 110:1 (1966), 1; P.D. Escott, *The Worst Passions of Human Nature: White Supremacy in the Civil War North* (Charlottesville 2020), 178-79.
[31] 'Memorandum by Mr. Justice Jackson.'