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Reconstruction and the Arc of Racial (in) Justice

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Reconstruction and the Arc of Racial (in)Justice

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Julian Maxwell Hayter
George R. Goethals

Introduction*

Julian Maxwell Hayter

He [Alexis de Tocqueville] defined the alternatives available to the slaveholding States with simplicity. They might emancipate the Negroes and treat them with some degree of civility, or perpetuate their serfdom for as long as possible. Emancipation, he saw, would solve few problems in the immediate future. The evidence suggested that freedom for the Negro intensified rather than alleviated the prejudice on the part of whites. (U.S. Commission on Civil Rights, *Freedom to the Free*, 1963)¹

In 1963, the U.S. Commission on Civil Rights (USCCR) published a report—one in what became a long series of reports—on the state of race in America, called *Freedom to the Free: Century of Emancipation, 1863–1963*. The commission argued, “While taking into account the tremendous strides that have been made since 1863, the report also recognizes the existence of periods of disturbing lack of progress, of retrogression, and instances of violence and abuse. A gap between our recorded aspirations and actual practices still remains.”² In depicting the freedom struggle since the Emancipation Proclamation, the 246-page report had been inspired by the American civil rights movement. By the early 1960s, the long struggle for racial equality had gained substantial energy. Black Americans, who insisted that much of the movement take place in public, mounted an all-out offensive against Jim Crow segregation.³ Civil rights demonstrations not only drew Washington’s gaze but also international attention. As the world watched black Americans challenge their relegation to second-class citizenship, the USCCR did its part. The commission wrote the 1963 report to generate Congressional support for a sweeping civil rights bill. In fact, the authors dedicated a sizeable portion of *Freedom to the Free* to the myriad ways that white Americans, in both law and custom, had systematically divested African Americans of their constitutional liberties. The report concluded with a reflection on portions of Alexis de Tocqueville’s *Democracy in America*. The commission used Tocqueville to accentuate the appalling persistence of mid-twentieth-century racial apartheid in the United States.⁴ Washington, like civil rights organizers, had set out to underscore the very

perpetuation of a racial caste system in America—the very serfdom that Tocqueville presaged in 1835.

It is difficult to separate the USCCR's 1963 report from the tide of racial reform that swept America during the mid-twentieth century. Nearly a century after the Civil War, African Americans waged another war to secure their rights as citizens. Black Americans met the challenges of mid-twentieth-century segregation by tapping the well-spring of age-old organizing traditions and the long history of black political will. They, the historical record and pages below demonstrate, also "activated the machinery of black churches, drew from traditions of labor activism, borrowed from the non-violent social movements of the pre-war era, and continued to challenge de jure segregation in the courts."⁵ Civil rights advocates eventually found allies in Washington. One of those supporters, which has been well documented by scholars of civil and voting rights, was the USCCR.⁶ The Civil Rights Act of 1957—long believed to be one of the weakest of the civil rights bills—not only created the USCCR, but it also gave the commission the authority to examine and collect data in situations in which whites had denied African Americans equal protection under the law.⁷ While federal enforcement of the 1957 act got off to a glacial start and data collection often proved difficult, civil disobedience strategies, massive resistance and the suffrage crusades of the early 1960s eventually got Washington off its lethargy. In fact, the dialectic between civil rights organizers and vested white interests called for a reinvestigation into not just Tocqueville's dilemma but also the effectiveness of the Reconstruction amendments.

Washington, with the help of civil rights advocates and a handful of revisionist scholars, eventually acknowledged what Tocqueville and Radical Republicans knew all along: the possibility of black freedom intensified rather than alleviated white racism. The commission held, "Up to his point in time and history, Tocqueville's predictions were confirmed ... by the time that emancipation had been achieved, the venom of racism had so infected the body politic that Government had become incapable of enforcing the new civil rights legislation This was the long, dark night for civil rights in America."⁸ The dawn of that dark night arose after the Second World War. The story of how black Americans eventually forced Washington to pass two monumental civil rights bills, the Civil Rights Act of 1964 and the Voting Rights Act of 1965 (VRA), is well known. These bills brought about an unprecedented, albeit brief, period of explicitly defined racial politics in the United States. For a moment it appeared that Washington finally knew what to do about America's race

problem. None of this would have been possible had African Americans not organized long-term strategies to resist Jim Crow.

Historians and scholars also played a profound role in shaping the USCCR's *Freedom to the Free*. It was Brooklyn College's John Hope Franklin, "who, under contract with the Commission, developed the basic manuscript upon which" the USCCR wrote the 1963 report. Franklin and the USCCR had not done it alone—they had help from a handful of now-legendary historians, namely, Rayford Logan, Allan Nevins and C. Vann Woodward. In developing the manuscript for the USCCR's report, these scholars helped federal officials finally acknowledge something that W.E.B. Du Bois had put forward nearly 30 years before: the federal government's failure to defend Reconstruction "perpetuated slavery under a different form and locked the South into perpetual feudalism." As black Americans' appeals for absolute equality grew louder over the course of the 1950s and 1960s, Franklin and the USCCR could no longer ignore a stark reality. Jim Crow may have perpetuated blacks' second-class citizenship but African Americans were not merely a "passive element of the population, operated upon for good or for bad by government."⁹

In many ways the 1963 report recognized that black life in America had improved for some, yet was still tragically hopeless for a sizeable number of other African Americans. More than 50 years after the Second Reconstruction, scholars are still grappling with Franklin, the USCCR and Tocqueville's quandary. By re-examining race, Reconstruction and the myriad ways African Americans (and their counterparts) defined and redefined freedom after slavery's abolition, this effort carries on the tradition laid down by Franklin and his team of scholars. In doing so, this effort re-emphasizes something James Baldwin once uttered: "The story of the Negro in America is the story of America, and it's not a pretty story."¹⁰

Reconstruction and the Arc of Racial (in)Justice chronicles the history of race and racial politics in the United States from the American Civil War to the relatively recent past. While this volume does not cover post-emancipation history in its entirety, it is not simply a history of race in America since the Civil War. The chapters below demonstrate that the moral arc of racial justice has been a bitterly contested affair. Indeed, the issue of race, we hold, like Baldwin, is not an addendum to American history. Race and racism have been integral to the story of America, the study of American history in the United States and, ultimately, American political development. While slavery shaped America's political, economic and cultural identity, Reconstruction—the attempt to rebuild from the ashes of the Civil War and reconcile the inhumanities of slavery—

was *the* critical juncture in the evolution of America's identity. Emancipation forced Americans to consider the meaning of citizenship, the usefulness of reconciliation and, ultimately, the importance of democracy. Civil War historian Shelby Foote once argued that "Any understanding of this nation has to be based, and I mean really based, on the understanding of the Civil War ... it defined us." If the Civil War helped define America's character, so too did the manner in which this country set out to define the meaning of that war (and slavery). Foote could have gone farther. This book holds that any understanding of America has to be based on a firm understanding of Reconstruction and the ways Americans met the challenges of black citizenship during and after the 1860s.

The stories told in the pages below emphasize and re-emphasize the age-old dilemma between the forces of inclusion and the powers of restriction. Experts contend that a complex moral relationship between people almost always defines the process of leadership—and these relationships and processes are predicated on role agreement.¹¹ While the same is true for racial power relationships after the Civil War, role agreement between whites and African Americans (and *within* white and African American communities respectively) was almost always up for grabs. As Jim Crow rose incrementally throughout the South, white leaders, on the one hand, often convinced themselves that African Americans had consented to segregation. On the other hand, as African Americans organized various strategies to make lives for themselves as freedpersons and resist Jim Crow, they continuously challenged the presumption that they had, in the words of historian J. Douglas Smith, resigned to "separation by consent."¹² This collection of essays demonstrates that the politics of race and racial roles after emancipation were almost always fluid and bitterly contested. It represents, above all, an attempt to come to terms with the commission's "gap between our recorded aspirations and actual practices."¹³ We hold that the arc of racial justice in America was not entirely teleological in nature. In fact, it may not be an arc at all, but a pendulum.

The pendulum of racial (in)justice defined American life after emancipation. Scholars of American political development recognize that America often sways back and forth between periods of greater access and periods characterized by more restrictions.¹⁴ Any student of the black freedom struggle and the American civil rights movement—including this author—understands this pendulum well. In many ways, Reconstruction and the civil rights bills (the Second Reconstruction) met a similar fate. Neither Radical Republicanism nor the civil rights movement stopped the Machiavellian frenzy of obstructionism that characterized the first and second Reconstructions. As early as 1973, for instance, even the USCCR

recognized that the forces of restriction had compromised the gains of the civil rights movement. They argued, in a manner that sounds eerily reminiscent of the situation nearly a century earlier:

Finally, we found a lack of Government-wide coordination of civil rights efforts. This deplorable situation did not develop accidentally [sic]. Nor were the Commission's findings a surprise to those knowledgeable about civil rights and the role of the Federal Government. The enforcement failure was the result, to a large extent, of placing responsibility for ensuring racial and ethnic justice upon a massive federal bureaucracy which for years had been an integral part of a discriminatory system ... For every step forward, however, numerous cases of inaction can be cited.¹⁵

The commission too recognized the push and pull between racial equality and white supremacy. Expert accounts demonstrate that institutional stability between the three branches of federal government was critical to the preservation of both Reconstructions. Even more critical to this process was black political will. Explicit in the stories below is not simply an understanding that African Americans had not consented to being relegated to second-class citizenship; the story of American history after emancipation exemplifies the age-old battle between human agency and structural forces.

To this end, the chapters in this book recount the myriad forms of discrimination and ways African Americans and their allies battled it. The chapters highlight the psychological underpinnings of subtle racism, white backlash to black equality, African American victimization, the rise of vindicationist literature, how segregated cemeteries became contested ground for black memorialization, how deep inequality during Jim Crow influenced the Civil Rights Act of 1964, blacks' longstanding fight for living wages and the long struggle between race and capitalism.

Social psychologist Steven Fein opens this account by putting contemporary racism on the proverbial sofa. We begin not with a history of racism but with an actual delineation of what racism is and the subtle, yet infectious, ways that racism continues to shape American life. It is our contention that any understanding of the history of race in America must first grapple with the psychology of racism itself. As such, Fein reimagines the story of racial progress by not merely questioning the contemporary implications of post-racialism but also by interrogating the ways in which contemporary Americans often misunderstand the problem of institutionalized racism (the very types of racism this book underscores). Ultimately, if Fein interrogates how the arc of racial justice bends toward more racial justice and socio-cultural norms make racism in its most virulent forms less universally accepted, many of the remaining

chapters demonstrate the nadir of American race relations, the late nineteenth and early twentieth centuries.

While the majority of this volume pertains to the era during and immediately following Reconstruction, the latter portions creep into the twentieth century and think more broadly about the intersection of race, economics and the promise of African American possibility. In Chapter 2, Edward Ayers sets the stage with a visionary and politicized reinterpretation of Reconstruction itself. He demonstrates that Reconstruction is not only a contested historical event; it is also generally misunderstood. The problem of the story of Reconstruction, he argues, "is not to rush to the end, however that end is defined. To understand the story we cannot get ahead of the story. Events could have led to starkly different outcomes at several critical junctures between July 1864 and July 1870." Ultimately, politics, process and contingency matter! Ayers holds that white resistance to black citizenship actually drove Reconstruction beyond what Republicans intended. In time, Northern Democrats and white Southerners came to despise Radical Reconstruction, yet their obstructionism had helped bring it about in the first place.

The next several chapters demonstrate the various ways African Americans and whites negotiated race relations following Reconstruction. Irons's delineation of African American religious leadership emphasizes the differences amongst recently freedpeople and how spatial dimensions (urban and rural southern spaces particularly) shaped the Reconstruction struggle. He shows that African Americans—particularly urban African Americans—quickly established their own churches to break free from the shackles of white paternalistic leadership. Most importantly, however, Irons argues that black leadership recognized the direct correlation between ecclesiastical power and political power. In Chapter 4, Williams revisits the psychological viewpoint. She demonstrates the effects that night-riding and white terrorism had on African Americans. She contends that African Americans not only formally resisted paramilitary, vigilante justice, but that in chronicling their injuries, we have a better understanding of how blacks withstood (and made sense of) violence. In the following chapter, Elizabeth Varon emphasizes military history and memory—her chapter re-interrogates the life and legacy of Civil War veteran Joseph T. Wilson by examining his book, *The Black Phalanx: African American Soldiers in the War of Independence, the War of 1812, and the Civil War*. Varon contends that Wilson's attempt to vindicate black soldiers from the denial of history stands on its own as "worthy of scholarly analysis." Wilson's unique experiences during the war, and the politics he practiced in the singular setting of postwar Norfolk, shaped his textual strategies, particularly his focus on the theme of black

leadership. Thomas Brown, in Chapter 6, grapples with a different type of remembrance. He uses Randolph Cemetery in Columbia, South Carolina to examine the “mortuary politics” of Reconstruction and post-emancipation. Black burial institutions became a defining characteristic of military remembrance, African Americans’ views on leadership, community cohesion and the “unfinished revolution of Reconstruction.”

Chapters 7 to 9 contemplate the longer and broader effects of racial injustice in mid-twentieth century and how the intersection of capitalism shaped the future of race relations after the civil war. Julian Hayter’s commentary in Chapter 7 attempts to bridge the divide between the late nineteenth and mid-twentieth centuries. By focusing on a number of the 1964 Civil Rights Act’s key titles, Hayter illustrates how the Act moved beyond eliminating segregation; it addresses how the racial climate of the early 1960s shaped the act itself. In showing the persistence of racial segregation and the ways African Americans pressed federal officials to upend Jim Crow, Hayter emphasizes how nearly a century of institutional discrimination wreaked havoc on America’s black communities (particularly in the South). To this end, Claudrena Harold, in Chapter 8, uses the University of Virginia as a case study for examining the challenges confronting black workers, particularly those at institutions with not only a stated commitment to racial diversity, inclusion and equity but with identifiable markers of progress in those areas over the past 50 years. Harold ultimately asks to what extent, if any, black workers’ wages, laboring conditions and opportunities for occupational advancement have improved since the civil rights movement. The last chapter, written by urban planner and political scientist, J. Phillip Thompson, continues the focus on labor. He attempts to answer Harold’s query by revisiting the legacies of slavery, the Civil War, and Reconstruction. Thompson’s chapter not only highlights W.E.B. Du Bois’s arguments in *Black Reconstruction* to further dispute “the idea that capitalist production is agnostic to race;” he argues further that deep racial divisions amongst America’s working class have shaped both the history of racial possibility and, perhaps, the future.

African Americans were essential to the pendulum of American race relations. This account of America’s struggle for racial justice demonstrates that leaders and everyday people met the challenges of institutionalized bigotry and Jim Crow segregation by tapping the wellspring of black institutions. Much has been made about the historiography of Reconstruction and the even longer history of the black freedom struggle. We know now that the history of the civil rights movement’s origins is

not only longer than historians once imagined, civil rights organizers often built upon long traditions of resistance in the South (and the North).¹⁶

Even the question of morality and its relationship to the arc justice have a longer history than once imagined. While we often attribute the “moral arc of justice” remark to Dr Martin Luther King, Jr, experts now believe that a transcendentalist minister named Theodore Parker may have been the first to use it.¹⁷ In 1853, Parker argued:

Look at the facts of the world. You see a continual and progressive triumph of the right. I do not pretend to understand the moral universe, the arc is a long one, my eye reaches but little ways. I cannot calculate the curve and complete the figure by the experience of sight; I can divine it by conscience. But from what I see I am sure it bends towards justice. Things refuse to be mismanaged long.¹⁸

Ultimately, this collection of essays questions whether Parker’s arc is an arc at all. It demonstrates that African Americans and their allies were almost single-handedly responsible for swinging the pendulum of racial (in)justice toward something reminiscent of freedom. We hope that the stories outlined in the pages to come demonstrate how the tension between the forces of inclusion and restriction have been a defining characteristic of American political and racial development.

NOTES

- * Portions of this introduction are drawn from Dr Julian Maxwell Hayter, “To End Divisions: Reflections on the Civil Rights Act of 1964,” *Richmond Journal of Law and the Public Interest*, 18(4) (2016). Available at: <http://scholarship.richmond.edu/pilr/vol18/iss4/6>.
1. United States Civil Rights Commission, *Freedom to the Free—Century of Emancipation, 1863: A Report to the President by the United States Commission on Civil Rights*, 1 January, 1963, 202.
 2. *Freedom to the Free*, 2.
 3. Jacquelyn Dowd Hall, “The Long Civil Rights Movement and the Political Uses of the Past,” *Journal of American History*, 91(4) (2005). Harvard Sitkoff, *Toward Freedom Land: The Long Struggle for Racial Equality in America* (Lexington: The University Press of Kentucky, 2010). Thomas Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2008).
 4. *Freedom to the Free*, 201–209.
 5. Julian Maxwell Hayter, *The Dream is Lost: Voting Rights and the Politics of Race in Richmond, Virginia* (Lexington: University Press of Kentucky, 2017), 19.
 6. African Americans organized pre-VRA electoral strategies to get the United States Commission on Civil Rights off its lethargy. Southern suffragists attempted to register voters in hopes that the USCCR might investigate instances of disenfranchisement and compile voting data! Martin Luther King Jr., the SCLC, the Voter Education Project, and the events that culminated in Selma, Alabama during the summer of 1965 certainly

motivated President Lyndon B. Johnson to sign a voting rights bill. Yet, Attorney General Nicholas Katzenbach actually wrote the provisions of the VRA to preclude the very types of disenfranchisement black folks encountered after 1957. Hayter, *The Dream is Lost*, 7.

7. See Hayter, *The Dream is Lost*; Morgan Kousser, *Colorblind Injustice: Minority Voting Rights and the Undoing of the Second Reconstruction* (Chapel Hill: University of North Carolina Press, 1999); and Richard M. Valelly, *The Two Reconstructions: The Struggle for Black Enfranchisement* (Chicago: University of Chicago Press, 2004).
8. *Freedom to the Free*, 203–204.
9. *Freedom to the Free*, v and W.E.B. Du Bois, *Black Reconstruction in America* (New York: The Free Press, 1992), vii.
10. *I Am Not Your Negro*, Raoul Peck (New York: Magnolia Pictures, 2016).
11. Joanne B. Cuilla, *Ethics, The Heart of Leadership* (Westport, CT: Praeger, 1998), xv.
12. J. Douglas Smith, *Managing White Supremacy: Race, Politics, and Citizenship in Jim Crow Virginia* (Chapel Hill: University of North Carolina Press, 2002).
13. *Freedom to the Free*, 2.
14. Karen Orren and Stephen Skowronek, *The Search for American Political Development* (New York: Cambridge University Press, 2004); Joseph E. Lowndes, Julie Novkov and Dorian Tod Warren, eds, *Race and American Political Development* (New York: Routledge, 2008); and Tova Andrea Wang, *The Politics of Voter Suppression: Defending and Expanding Americans' Right to Vote* (Ithaca: Cornell University Press, 2012).
15. Stephen Horn, *The Federal Civil Rights Enforcement Effort—A Reassessment*, A Report of the United States Commission on Civil Rights, January 1973, 2 and 3.
16. On historiography of Reconstruction see Thomas J. Brown, ed. *Reconstructions: New Perspectives on the Postbellum United States* (Oxford: Oxford University Press, 2006). On new perspectives in the historiography of the civil rights movement, see *Civil Rights History from the Ground Up: Local Struggles, a National Movement*, ed. Emilye Crosby (Athens: University of Georgia Press, 2011). On early bottom-up approaches to the civil rights movement, see John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Urbana: University of Illinois Press, 1995) and Charles M. Payne, *I've Got the Light of Freedom: The Organizing Tradition and the Mississippi Freedom Struggle* (Berkeley: University of California Press, 1995). For the relationship between the Cold War and the American civil rights movement, see Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of America Democracy* (Princeton: Princeton University Press, 2000). On the relationship between African Americans and Africans during the civil rights movement, see James Hunter Meriwether, *Proudly We Can Be Africans: Black Americans and Africa, 1935–1961* (Chapel Hill: University of North Carolina Press, 2002).
17. Theodore Parker, *Sermons of Religion* (Boston: American Unitarian Association, 1908) and Joshua Cohen, *The Arc of the Moral Universe and Other Essays* (Cambridge: Harvard University Press, 2010), 17.
18. Parker, *Sermons of Religion*, 64.