HISTORY This Week EP 320: Reconstruction II: The First Presidential Impeachment EPISODE TRANSCRIPT

NOTE: This transcript may contain errors.

Sally Helm: Previously on "Reconstruction…"

Cynthia Nicoletti: **If anyone committed treason, Jefferson Davis committed treason, right? He's sort of, criminal defendant, number one.**

Sally Helm: As the nation claws its way out of civil war, President Andrew Johnson has to decide what to do with all those Confederates.

William Blair: **Should we kill a few?**

Hasan Jeffries: **What part of execute is off the table on this?**

Sally Helm: By 1868, Johnson's big talk about holding Confederate leaders accountable has faded away. He's got problems of his own. He's the defendant in an unprecedented trial … a trial that is barreling toward a verdict.

HISTORY This Week. May 16, 1868. I'm Sally Helm.

In Washington DC this morning, it seems like the sky itself is engaged in an epic battle. One minute it's bright, cheerful, sunny. The next: low gray clouds have people whipping out umbrellas. Beneath that sky, a crowd is making its way towards the US Capitol. A reporter on the scene stops to wonder "whether the issue between the clouds and the sunshine would prove prophetic of the consequences to the nation." He means the consequences of the vote that's about to be held in the U.S. Senate. The first *ever* presidential impeachment trial.

This is all anyone is talking about. Will Andrew Johnson remain the president of the United States?

The Senate gallery fills up early with people dressed in their finest: jewelry, silk skirts, golden fans. Those without tickets jam the hallways and the rotunda. Or they wait outside, hoping, one observer said, to "catch the first vibration of the result." Everyone's trading gossip: who's voting guilty? Has anyone decided to defect? Word is that it's going to be incredibly close. It might come down to a single vote.

Someone enters and says he just saw a stretcher on the front steps of the capitol. Carrying Senator Jacob Howard, of Michigan. He's gravely ill…but determined to cast his vote. A reporter described his entrance: "He looked feeble, but with the spirit of an old Roman he had resolved to come and die, if necessary, on the floor of the Senate."

Senator Roscoe Conkling of New York is *also* ill. But he vowed that even if he lost the ability to speak and walk, he'd have himself carried into the chamber with the word "GUILTY" pinned to his chest.

The last of the fifty-four Senators takes his seat and the proceedings begin. A clerk reads out the charges against President Johnson. And then Chief Justice Salmon P. Chase starts down the list of Senators, in alphabetical order.

"First up, Henry Anthony. “Mr. Senator Anthony, how say you?” He says: “Guilty.” On to B. Delaware Senator Thomas Bayard. “Not guilty.” The audience members are leaned forward, counting every vote. Hanging in the balance are the nation’s hopes for Reconstruction. The great project of putting the country back together after the blood-soaked years of the Civil War.

Today: the first presidential impeachment trial in US history.

In the eyes of congress: what shocking acts did Andrew Johnson commit that made many members decide, “he’s gotta go?” And how did this former ally of Abraham Lincoln help launch a dark era in American life by declaring himself an enemy of true Reconstruction?

By 1868, the people lining up to impeach Andrew Johnson are the anti-slavery Republicans. Those who had supported President Lincoln and emancipation. But before they hated Andrew Johnson...they loved him. That’s according to Robert Levine, author of a book about Johnson. Levine said that during the war, Johnson was:

Robert Levine: **Kind of a rock star.**

Sally Helm: He was from Raleigh, North Carolina, and moved to Tennessee as a young adult. He had been the only Southern Senator to stand with the Union.

Robert Levine: **He's going around giving lectures and thousands of people are attending, because he was the Southerner who opposed secession and he put his life on the line. People were shooting at him as he was traveling.**

Sally Helm: People know him for this courageous act of loyalty to the Union. It's why Lincoln picked Johnson as a running mate on his "unity" ticket in 1864. We remember Lincoln today for one of his most radical acts, the Emancipation Proclamation. But fundamentally, he was a pragmatist. He wanted slow change.

Lincoln understood the questions at the heart of Reconstruction: How do we integrate the former Confederate states into the Union? And how do we treat formerly enslaved people? His instinct was to prioritize unity over punishment.

He said it in his second inaugural address: "with malice towards none and charity towards all."

So, when Lincoln is shot and killed—it's a tragedy for the Union cause--but a few of the more radical Republicans actually think…this could be a good thing.

Robert Levine: **The scene that we have is a diary entry of three or four Republican leaders’ kind of gloating or celebrating at the assassination. One letter said all of the hard work I was doing; all of my struggles are over, we have the man—it’s Andrew Johnson.**

Sally Helm: Those radical republicans see it this way. Johnson has already proven he can stand up against great odds and defend the Union cause. By this point, that cause is intimately tied with emancipation and rights for newly freed people. They assume Johnson supports those things for the same reason they do. Because slavery was morally abhorrent, and freed people deserve justice. But it turns out, Johnson's views were way more slippery than they could have predicted.

Three years earlier, there had been hints that Johnson might not be a paragon of virtue. It's March 1865. Lincoln's second inauguration. The day Andrew Johnson became vice president.

Bob Levine: Some people thought that he was totally drunk. Other people thought that he was suffering from some medical problems, and back then, if you weren't feeling so well, you might take some alcohol. So, he's a little bit out of control.

Sally Helm: And everyone agrees on that. Like whatever the reason, something's off.

Bob Levine: People agree that he seems out of control, that his remarks were short and incoherent. He's slurring his speech.

Sally Helm: Johnson addresses each member of the Cabinet, one by one. But then he stumbles. He pauses and whispers loudly, "What is the name of the Secretary of the Navy?"

A newspaper reporter says he's acting like "an illiterate, vulgar, and drunken rowdy." "All this," the Attorney General complains, "is in wretched bad taste."

Robert Levine: This was not an auspicious moment for him.

Sally Helm: Johnson's vice-presidential inauguration is revealing in another way, too. It's the first time he meets Frederick Douglass – the formerly enslaved man who's become one of the most famous people in America. The electrifying orator and Black leader. The most photographed person of the 19th century. *That* Frederick Douglass.

Douglass has met with Lincoln throughout the war, and he's at the inauguration today as the president's special guest. "Here comes my friend Douglass," Lincoln says to Andrew Johnson, pointing him out from afar. And Johnson, Douglass later writes, gives him a look of "bitter contempt and aversion."

Hilary Green: And when Douglass goes away from that and he speaks to a friend, he's like, that's not a friend of the Black people.

Sally Helm: Hilary Green is associate professor of history at the University of Alabama.

Hilary Green: Douglas is seen as capital T-H-E Black leader of the nation. By this time, he is quite comfortable being in the White House, but Johnson rebuffs him.

Sally Helm: Johnson refuses to see past Douglass' race. His opinion of Black people can really only be described one way.

David Stewart: **He was a virulent racist. He said things as president that make your skin crawl.**

Sally Helm: David Stewart is a lawyer and author, who wrote a book about Johnson's impeachment. And he told us, though Johnson had supported the Union Cause…it was really only up to a point. He hadn't opposed secession for moral reasons, but pragmatic ones. He just thought the South would lose the war. And though he'd given speeches in favor of ending slavery, he'd tack on poisonous statements, like, "At the same time, I assert that this is a white man's government."

David Stewart: **After the war, he said that the greatest risk the republic had ever faced was the risk that Black people would get the vote. Now, this is after a civil war. The country almost fell apart. We've just slaughtered 700,000 people and Black people getting the vote is worse?**

Sally Helm: The fact that Johnson feels this way will have profound implications once he becomes president. The 13th amendment had freed enslaved people but hadn't given them rights. Manisha Sinha, a history professor at the University of Connecticut, said this is being hotly debated in 1865.

Manisha Sinha: **Black suffrage and citizenship is the question around which many of the Reconstruction battles are fought.**

Sally Helm: Johnson, at this moment is facing two basically opposite proposals about how to move forward in this postwar period. People like Frederick Douglass are saying: what is the point of freedom if it doesn't come with voting rights? With the chance to actually make a living? We need to build a genuine multiracial democracy. Redistribute land. Reshape the South as a place built on free labor.

Manisha Sinha: **The idea was to reconstruct the union, you know, to get the Southern states back into the union, but on the basis of freedom.**

Sally Helm: Many Congressional Republicans are on board with this. Even though, David Stewart reminds us:

David Stewart: **We shouldn't have rose tinted glasses on about the Republicans in Congress in this era. They were racist too. You know but they thought Black people should have a chance.**

Sally Helm: But that is not how President Johnson feels.

Manisha Sinha: **Johnson, unlike Lincoln, has no sympathy for the idea of Black citizenship or Black male suffrage.**

Sally Helm: Instead:

David Stewart: **Andrew Johnson's idea of Reconstruction was that the south would come back in the union and could do whatever it wanted.**

Sally Helm: This is the second proposal that's out there about what should happen in the South after the war. Not reconstruction, but *restoration*.

Hasan Jeffries: His vision, right, is like, that's the group of people I always wanted to be with in the first place.

Sally Helm: Associate professor of history Hasan Kwame Jeffries pointed out that Johnson had grown up poor in the South. He'd felt rejected by white planter elites. The same elites who had just led the South into a disastrous rebellion. Johnson resented them, bitterly. But he also longed for their acceptance. And so, he signs on with their vision of post-war restoration.

Hasan Jeffries: It's just like, yeah, that wasn't cool, but let's see what we can do to sort of move forward. And how can I, in a position of power as a Democrat, Andrew Johnson, how can I, you know, gain some benefit out of this situation?

Sally Helm: Just six weeks into Johnson's presidency, he issues an amnesty proclamation. It says, Confederate states are welcome back into the union with, essentially, just an apology. And he also dangles the possibility of forgiveness in front of the former Confederates themselves.

David Stewart: He forced all the prominent southerners, the people with money to come up and personally petition him for pardons. And he loved having them come basically to him on their hands and knees.

Sally Helm: Johnson's demand–that Southern leaders grovel before him–seems more like a personal getting even than a serious punishment.

David Stewart: And he told them, 'See, I was right, you were going to lose that war. In fact, if you'd stayed in the Union, we'd still have slavery.' Which he didn't think was a bad thing.

Sally Helm: Johnson pardons some 14,000 former Confederates in less than nine months. And it quickly becomes clear that the Reconstruction radical Republicans want—it is not happening. Johnson lets Southern states run their own elections. A bunch of former Confederates get elected. And they start passing laws known as "Black codes." Laws that require freed people to 'apprentice' with white masters and get their master's permission before selling any goods. Laws that ban them from holding weapons to defend themselves, or from testifying against a white person in court. Basically, laws keeping them in conditions that look an awful lot like slavery.

Manisha Sinha told us, people like Frederick Douglass, and the Republicans in Congress see this, and they think:

Manisha Sinha: Why did we fight for four years, if slavery is going to come back in another guise?

Sally Helm: There's also a wave of violence across the south. The Ku Klux Klan holds its first meeting at the end of 1865 in Tennessee.

Manisha Sinha: In 1866, there are these what are called race riots, but which are really massacres against Black people that take place in Memphis, in New Orleans, and there are all these reports coming up in the North that the South has not accepted defeat, does not accept emancipation.

Sally Helm: Many southerners are acting as if the war that the North just won didn't happen at all.

In February of 1866, Frederick Douglass and a group of seven other activists—one white, six Black—come to the White House for a policy meeting.

Here's Hilary Green.

Hilary Green: **They're like, 'you must hear us' and they're going through and they're outlining the outrages that are going on in the South. They're outlining the need for a stronger federal government to intervene with legislation.**

Sally Helm: The Freedmen's Bureau Bill, which had offered all kinds of support to newly freed African Americans, is about to expire. Douglass and his fellow petitioners want it extended. They want to be treated as equals, not subjected to harmful Black Codes. And they want the right to vote. Douglass and Johnson both know that for any of this to happen, troops need to stay in the South. Otherwise, the rule of law will keep breaking down and it's just going to be more rampant violence.

Hilary Green: **Johnson listens. And he will veto what they ask for.**

Sally Helm: A month after their meeting, Johnson vetoes the extension of the Freedmen's Bureau Bill. He says it infringes on the rights of the Southern states and stands in the way of "the *restoration* of the Union."

Hilary Green: **And it's that moment that you see Black leaders, including Douglass, feel like they cannot work with him. They can't trust him. And they need to find someone else, and they go to Congress for that.**

Sally Helm: Despite those early hopes, it is now totally clear. President Johnson is an enemy of true Reconstruction.

But Congress holds some hope. It's dominated by Republicans. The party of Lincoln. Because...the Democrats whose states rebelled against the union haven't been let back into Congress yet.

So, the Republicans start passing laws to try and create the Reconstruction that they want to see. They extend the Freedmen's Bureau Bill. Johnson vetoes. They pass a civil rights act. Johnson vetoes. But because the Southern Democrats aren't represented in Congress at all, the Republicans have the numbers to override Johnson's vetoes.

David Stewart: **It's a very high percentage of veto overrides for any president. Johnson really sort of set the record.**

Sally Helm: David Stewart told us, after a few rounds of this political tug-of-war, the Republicans decide:

David Stewart: **Simply enacting legislation over Johnson's vetoes is not good enough, that they have to change the constitution.**

Sally Helm: Leading that charge is a 73-year-old Pennsylvania Senator, Thaddeus Stevens. He's the guy who wanted to treat the South like a conquered province and redistribute its property to freed people.

David Stewart: **He was a man with a clubfoot who had lost all his hair to fever. He wore an extravagant wig.**

Sally Helm: Stevens is a great debater. He's quick-witted, sharp.

David Stewart: **You know, I love the story, he gave some great speech in Congress, and was leaving the floor and was waylaid by some ladies who were oohing and aahing over his speech and asked him for a lock of his hair, which was a traditional thing and of course he wore a wig. So rather than disappoint them, he took off his entire wig and handed it to them and said, 'here, take them all.'**

Sally Helm: He has a sense of humor. But he's also a man of strong moral principles.

David Stewart: **A fierce opponent of slavery through his career. Ferocious defender of the underdog. A friend said of him that it's as though every injustice in the world was done to him.**

Sally Helm: Stevens is tasked with drafting a new constitutional amendment. The 14th. It will extend citizenship and civil rights to recently freed people. And ban former Confederates from holding federal office.

For the 14th amendment to be ratified, three-quarters of the states have to vote to approve it. So, its supporters start campaigning on its behalf. Andrew Johnson, however, sets out to stop them. In the summer of 1866, he embarks on an anti-14th amendment press tour.

Bob Levine: **He goes from Washington to Chicago and back stopping at major cities.**

Sally Helm: Robert Levine told us; Johnson sets off on what's known as his "swing around the circle." He tells audiences about his biggest policy goals: readmit southern states A.S.A.P. and prevent the 14th amendment from passing.

At one stop in Cleveland, in September 1866, Johnson is animatedly—perhaps drunkenly—engaging with the audience. People who are calling out, "Hang Jeff Davis!" Who's still sitting in prison at the time, awaiting a trial. In response, Johnson shouts out, "hang Thad Stevens!" "Hang the radical Republicans!"

Bob Levine: **They're the traitors. So, people will shout out to him things like 'you're the traitor.' There are other places where people are shouting, 'yes, string them up, string them up.'**

Sally Helm: Fall arrives, and the Republicans sweep the midterm elections. They start implementing more radical Reconstruction policies—put the southern states under military rule and refuse to let them

back into the Union until they rewrite their constitutions to accept emancipation, Black civil rights, and the 14th amendment.

Sounds fair. But President Johnson calls it … *"military despotism"*. He says he would rather "sever [his] right arm from [his] body" than sign the new Reconstruction Act. But it doesn't matter. Congress keeps overriding his vetoes. So, Johnson starts finding ways to get around the laws. By firing people. Freedmen's Bureau officials, Treasury office employees, postmasters!

David Stewart: **Whenever a military commander in the South starts to enforce these congressional statutes, he removes the military commander.**

Sally Helm: David Stewart told us, Johnson's pressuring officials to resign, replacing them with flunkies, or just forcing them out.

So, the Republicans in Congress start fighting back. They make it impossible for him to appoint another Supreme Court justice. They prevent army generals from listening to his commands.

David Stewart: **And the last thing they do is they strip the president of the power to dismiss his senior officials.**

Sally Helm: To do that, Thaddeus Stevens writes up a new law: the Tenure of Office Act. It says, if the president wants to get rid of a senior official, he needs the Senate's approval. In part, the idea really is to stop Johnson's firing spree. But also:

David Stewart: **It's a trap. I mean, you can tell the last provision says in violation of the statute is a high crime and misdemeanor, which is of course the language of the impeachment clause of the Constitution. So clearly Stevens meant it as, you know, a dare. Violate this and we're going to impeach you. And the fascinating part of the story is, Johnson knew that. He knew that it was a trap. I mean, he's not dumb. And he wanted the fight too. So, you got basically two guys sailing into combat who just want to have it out.**

Sally Helm: Congress passes the Tenure of Office Act in March 1867. At this point, Johnson is already butting heads with one official in particular: Edwin Stanton, his secretary of war. Because Stanton has made it clear: he's going to enforce these new Reconstruction Acts, against Johnson's wishes.

Johnson asks Stanton to resign. Stanton refuses. Congress sides with Stanton. So, Johnson removes him again—

David Stewart: **Without having the power to do it under law.**

Sally Helm: Stanton knows this is coming. So, to keep hold of the reins of military power, to avoid letting Johnson's new, unofficial appointee take over:

David Stewart: **He barricaded himself in the war department and he stayed there for three months, without leaving.**

Sally Helm: Stanton's wife, initially, tells her husband to come home at once. She refuses to send him clean linens and food. But eventually, she relents. Stanton will sleep on the couch for months. He'll eat stews boiled in his fireplace, keep the shutters drawn and barricade all paths in and out of the office.

David Stewart: **And that gave him control of the army basically because the army was connected by telegraph wires. And so, he had control of the telegraphs and General Thomas, who was the supposed interim secretary of war, didn't know anything about what was going on in the army because Stanton wouldn't let him in. So, for several months we have two secretaries of war. We were very lucky that no other country tried to invade us at the time cause it's not clear who was in charge of the army.**

Sally Helm: While Stanton holds his ground, camped out inside the war department, Thaddeus Stevens and the other Republicans in Congress make their move. With Johnson's clear violation of the Tenure of Office Act, they decide, for the first time ever, to impeach the president.

[AD BREAK]

Sally Helm: Never before in American history had a president been impeached. But David Stewart told us, the idea's been around since America's founding.

David Stewart: **I mean, there's a wonderful moment in the constitutional convention when Ben Franklin says, 'You know, I'd like this. Otherwise, the only way we can get rid of a bad president is to shoot him.'**

Sally Helm: On paper, impeachment is a practical idea. Presidential terms are four years long. If you figure out before then that this is the wrong person for the job, there should be a peaceful, non-shooting way to get rid of them. But Stewart said, there's a real problem with the way the impeachment clause is written.

David Stewart: **It's fundamentally misleading. It looks like a judicial legal proceeding and it's not, it's a political proceeding.**

Sally Helm: What it's really meant to do, Stewart said, is get rid of a political leader. But in order to do that, you need to prove that leader is guilty of "high crimes and misdemeanors."

David Stewart: **It sounds like a crime, you know, did he jaywalk, did he rob a bank? I mean, is there some crime out there? That's not what the framers meant. High crimes and high misdemeanors were abuses of office.**

Sally Helm: But that interpretation has been lost. That's why Thaddeus Stevens sets a trap: If Johnson violates the Tenure of Office Act, *that's* a high crime and misdemeanor. Clear cut. So, when Johnson goes ahead and fires Stanton, the secretary of war, the stage is set for his trial. But what it really comes down to is this:

David Stewart: **Should this person be president? You know, do we want to get rid of this guy?**

Sally Helm: The Senate impeachment proceedings open on Monday, March 30, 1868. The presiding judge is Supreme Court Chief Justice Salmon P. Chase. The trial will last for weeks. Just laying out the case against Johnson takes five days.

Robert Levine: **Because they're going through this kind of tedious, one Black writer actually called legal quibbles.**

Sally Helm: Robert Levine again.

Robert Levine: **Whether the tenure of office act was itself legal and whether he had in fact violated it.**

Sally Helm: Even though, really? This is about Johnson's mishandling of Reconstruction.

Robert Levine: **So, there was a lot of frustration among the Black people that the big issues weren't being addressed.**

Sally Helm: Levine told us, not a single Black person gets the chance to speak during Johnson's trial. One day in April, a few weeks into the trial, Frederick Douglass's son is one of 800 spectators in the Senate chamber. And on this particular afternoon, at the end of a long session of "legal quibbles," one of the radical Republicans decides to address the elephant in the room.

Robert Levine: **He directly attacks Johnson for encouraging the violence that led to actually massacres in Memphis and New Orleans in 1866 and says that's the reason we need to get rid of him, his words are contributing to the death of Black people. And you know what happened? He's shut up.**

Sally Helm: Johnson's defense lawyer says that radical Senator has crossed a line. He requests an early adjournment of that day's proceedings. Justice Chase agrees. Frederick Douglass had considered Chase a friend. And when he hears from his son that Chase has helped silence this speech, he sees that as the ultimate betrayal.

Finally, the legal quibbles have all been aired. It's time to vote.

The day before the Senate will take up the question of impeachment, attendees at a convention at the African Methodist Episcopal Church in DC spend the day in "fasting and prayer" for Johnson's conviction.

Robert Levine: **Black protestors were camping out overnight, wanting this person convicted for reasons that had nothing to do with the articles of, of impeachment, that this was the great betrayer.**

Sally Helm: When the Congressmen enter the room that day, no one is quite sure which way the vote is going to go. Here's David Stewart again.

David Stewart: I don't mean to be too cynical about it, but one of the big problems you have when you're bribing people is you never know if anybody's going to stay bought.

Sally Helm: In many ways, the impeachment verdict does come down to dirty politics. Corruption and bribery.

David Stewart: I mean, cash delivered to senators in return for their votes. There are people coming to Johnson and saying, you know, I can get you three votes for $40,000.

Sally Helm: Three members of Johnson's cabinet actually set up a committee to raise $150,000 to win the impeachment trial.

David Stewart: And they're not paying lawyers' fees with that money.

Sally Helm: The Republicans, meanwhile, are trying to pull out every political trick in the book. There's a proposal at one point to delay the vote until they can get some new Western states admitted to the Union, to increase their numbers.

David Stewart: Nobody was a virgin in this group, nobody was playing tiddlywinks. This was bare knuckled stuff.

Sally Helm: The day the vote begins, the galleries are full. So is the Senate floor. Justice Chase calls the session to order.

David Stewart: And they'd go down the roll call as they always do. A lot of the votes are predetermined. You know who's going to vote one way or another, and they know the votes that are up in the air.

Sally Helm: There is one name in particular that is being whispered up in the gallery, and that's been passed around on the Senate floor. Kansas Senator Edmund Ross.

David Stewart: He announced early in the impeachment season that he was going to vote to convict Johnson and for the 24 hours before the vote, he was in the company of two of the most notorious fixers in Washington at the time.

Sally Helm: Now, nobody knows which way he's going to vote. That day, Ross sits at his desk, trying to keep his hands busy.

David Stewart: Obsessively ripping paper up and making a pile of it on his desk.

Sally Helm: Justice Chase moves down the roll call. A, B, C. Finally, he gets to R.

A New York Times reporter writes, "a thousand pair of eyes shot into the very heart of the modest, quiet little man who rises at the call of the name Ross."

And he casts his vote... *not guilty*.

David Stewart: **And at that point, everybody knows Johnson's going to get off.**

Sally Helm: The realization ripples through the audience and across the Senate floor. Many of the reporters sitting in the gallery immediately get up out of their chairs to telegraph their newsrooms. Word of Johnson's acquittal spreads fast. Edwin Stanton, still holed up in the War Department, hears about it through the army telegraph. Johnson himself is eating lunch in the White House library when he gets the news.

David Stewart: **The president's people rush up to the White House to celebrate with him.**

Sally Helm: That night, the Georgetown College band plays at a reception toasting Johnson's victory. But for Black community members and Republicans hoping to oust the president, the air is somber. Even tragic.

Edwin Stanton packs up his papers and leaves his stronghold in the War Department, turning in his letter of resignation. Thaddeus Stevens, who's fighting serious illness and old age:

David Stewart: **He asked to be carried in and out of the chamber at this point, he's so sick. And he's carried out of the chamber, basically shouting that this is the end of the Republic. He's just dismayed.**

Sally Helm: Less than three months later, sick in his bed, the great abolitionist, Thaddeus Stevens dies.

Johnson may only have a few months left in office. But it's enough time for one last, big act in the name of "restoration."

On Christmas Day 1868, Johnson issues a proclamation. He offers amnesty to all the former Confederate rebels, including their leaders, like Jefferson Davis. Essentially wipes the slate clean. To Andrew Johnson, the Reconstruction laws are not about justice for all. Rather, he says, they're *an unconstitutional attempt to place white people "under the domination of persons of color."* In other words, enough with your talk of reform. I'll never allow it.

Some Republicans hear this … and settle for what's already been gained. Here's historian William Blair.

William Blair: **I think a lot of Republicans at that time just went, you know, washed their hands and said, 'Hey, we're done. We've given African Americans the rights to defend themselves by being able to hold public office and to vote. We've done our job.**

Sally Helm: But those laws are only as good as they are enforced. And if Johnson's presidency had proven anything, it's that some people in power are determined to keep them from being upheld.

Frederick Douglass can see the writing on the wall. In May of 1871, he gives a speech at Arlington, Virginia—Robert E. Lee's former estate, now a Civil War cemetery. Here's author John Reeves.

John Reeves: He said something to the effect of like, 'Let's not forget that the Union folks were fighting to save the republic and the Confederates were fighting to destroy it. Right? And that, this wasn't just a sort of a, both sides thing.'

Sally Helm: "If this war is to be forgotten," Douglass says, "I ask, in the name of all things sacred, what shall men remember?"

John Reeves: I think he saw, there was this real desire for white America to come together and the moral question of the war was forgotten. Because if the war was about slavery, then there really was a good side and a bad side.

Sally Helm: The problem was the bad side got off easy. Andrew Johnson, the president who used illegal means to see to that, is not removed from office. Jefferson Davis, the former president of the Confederacy, will be pardoned a few months later, and walk free.

Even so, Reconstruction works for a while. There's a brief window of opportunity when Black Americans vote and hold office and, for the first time, enjoy something like their full rights as Americans.

But the unpunished forces behind the Confederacy regroup. Reversing all that progress. Putting racist laws and practices in place. Enforcing them with vigilante violence. Black citizens fight heroically against the *new* rise of these *old* forms of oppression. But the country won't see another real chance at civil rights legislation for almost a hundred years.

Next time on Reconstruction—we go from Civil War to Civil Rights…

Robert Caro: The Southerners controlled the Senate and they're not gonna let a Civil Rights bill get passed.

Sally Helm: After another presidential assassination, a new Johnson takes over—Lyndon B. Johnson. And he is under immense pressure to finally make real the promises of the Constitution for all.

Hasan Jeffries: African Americans have been saying, 'Look, this is what you said, right? You made a promise, like you put it down, don't be mad at us that you put it down. This is the promise that you made, right, to all Americans. We, the people. We understand that we weren't in that we then, but we in it now.'

Sally Helm: Listen to part three of Reconstruction in the History This Week feed next week.

[CREDITS]

Sally Helm: Thanks for listening to History This Week. For more moments throughout history that are also worth watching, check your local TV listings to find out what's on the History Channel today.

The "Reconstruction" miniseries was reported and produced by Julia Press. Julia is here joining me! Hello.

Julia Press: Hi Sally! I'm very grateful to the story editors for this miniseries, Mary Knauf and Jim O'Grady. Dan Rosato sound designed this episode, and Brian Flood provided sound design for the series.

Sally Helm: Our senior producer is Ben Dickstein. HISTORY This Week is also produced by Julie Magruder, Morgan Givens, and me, Sally Helm.

Julia Press: Our associate producer is Emma Fredericks. Our supervising producer is McCamey Lynn, and our executive producer is Jessie Katz.

Sally Helm: We want to give a special thanks to all of the guests who you heard from on today's episode:

William Blair: emeritus professor of history from Penn State University and emeritus director of the Richards Civil War Era Center.

Julia Press: Hilary Green: associate professor of history in the department of gender and race studies at the University of Alabama, and the author of *Educational Reconstruction: African American Schools in the Urban South, 1865-1890.*

Sally Helm: Hasan Kwame Jeffries: associate professor of history at Ohio State University and editor of *Understanding and Teaching the Civil Rights Movement*.

Julia Press: Robert Levine: professor of English at the University of Maryland College Park, and author of *The Failed Promise: Reconstruction, Frederick Douglass, and the Impeachment of Andrew Johnson.*

Sally Helm: Manisha Sinha: Draper Chair in American History at the University of Connecticut and author of *The Slave's Cause: A History of Abolition.*

Julia Press: David Stewart: author of *Impeached: The Trial of President Andrew Johnson and the Fight for Lincoln's Legacy*—and a former trial lawyer himself, who once defended a Senate impeachment trial!

Sally Helm: And finally, John Reeves: author of *The Lost Indictment of Robert E. Lee: The Forgotten Case Against an American Icon.*

Julia Press: You can find links to their work, along with other sources that we consulted, and suggested further reading on our website: History.com/RECONSTRUCTION.

I also want to thank Edward Ayers, David Blight, Heather Cox Richardson, Adam Domby, William Sturkey and Zebulon Miletsky.

Sally Helm: Thank you Julia. And thank you to all the many people who helped us in putting this episode together. In a few days, we'll be dropping a bonus episode that covers some of the history of Reconstruction that unfolds after this moment, and the way that history has been told. And we will be back next week with the final episode in our series "Reconstruction."

Julia Press: In the meantime, if you want to get in touch with us, shoot us an email at our email address, HistoryThisWeek@History.com, or leave us a voicemail at 212-351-0410.

Sally Helm: Thank you for listening and we'll see you next week.