



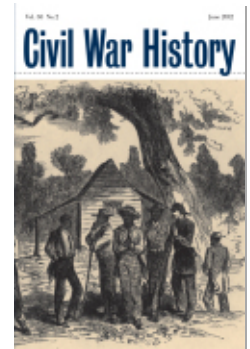
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The Use of Military Force to Protect the Gains of Reconstruction

WILLIAM BLAIR

In 1877, President Rutherford B. Hayes bowed to public opinion—as well as political need—and agreed to withdraw federal soldiers from the former Confederacy. It was an indication that Reconstruction was over and that the government had adopted a policy of nonintervention in what were argued to be state affairs. Even at the time, critics of the policy recognized that the lack of a military presence meant the downfall of the Republican governments in South Carolina and Louisiana. With Democratic governments in power—what was called “home rule”—no state administrations remained that were friendly to the cause of black people. For many scholars of Reconstruction, the withdrawal of troops and the lack of an activist posture by national authorities signaled a successful counterrevolution on the part of white redeemers, who employed, among other techniques, terrorism to restore themselves to power. The moment passed that seemingly contained the greatest possibility of ensuring black civil rights for nearly one hundred years.

It would be a mistake to characterize Reconstruction as an outright failure when it also contained successes. Most Northern whites would have listed achievements in three large areas: the Union was restored with new constitutional powers; slavery was ended; and federal authority was recognized as supreme by the conquered South, no matter how grudgingly. Black people also could claim more than simply freedom. As Eric Foner has argued, African Americans made impressive economic, political, and personal gains.

Black people in the South won the suffrage and held elective offices.¹ They earned rights as citizens roughly a decade after the Supreme Court's ruling on *Dred Scott* had denied citizenship to persons of African descent. Even after disfranchisement they retained key institutions (such as family, church, and schools) that enabled ongoing struggles.

Yet African Americans remained vulnerable to the counterrevolution by Southerners who used racism to forge white unity while stacking the courts and most governmental institutions against the freedpeople. This is what historians mean when talking about the failure of Reconstruction—the opportunity to have fair government while avoiding segregation, disfranchisement, and the ugly violence that beset African Americans. Despite promising achievements, African Americans suffered an erosion of their rights, especially as the national government increasingly failed to enforce justice.

So the question remains: What could have been done to ensure that black people enjoyed a better chance at receiving long-term justice and the protection due them as citizens? What if the occupation by the military, and the commitment to use force, had not waned? What if, in fact, the military posture had been greater and for a longer duration? Might this commitment to military force have pushed history along a different path? If so, what resources would it have taken and for how long?

This particular “solution” to Reconstruction is not the wishful thinking of a future generation looking back on what might have been. Military force was recognized at the time as having a beneficial effect on the lives of the freedpeople by ensuring that former Confederates did not overturn the North's victory. This was by no means unanimous, but was a belief more commonly expressed by Radical Republicans and people at the ground level of social conflict in the South, especially Northern transplants and selected army officers who bore the frustration of implementing federal policy. Davis Tillson, who commanded the Freedmen's Bureau in Georgia for a time, argued for military support for the agency. Although he recognized that armed intervention by the federal government in state affairs deviated “from the theory of our Government,” he believed that worse things would result from having no troops in the state. The army was needed because former Confederates “ought to be taught some regard for the law and . . . order, otherwise loyal white men to say nothing of negroes, would find it

1. Eric Foner, *Nothing but Freedom: Emancipation and Its Legacy* (Baton Rouge: Louisiana State Univ. Press, 1983). See also his *Reconstruction: America's Unfinished Revolution, 1863–1877* (New York: Harper and Row, 1988).

extremely unpleasant living in the South.”² Albion Tourgée came to a similar conclusion as he summed up his own bitter experience of Reconstruction in the South through the character of Colonel Comfort Servosse in the novel *A Fool’s Errand*. He believed the South was sick and that the cure must come from outside. “The sick man can not cure himself,” said Servosse. Change must be forced upon the South “by the Nation, moved, instigated, and controlled by the North, I mean—in its own self-defense. It must be an act of sovereignty, an exercise of power.”³

Military intervention—and the willingness by the chief executive and the Congress to deploy this power consistently—offered the best chance to preserve the spirit of the Fourteenth and Fifteenth Amendments, which protected individual freedoms and granted black suffrage. Even redistributing land would not have guaranteed the ability to keep that property or enable black people to maintain a voice in legal and political affairs. Similarly, the right to vote and hold elective offices would not on its own ensure that the interests of African Americans were realized. In his recent study on grassroots black mobilization, Steven Hahn concluded as much, insisting that “without strong party support and meaningful threat of force in their favor, the winning of elections (and appointments) and the putative right to hold office did not necessarily or easily translate into actually holding and wielding the instruments of office.” If military officers did not remove sitting officeholders, newly elected black Republicans might find their way blocked to those positions.⁴ Only the persistent use of an occupying, national army could have made the ultimate difference for preserving the advance of freedom. As Hahn made clear: “If anyone still harbored doubts, Klan violence demonstrated that political power in the Reconstruction South grew out of the barrel of a gun.”⁵

The central role of the military has been underappreciated in the histories of Reconstruction. Studies duly note the use of military force and announce that the South experienced “military rule,” but scholars rarely give the army its due as the central agents for social and political change. When they do, the focus most often falls on the Freedmen’s Bureau agents and not the troops who operated independently and lasted beyond the demise of this

2. Quoted in Paul A. Cimbala, *Under the Guardianship of the Nation: The Freedmen’s Bureau and the Reconstruction of Georgia, 1865–1870* (Athens: Univ. of Georgia Press, 1997), 37.

3. Albion W. Tourgée, *A Fool’s Errand: A Novel of the South during Reconstruction*, intro. George Frederickson (Prospect Heights, Ill.: Waveland Press, 1991), 386, 388–89.

4. Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge, Mass.: Belknap Press of Harvard Univ. Press, 2003), 255.

5. Hahn, *A Nation Under Our Feet*, 283.

agency, which was largely dismantled in 1869. Nor have they often looked beyond the district level to see the dynamic of relationships in communities between lower-level army officers and citizens. With rare exception, the tendency has been to depict soldiers as pawns in the power struggle between the president and the Radicals in Congress. In fact, with the exception of a few known Radicals such as Phil Sheridan, soldiers have been portrayed as trying to remain apolitical and as unbiased as possible in the administration of their duties, although their prejudices toward a certain brand of free labor have been widely recorded. This approach has left unexamined soldiers' own views on the political situation and what they thought about postwar readjustment. Part of the problem has been the tendency to measure the army's impact through what happened to the freedpeople, when soldiers had a broader mission that started with preserving law and order while attempting to nourish loyalty to the national government, especially among white people who had constituted their former enemies.⁶

If scholars wish to gain a picture of the pace and nature of Reconstruction in communities, they need to look to the military officers who oversaw the implementation of presidential and congressional policy, as well as the violent conflicts that extended into and beyond Redemption. Soldiers supervised voter registration, scheduled elections, established schools, banned liquor, and decided when to intercede in criminal and civil cases. There were, indeed, many Reconstructions, with communities experiencing differing degrees of harshness and leniency depending on their interaction with particular military figures. Louisiana had its Phil Sheridan, who did not hesitate to remove public officials. Virginia had its John Schofield, who administered his department more moderately and doubted the efficacy of black people holding elective positions. One study of Texas revealed that officers in communities at times controlled the results of elections. In Indianola, a military officer had to rule on whether ten ballots could be counted that would tip the election in favor of a Republican sheriff.⁷

6. In the expansive literature of Reconstruction, only a handful of works focus on the military in general. For a general overview, see James E. Sefton, *The United States Army and Reconstruction, 1865–1877* (Baton Rouge: Louisiana State Univ. Press, 1967). Two state studies include Joseph G. Dawson III, *Army Generals and Reconstruction: Louisiana, 1862–1877* (Baton Rouge: Louisiana State Univ. Press, 1982), and William L. Richter, *The Army in Texas During Reconstruction, 1865–1870* (College Station: Texas A&M Univ. Press, 1987). For a statement of the role of the Freedmen's Bureau in social change, see Michael W. Fitzgerald, "Emancipation and Military Pacification: The Freedmen's Bureau and Social Control in Alabama," in *The Freedmen's Bureau and Reconstruction: Reconsiderations*, ed. Paul A. Cimbala and Randall M. Miller (New York: Fordham Univ. Press, 1999), 45–66.

7. Richter, *The Army in Texas During Reconstruction*, 187.

Not all white Southerners looked askance upon occupation by the army. Unionists at first welcomed the troops and saw them as the means of guarding against the return to power by former rebels. They also wanted the military to preserve law and order, as well as serve as an agent for inculcating values of nationalism in the former rebels. At the least, Unionists hoped the occupation would knock from the rebels the desire to mount further resistance. A woman from Paris, Texas, observed: "I wish that we could have a few soldiers here for a while, just to let these rebels know that they have been whipped."⁸

Salmon P. Chase, chief justice of the U.S. Supreme Court, understood the power that military commanders wielded in the postwar South and placed a premium on selecting the right individuals for this service. As the war wound down in May 1865, he recommended to President Johnson: "In the selection of Generals to command in the several States the greatest care should be used to find men suited to their work; thoroughly loyal to the Government and as ready to maintain the rights & promote the welfare of black as of white citizens. Success depends on this." Chase was one of many who recognized that military officers enjoyed latitude in how they implemented national policy, and he understood that officers had politics, too, or at least held ideas about how the government should function. They often tended to be on the more conservative side of political issues. Chase had witnessed this in Louisiana, where during the war Maj. Gen. Benjamin Butler and other commanders overseeing Reconstruction of occupied territories had re-created coerced labor through a contract system without giving the freedpeople the benefit of suffrage. The chief justice had observed that "reconstruction has been made almost wholly a military job; with no good results so far. Louisiana is the only result as yet; and there the old secession element is rapidly gaining the ascendancy in consequences of the disfranchisement of the colored loyalists."⁹

Before proceeding further with this analysis, it bears saying that life for black people was neither easy nor peaceful even with U.S. troops in the postwar South. Despite being faced with arms and the power of national courts and Congress, former Confederates mounted an incredible amount of resistance. White Southerners were flagrant in their dislike of federal authority and blatant in their assaults against the freedpeople. Historian C. Vann Woodward has remarked on this fact. "White Southerners," he observed,

8. Brooks D. Simpson, *Let Us Have Peace: Ulysses S. Grant and the Politics of War and Reconstruction, 1861-1868* (Chapel Hill: Univ. of North Carolina Press, 1991), 138.

9. John Niven, ed., *The Salmon P. Chase Papers: vol. 5, Correspondence, 1865-1873* (Kent, Ohio: Kent State Univ. Press, 1998), 50 [first quotation], 21

“repeatedly insulted, persecuted, and sometimes murdered federal officials, army officers included. They scoffed at and ridiculed the courts. They did everything to black citizens that the law forbade their doing and invented mistreatments that law never thought of.”¹⁰ Having the army in the South did not in itself guarantee justice. It was an imperfect solution at best, but one of the few available options for maintaining the peace and allowing the democratic process to begin to function.

Military force on a grand scale accomplished policy objectives at least twice during the 1860s and early 1870s: the first time by installing new governments that provided for black suffrage and the second time by breaking up the Ku Klux Klan. That this military presence later declined neither diminished its importance nor consoled the Southerners who encountered U.S. troops. No matter how small the number of occupying soldiers, ex-Confederates and white supremacists invariably backed down whenever confronted by the army.

The military occupation of the South can be conceptualized through roughly three overlapping segments. The first was from 1865 through 1866 as the troops that conquered the Southern armies remained in the former Confederate states to supervise the transition from military to civil authority. The second came in the spring of 1867 with the passage of the Reconstruction Acts that disbanded the states that had formed and sent the army into the South to carry out a more radical agenda. The final phase of occupation was perhaps more a continuation of the second, yet with a different mission and posture. With the return of state governments, federal authority diminished with troop numbers declining with the formation of Republican legislatures. But soldiers maintained at least a limited presence and intervened in Southern affairs when law and order seemed to require federal oversight.

The first occupation of the conquering army oversaw a transition in power. The army kept the peace, ensured that people had provisions (including white Southerners in the summer of 1865), and authorized people as loyal. Performing this last task came through the administration of oaths and a variety of police activities. Union soldiers made sure that ex-Confederates did not wear their old uniforms or sport military insignias if they had no other clothing. They sometimes forced people to walk under a U.S. flag that flew over the sidewalk as a sign of acquiescence in the national government. They often selected the public officials who handled the administration of justice. These actions of course left a mixed legacy as many of the officers

10. C. Vann Woodward, “Reconstruction: A Counterfactual Playback,” in *The Future of the Past* (New York: Oxford Univ. Press, 1989), 194.

chose former Confederates for the quickest path toward restoration of civil institutions. Additionally, the military aided in the recovery of the South. Military engineers repaired railroads that had been destroyed during the conflict. They also had an additional mission to watch the borders and patrol against incursions by a foreign power, specifically the French in Mexico under the Emperor Maximilian. Some Northerners worried that ex-Confederates might support an invasion by an outside power that wished to expand its influence in the hemisphere.

The occupation was supposed to be temporary and fairly brief, with troops withdrawn as civil authority reestablished itself through equitably administered, democratic governments. American political traditions looked askance at military authority superseding civil authority, and key leaders were against long-term occupation beyond what was necessary to restore order. Ulysses S. Grant, general in chief of the army, opposed further military presence by late 1865. He believed that a more extensive military occupation would constitute a form of punishment for the Southerners who had fought on the Confederate side.¹¹

Even after civilian rule was reestablished in the former Confederate states and the army's role was diminished, the U.S. military remained a presence in the South. In a sense, there was no lapse in occupation for twelve years until 1877. The governmental agency charged with supervising the transition from slavery to freedom—the Freedmen's Bureau—was part of the War Department, with military officers serving as the commissioners who administered bureau policies in Southern communities. During the critical year of 1866, in which Johnson and Congress were at loggerheads, military agents of the Freedmen's Bureau reported back to Washington each month on the nature of white-black relations in their jurisdiction. They oversaw contract problems and, at times, brought in military justice when civil courts discriminated too egregiously against African Americans.

Historians have been critical of the bureau for either not having gone far enough or for apparently selling out the interests of black Americans in favor of restoring relations with white, ex-Confederates. Often the bureau agents have been judged according to the extremes of whether they served as true liberators or as people who bowed too often to planters while concerning themselves with the social control of black people. Whenever these men intervened in community affairs, however, they exercised federal control over local matters, which outraged former Confederates. And, as historian Michael

11. Simpson, *Let Us Have Peace*, 112.

Fitzgerald has noted, administration by the bureau tended to change over time, treating black people more strictly in the beginning while eventually becoming a greater watchdog agency over planters.¹² Many white Southerners certainly did not consider the bureau to be a friend. One measure of rebel sentiments can be found in a popular song of Confederate resistance. The bureau earned a line of opprobrium in Innes Randolph's song, "Oh, I'm a Good Ol' Rebel," which included the line: "I hates the Freedman's Bureau in uniforms of blue." Another indication of the bureau's impact can be seen in a communication to Thaddeus Stevens from New Berne, North Carolina. The writer noted that Johnson had sent generals to tour the South ostensibly to correct problems associated with the Freedmen's Bureau. This writer understood the real motivation—to disband the agency. He reminded Stevens that black people did not yet have the right to vote and until they did, "we consider the Freedmen's Bureau an indispensable necessity."¹³

Soldiers played an integral role in carrying out a second phase of occupation. With the Reconstruction Acts of 1867, Congress directed the army to oversee the implementation of a new political order. The statutes carved the South into five military districts, with soldiers supervising voter registration and calling conventions that were to create new constitutions. They ensured that black suffrage was part of this new order. The resulting governments provided meaningful gains for black people and for common people in general. Most of the constitutions resulted in tax relief for the poor, debt relief, and a free school system. The black codes were overturned. African Americans sat on juries and, in places like New Orleans, constituted a significant portion of the police force. Eventually, 1,500 African Americans held positions of power, including Congress, state legislatures, sheriffs, tax assessors, and other local offices. If the military had not supervised the installation of new voting rights and governments, there is good reason to believe that these changes would not have materialized.

That the military played an essential role during Radical Reconstruction is underscored by the fact that the central struggles for power that led to impeachment of the president occurred over who could remove military officers and the secretary of war. Republicans had passed on March 2, 1867, a Tenure of Office Act to limit the president's influence by declaring that he could not dismiss Senate-approved appointments without the consent of

12. For a summary of key debates, see Fitzgerald, "Emancipation and Military Occupation," 46–47.

13. Beverly Wilson Palmer and Holly Byers Ochoa, eds., *The Selected Papers of Thaddeus Stevens: vol. 2, April 1865–August 1868* (Pittsburgh: Univ. of Pittsburgh Press, 1998), 129–30.

the Senate. Through other legislation, Congress dictated that the president, despite being commander in chief, could not issue orders directly to generals but had to go through the general in chief. These measures were designed to protect Edwin Stanton as secretary of war. Johnson, of course, did not cooperate. He first interfered with Sheridan in Louisiana, but the crisis came to a head over Johnson's handling of Stanton. After Congress adjourned in the summer of 1867, Johnson suspended Stanton from the cabinet and appointed Grant as an interim secretary of war. At the same time, the president removed Sheridan from his post.

Even after the readmission of states to the Union under the Congressional Reconstruction Acts, soldiers remained in the South. For the most part, they were regular soldiers of the U.S. Army and no longer consisted of men from the Freedmen's Bureau, which had been disbanded. In this third phase of occupation, the army had three basic activities: enforcing civil law by helping state and federal officials; patrolling the countryside on election days to preserve calm; and preventing bloodshed during contested elections until civil authority could sort matters out. At various times, soldiers prevented tense situations from escalating:

- When the Klan continued its terrorist activity, Congress responded with the Ku Klux Klan Act of 1871, which expanded the number of offenses that the federal government could prosecute. The military enforced this legislation against the Klan, helping federal agents to apprehend suspects. In South Carolina in October 1871, President Grant declared that a "condition of lawlessness" prevailed in nine counties in South Carolina. When he suspended *habeas corpus*, federal troops occupied the region and made hundreds of arrests.
- In Louisiana during 1871–72, the military prevented a bloody coup as rival factions contested for control of the state government. The federal commander in the New Orleans area and a number of other officers threatened the use of force a number of times. Transferred from the West, the 7th U.S. Cavalry helped preserve order.
- The Brooks-Baxter War in Arkansas in 1874 featured rival claims to the state government that spilled over into violence. As tensions escalated, President Grant finally chose Baxter as the winner and ordered the army to enforce his decision. The situation was calmed because the disgruntled parties knew it was suicidal to resist the military.

The army remained active throughout the 1870s. In the fall of 1871, soldiers mounted more than 200 expeditions through South Carolina, Mississippi, Tennessee, and Kentucky. In 1872, the military conducted 160 operations, in addition to those against the Klan. By 1874, the number of operations had fallen to 42, and by 1876 the number was 71—a little increase because of the tensions surrounding the election of 1876. During the presidential election, troops patrolled sensitive areas in Petersburg, Virginia, and South Carolina. These police actions did not stop all intimidation and fraud; however, anywhere that confrontation with soldiers threatened, the resistance typically melted. Many Republicans in the South reached the conclusion that without military force, the gains of Reconstruction would unravel. Various Northerners, and Southern black people, also understood at the time that the Republican governments of South Carolina and Louisiana could not be sustained without national interdiction.

What would it have taken to maintain the gains of Reconstruction and protect civil rights in the post-Reconstruction South? Policymakers might consider a couple of examples. To present an overwhelming show of force that convinced Southern whites that violence against black people and white Republicans was self-destructive, the region needed troop strengths comparable to the advent of Radical Reconstruction and the crucial elections of 1868, or something around twenty thousand soldiers. A second historical clue that suggests appropriate levels of military support comes during the period after the installation of new governments, when troops assumed more of a maintenance role. During 1871 there were eight thousand troops stationed in the former Confederate states, although the number of soldiers was never enough to handle threats: the 7th U.S. Cavalry had to be transferred there from the Great Plains at least twice. So it would seem that the levels for military police should have ranged from no fewer than ten thousand to a high of twenty thousand.

The U.S. government might have had to keep that level of military occupation until at least the turn of the century, and maybe longer. In the 1880s, white supremacists in Danville, Virginia, used a violent demonstration as one means for breaking up a biracial coalition of voters known as the Readjusters. Six African Americans were killed and ten wounded. Congress investigated but no one was charged with a crime. More egregious was the Wilmington Massacre of 1898. White supremacists in the city had tired of dealing with black council members and an entrenched black middle class. Before the election that year, editor Alfred Waddell said, “If you find the Negro out

voting, tell him to leave the polls, and if he refuses, kill him, shoot him down in his tracks. We shall win tomorrow if we have to do it with guns.”¹⁴ Although Democrats won the election, gangs of white people subsequently took to the streets to shoot indiscriminately any black people who came into range. No one knows how many died: estimates start at seven, the killers bragged about twenty, and African Americans thought the number was as many as three hundred. The horrible irony is that the achievements of black people economically and politically convinced the attackers that something drastic was needed to ensure white supremacy. Violence, segregation, and disfranchisement are not deployed by a people who are convinced they have won and do not need to resort to such measures.

It is time to return to reality, however, and discuss why a policy of consistent military intervention through the turn of the century had virtually no chance for implementation. Committing 10,000 to 20,000 troops to long-term occupation of the South was unthinkable for practical, economic, and political-ideological reasons.

On the practical front, expanding the army ran against the desires of Congress and much of the populace, who consistently favored a small professional force. The entire army in 1877—including soldiers, chaplains, doctors, quartermasters’ corps, ordnance personnel, and West Point cadets—numbered a little more than 25,000 men. To accomplish the plan for long-term occupation would have doubled the size of the military for what was viewed as a secondary area of operations. Strategic policy dictated that most of the troops should operate in the Plains area to fight Native Americans. Securing territorial expansion and settlements for white people in the West commanded a higher policy objective than protecting racial adjustment in the South.

Also, a practical consideration was the fact that the army represented a rather blunt instrument for administering the nuances and complexities of Reconstruction. Officers in the field enjoyed discretion over when to apply military force or when to ignore the pleas of Republicans. It was difficult to discipline everyone and ensure consistent interpretation of all orders. And circumstances often limited what the army could accomplish even with a unified goal. Although historians have been kinder more recently to the Freedmen’s Bureau commissioners, they were an ambiguous force in black people’s lives. Overwhelmed by the case demand, hamstrung by poor resources, and bereft

14. David S. Cecelski and Timothy B. Tyson, eds., *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy* (Chapel Hill: Univ. of North Carolina Press, 1998), 4.

of adequate authority and manpower, bureau officials often seemed unable to respond efficiently even when its officers wanted to right a wrong. We have little reason to believe that a government that typically underfunded programs would have provided a military police force with not only consistent resources but also consistent policy from leaders in Washington over the course of forty or more years. During Reconstruction, some considered the problems of resources and the hopelessness of the situation. Maj. Gen. William Tecumseh Sherman wrote: “The Military power of the U.S. cannot reach the people who are spread over a vast surface of country. We can control the local State Capitals, and it may be that we can slowly shape Political thoughts, but we cannot combat existing ideas with force.”¹⁵

Economic issues also militated against the expansion of the army. The country was rocked by a series of panics, today called recessions or depressions. One was weathered in 1873, but another loomed in 1877. Clearly the country’s appetite for continual military intervention in the South waned in the context of economic problems. Few people looked for ways to increase the costs of government.

Despite these underlying practical concerns, it was the political and ideological factors that dominated public debate in newspapers and in the Congress. Various people expressed a strong belief, held among many nineteenth-century Americans at the time, that self-determination—achieved through the rule by the ballot—provided the best form of government. Lincoln himself had characterized the war as a “people’s contest,” with the conflict resolving the ability of a democratic government to remain intact rather than fall apart because one section of the country was unhappy with a legal election. After taking the high road of democratic principles as the Union’s justification for the war, how would it look to Americans and to the rest of the world if a country that preached the gospel of self-determination could maintain itself only through using military police during elections? Intervention by soldiers discredited the Republican governments that remained in the South as existing because of force, not the choice of people exercising free will through the ballot. This argument was used especially by Southern Redeemers, who hoped to cause the government to abandon the use of troops to protect the freedpeople. But these beliefs about the basis for government were powerful enough, and deeply enough embedded, to cause sympathetic moderates—such as the columnists for the *New York Times*—to ponder how to avoid using the army to keep a state government

15. Niven, ed., *Chase Papers*, 5:41.

in power while not abandoning African Americans to ruthless attacks by the Democratic opposition.¹⁶

The idea of maintaining a military force in the South did not die quietly. There was considerable debate over the issue prior to Hayes's decision to redistribute the soldiers and abandon military intervention in Southern affairs. To a great extent, recalcitrant rebels brought on the debate through violent resistance, especially in South Carolina. Black people had been slaughtered at a variety of places in the state, with the Hamburg "riot" of July 1876 gaining the most notoriety—but no federal action was taken against the perpetrators. Violence continued into the fall as Democratic Rifle Clubs staged meetings near Republican gatherings in order to open fire on African Americans. Yet the activity itself almost backfired because it gave proof to those who had been warning about the need for greater intervention by troops. With the presidential election on the line, Washington's interest increased in ensuring that black people could vote without intimidation in the few remaining Republican states.

President Grant, who opposed military intervention except in the most egregious instances, could not overlook this situation. On October 17, 1876, he deployed soldiers to Petersburg, Virginia, to keep the peace during the voting. Troop activity also was increased in South Carolina. Both actions brought protest from Southern Democrats and forced Grant to issue an explanation. Republicans, however, largely supported Grant's actions, with the *New York Times* arguing against pulling troops from the South until it became clear that former Confederates would protect black rights.¹⁷ But support for more extended intervention did not exist. When he came into office, President Hayes understood that the public mood had turned and that reconciliation between the Union and former Confederates necessitated the end to military intervention on behalf of African Americans.

One other alternative existed that may have overcome the problems of costs and the presence of U.S. troops—an alternative similar to one sought in current-day Iraq to train and organize a native police force. The North could have allowed black people to maintain armed militias, either as a form of self-defense or as an extension of duly appointed federal military police. To some extent, this had occurred in the South. Early in Reconstruction, black people formed military units and drilled in the streets for ceremonial reasons to observe emancipation days or the Fourth of July, but also to create politi-

16. *New York Times*, Mar. 3, 1877.

17. See, for instance, the *New York Times*, Mar. 16, 19, 1977.

cal consensus and activity before suffrage. Many black veterans had brought their muskets with them from the army and used them when threatened. Faced with coercion and violence, African Americans made occasional efforts to create armed bands to protect themselves. As activity from the Ku Klux Klan heated up throughout the South, African Americans fought back with armed resistance organized by Union Leagues, which became a target of Klan violence.¹⁸ Black volunteers could have been organized into militias or police along the lines of military units during the war, with white officers leading segregated companies. In some parts of the South, Republican governments encouraged the use of militias that featured African Americans. The entire organization could have been placed under local or state control as a type of militia, or under the auspices of Freedmen's Bureau agents, who clamored for greater manpower to ensure justice in communities.

Such a strategy was not considered perhaps because of white fears of stimulating a race war in the South. U.S. military authorities, in fact, typically chose the reverse course and prohibited the carrying of arms or broke up attempts by black people to form their own militias. Similarly, black veterans became the target of local efforts to remove arms from them. The Freedmen's Bureau assistant commissioner in Georgia generally upheld the right of freedpeople to own firearms, but military officers typically did not condone armed parades by anyone outside the regular force.¹⁹

Ultimately, then, the hope for maintaining black freedom in the South—persistent and vigorous military intervention—had little chance of ever coming about. Nineteenth-century attitudes about race, a desire for reunion with the white people who resisted granting power to black people, and the practical problems of paying for this intervention in the face of economic problems worked against extended occupation by the army in the South. Northerners were also to an extent prisoner of their own worldview about the role of government. It was commonplace for newspapers and private commentary to voice the need to have rule by the ballot instead of rule by the bayonet. By 1876, it was not unusual for even moderate Republicans to question whether state governments deserved to exist if they could not be maintained without military force.

In many ways, it is remarkable that the occupation—no matter how fitful

18. Cimbala, *Under the Guardianship of the Nation*, 208–9; Hahn, *A Nation Under Our Feet*, 272–73.

19. Cimbala, *Under the Guardianship of the Nation*, 210–11. Later in Reconstruction, Democrats resorted to rifle clubs to inflict terror on Republican meetings. However, these were not government-sanctioned police or militia; they were considered private associations or clubs.

and imperfect—lasted as long as it did and accomplished as much as it did, even if it fell short of what freedpeople needed to aid them in their struggle. But its passing in 1877 marked the visible decline on the part of the federal government to use the military as a means of enforcing the Fourteenth Amendment. Aided by court decisions in the 1870s and 1880s that consistently eroded this important amendment for civil rights, the withdrawal of troops from the South gave a temporary boost to a new form of states' rights that pretended that individual discrimination was not the province of the federal government because the behavior was amply policed by local and state law. The ideal of government of the people and by the people may not have perished, but the lack of federal intervention meant that a substantial minority of citizens in the South faced a lack of government for the people, with little protection of due process of the law.