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“EQUALITY OF MAN BEFORE HIS CREATOR”: THADDEUS STEVENS’S STRUGGLE
FOR RADICAL RECONSTRUCTION ON DECEMBER 4, 1865

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ABSTRACT

December 4, 1865 remains one of the least remembered dates in American history. Yet, the implications of the events of that day affect us even today. United States Representative Thaddeus Stevens of Pennsylvania (1792-1868) worked with fellow Republicans in the House of Representatives to bar Southern representative-elects from taking their seats in Congress on December 4, 1865. This thesis explores December 4 as a pivotal date to both the United States and the career of Stevens. If the Southern representative-elects, some of whom were former Confederate officials, were permitted to take their seats in Congress they may have worked with Northern Democrats to reverse the progress made by Republicans during the Civil War by permanently manipulating the Thirteenth Amendment to reinstate a form of slavery. Southern legislatures had already begun the process of recreating a slave-like system with the black codes. Stevens found these codes to be highly disturbing. Instead, Stevens consulted the Constitution and effectively barred the Southern delegation from Congress.

In this thesis I argue that Stevens was the key player behind keeping the Southern representative-elects from taking their seats and that without his actions on December 4, 1865, Radical Republicans would not have enacted their version of Reconstruction. Thus, there would not have been a Fourteenth Amendment to the Constitution which played a significant role in twentieth and twenty-first century Supreme Court cases like *Brown v. Board of Education*, *Loving v. Virginia*, and *Obergefell v. Hodges*.

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Introduction

Americans awoke to heart-rending news on the morning of August 12, 1868. Newspapers across the country printed a dispatch sent before dawn from Washington, D.C.¹ The *Cincinnati Daily Gazette* put it plainly, “Thaddeus Stevens Dead.”² Stevens, seventy-five years old at the time of his death, was a United States Representative from Pennsylvania. The New York *Evening Post* described him as “one of the most remarkable and influential men in [the House of Representatives].”³ The *Lowell Daily Citizen and News* proclaimed, “Thaddeus Stevens was a good fighter. Hardly any man in Pennsylvania struck heavier blows against slavery.”⁴ Indeed it is true that Stevens fought hard to ensure both emancipation for the slaves and the granting of equal rights for the freed persons. However, there was more to his political ideology than freedom and equality for black Americans.

Stevens believed in the principles enshrined in the Declaration of Independence by Thomas Jefferson, particularly the clause “all men are created equal.” An example of his egalitarianism, the belief that all people deserve the same rights and opportunities, can be found in a provision of his will. He instructed that a home and school for orphaned boys be erected with the following instructions: “No preference shall be shown on account of race or color in the admission or treatment. Neither poor Germans, Irish or Maho-metan [Muslims], nor any others on account their race or religion of their parents, must be excluded. All the inmates shall be educated in the same classes and manner, without regard to color. They shall be fed at the same

¹ Death notice of Thaddeus Stevens, *Boston Daily Advertiser*, August 12, 1868, accessed January 23, 2017, NewsBank.

² Death notice of Thaddeus Stevens, *Cincinnati Daily Gazette*, August 12, 1868, accessed January 23, 2017, NewsBank.

³ Obituary of Thaddeus Stevens, *Evening Post* (New York, New York), August 12, 1868, accessed January 23, 2017, NewsBank.

⁴ Obituary of Thaddeus Stevens, *Lowell Daily Citizen and News* (Lowell, Massachusetts), August 12, 1868, accessed January 23, 2017, NewsBank.

table.”⁵ This study of Stevens was conducted fully acknowledging his actions on December 4, 1865, primarily targeted the black community. However, just as his school served multiple racial and ethnic groups, this date is also pivotal, intentionally or not, to other minority groups, both past and present, in the United States.

Scholarship on Stevens stretches back to the late-nineteenth century. Alexander Hood and Alexander Harris, contemporaries of Stevens, created the first studies of him. To Hood, the Congressman was honorable. Conversely, Harris illustrated Stevens as an impulsive politician. The conflicting dichotomy that Hood and Harris created continues to be reflected in Stevens scholarship. Samuel McCall wrote the first official biography of Stevens in 1899. McCall’s work focused more on the events of Reconstruction than it did on the Congressman. In the 1920s, the Dunning school, a line of intellectual thought named after William Dunning, reigned supreme. The Dunning school depicted Stevens as “truculent, vindictive, and cynical.” Dunning and his cohorts sullied the Congressman’s reputation and his public memory appeared to be forgotten.⁶

In 1937, a movement began to redeem and remember Stevens. Thomas Frederick Woodley argued the Congressman was in-fact honorable and radicalized as a result of the challenges he faced by having a clubfoot. Both Alphonse Miller and Fawn Brodie reflected Woodley’s line of thinking in their own work. In Richard Current’s *Old Thad Stevens: A Story of Ambition* (1942), Current portrays the Congressman as a greedy capitalist seeking to benefit from Reconstruction era policies. Ralph Korngold’s work attempted to overturn both Dunning’s and Current’s by glorifying Stephens. Scholars in the last half of the twentieth and beginning of the

⁵ Thaddeus Stevens’s Last Will and Testament, November 11, 1867, MG 115, part 1, folder 10, insert 3, Thaddeus Stevens Collection, LancasterHistory.org, Lancaster, PA.

⁶ Jean V. Berlin, “Thaddeus Stevens and His Biographers,” *Pennsylvania History: A Journal of Mid-Atlantic Studies* 60, no. 2 (April 1993), 153-162, accessed June 2016, http://www.jstor.org/stable/27773615?seq=1&cid=pdf-reference#reference_tab_contents.

twenty-first centuries devote their time to redeeming Stevens's reputation.⁷ Hans Trefousse's *Thaddeus Stevens: Nineteenth Century Egalitarian* (1997) remains one of the most recent and even-handed accounts of the Congressman's life. Bradley Hoch argued that the town of Gettysburg played an important role in the development of Stevens's life in his *Thaddeus Stevens in Gettysburg: The Making of an Abolitionist* (2005). However, Ross Hetrick of the Thaddeus Stevens Society argues the movie *Lincoln* (2012) was the best thing to happen to Stevens's memory in recent times.⁸ Tommy Lee Jones, who played Stevens in the film, brought a stern yet warmhearted radical to American audiences. In 2017, many Americans know little if anything about the Congressman and no public heritage site solely devoted to him has yet been opened. Our work is not yet completed.

December 4, 1865, may be a forgotten date in United States history, but it played a crucial role in the career of Thaddeus Stevens. On this day, Stevens worked with fellow Republicans to successfully block newly-elected Southern delegates, some of whom were former Confederate officials, from taking their seats in the United States Congress. Despite this date's vast significance, Stevens's biographers tend to overlook it on the assumption that other events better epitomize the politician's fiercely radical streak. Given this omission, it is important to reexamine December 4, 1865, a truly pivotal day for both Stevens and the United States. This thesis not only reconstructs this transformative day using primary-source based and archival research, it also explains its long-reaching influence on American political and social history.

⁷ Ibid.

⁸ Ross Hetrick, interview by author, Gettysburg, September 20, 2016.

On December 4, 1865, the United States arrived at a crossroads. If Stevens cowered to his political opponents, the Southerners would have been seated in Congress and joined with Northern Democrats to form a new majority in Congress. Together, Democrats and Southerners could have refused to pay the national debt of the United States incurred during the war. Instead, the new majority might have voted to pay off the debt of the Confederate States of America. Worst of all, they could have permanently manipulated the Thirteenth Amendment to reinstate a form of slavery in the country.⁹ However, if Stevens could confront his adversaries and lead his party through a successful showdown in Congress, the Republicans would remain the majority party. Together, Stevens and fellow Republicans would enact legislation guaranteeing freed persons – the newly-freed slaves – social and economic equality.

Without the events on December 4, Republicans would have failed to reject Presidential Reconstruction, to enact their own Radical Reconstruction, and to pass the Fourteenth and Fifteenth Amendments to the Constitution. Without these amendments there would be no legal basis for crucial twentieth and twenty-first century rulings made in *Brown v. Board of Education*, *Loving v. Virginia*, and *Obergefell v. Hodges*. In Chapter 3, I explore the influence of December 4 on these Civil Rights court cases. Quite possibly, there would not have been a Civil Rights Movement in the 1950s and 1960s had it not been for Stevens's dramatic actions in 1865. Could segregation persist in the United States in 2017? Would Barack Obama still have been the first African-American President? These questions are somewhat subjective. Yet, it is simply a fact that United States history would have been fundamentally be different has Stevens not acted in the way that he did.

⁹ Thaddeus Stevens, "Reconstruction," September 6, 1865, in *The Selected Papers of Thaddeus Stevens*, ed. Beverly Wilson Palmer and Holly Byers Ochoa, vol. 2, 1865-1868 (Pittsburgh: University of Pittsburgh Press, 1998), 25.

The first chapter of this work covers two important competing groups after the Civil War. The first group, “Reconstructionists,” rallied around Stevens. They consisted of Republicans like Edward McPherson who believed it was too soon to bestow statehood to the conquered Southerners. The second group, “Restorationists,” followed President Andrew Johnson. Followers of “restoration” believed that the South should quickly rejoin the Union with little punishment. James Brooks, a Northern Democrat, Horace Maynard, and other Southerners sided with Johnson. Chapter 1 also covers political parties and their ideologies in the mid-1860s as well as biographical information on Stevens.

The second chapter focuses on December 4, 1865. The black codes of the South, enacted by new Southern legislatures, help us see the urgent nature of the situation and, thus, provide the context for Stevens’s dramatic actions. Then, we move on to Stevens’s meetings with fellow Republicans before the opening day of Congress to understand his role in barring Southern delegates from being seated in the House. Next, the *Congressional Globe* provides readers with primary text from within the House of Representatives on that fateful date. The final two sections of the chapter cover the legality of Stevens’s actions using the Constitution and the Joint Committee of Fifteen. The Committee served as a mechanism which decided when the South was ready to rejoin the Union.

The third chapter examines the reactions of Southerners to Stevens’s actions and its impact on American history. Southern newspapers and letters show how the South felt about their representatives being barred by Stevens and his colleagues. Chapter 3 also discusses what Radical Republicans were able to accomplish as a result of Stevens’s success on December 4. Here I cite Radical Reconstruction, the Fourteenth and Fifteenth Amendments, and the Civil Rights Act of 1866 as a way of highlighting the vast significance of December 4, both then and

now, Indeed, Thaddeus Stevens one-day crusade continues to affect all Americans, regardless of whether they be black or white, gay or heterosexual, disabled or not.

Thaddeus Stevens was interred in Shreiner's Cemetery in his adopted hometown of Lancaster, Pennsylvania on April 15, 1868. He specifically selected the site because it, unlike all other cemeteries in the city (and nearly all in the land), did not practice segregation in burials.¹⁰ Before his death, Stevens asked that the following words be inscribed on his tombstone:

I repose in this quiet and secluded spot
 Not from any natural preference for solitude
 But, finding other Cemeteries limited as to Race
 by Charter Rules,
 I have chosen this that I might illustrate
 in my death
 The Principles which I advocated
 Through a long life
 EQUALITY OF MAN BEFORE HIS CREATOR.¹¹

Stevens maintained egalitarian principles throughout his life and was perhaps too progressive for his own time. Unlike nearly all of his contemporaries, he harbored few prejudices. In this way, Stevens's views on equality approached those of twenty-first century Americans. However, through successful campaigns of revisionism by his political enemies and Neo-Confederates, his memory has been obscured and forgotten.¹² For example, in Thomas Dixon Jr.'s *The Clansman: A Historical Romance of the Ku Klux Klan*, Stevens's portrayal is that of an evil-crippled

¹⁰ Hans Louis Trefousse, *Thaddeus Stevens: Nineteenth-Century Egalitarian* (Chapel Hill, NC: University of North Carolina Press, 1997), 242.

¹¹ *Ibid.*, xi.

¹² Ross Hetrick, interview by author, Gettysburg, September 20, 2016.

politician who sought to wreak havoc on innocent white Southerners. Therefore, it is time for Americans to restore, reclaim, and remember “The Great Commoner,” Thaddeus Stevens.

Figure 1. Thaddeus Stevens's Grave



Figure 1. Stevens’s Grave is located at Shreiner-Concord Cemetery on North Mulberry and West Chestnut Streets in Lancaster, Pennsylvania. Photograph by author.

Chapter 1: Reconstructionists and Restorationists

A large crowd gathered in the Lancaster County court house on the evening of September 6, 1865.¹³ The country had undergone widespread changes during the six months prior to the meeting. Confederate General Robert E. Lee, commander of the Army of Northern Virginia, had surrendered to Union General Ulysses S. Grant on April 9, 1865. This event had unofficially, yet symbolically, brought the Civil War to a close. Six days later, an assassin's bullet had ended the life of President Abraham Lincoln and produced the presidency of Andrew Johnson. On May 10, Jefferson Davis, President of the Confederate States of America, had been arrested and sent to a Union fort for imprisonment. Two months later, four conspirators involved in the assassination of Lincoln had been hung. Mary Surratt, one of the conspirators, had become the first woman to be executed in the United States. In the meantime, President Johnson had begun implementing his policy for rebuilding the war-torn Southern states.¹⁴ It should be of little surprise then that Lancastrians called on their representative, Thaddeus Stevens, for reassurance about the direction the country was taking.

After delivering some introductory remarks, Stevens informed his constituents of his policy for rebuilding the country.¹⁵ "*Fellow Citizens,*" declared Stevens, "In compliance with your request, I have come to give my views on the present conditions of the Rebel States – of the proper mode of reorganizing the Government, and future prospects of the Republic."¹⁶ He continued by explaining two competing policies in political discourse. The first, which he deemed "restoration," meant treating the Southern states as if they have never seceded from the

¹³ "Speech of Hon. Thaddeus Stevens," *Lancaster Examiner and Herald*, September 13, 1865, accessed January 23, 2017, POWER Library.

¹⁴ Richard A. Sauer, *Civil War Chronicle* (Lincolnwood, Illinois: Publications International, Ltd., 2011), 323-36.

¹⁵ "Speech of Hon. Thaddeus Stevens."

¹⁶ Stevens, "Reconstruction," 12.

Union because secession is illegal under the Constitution. This meant that someone like Jefferson Davis, according to law, would be placed on trial by peers in Richmond for leading a rebellion against the United States. Restoration would never work, he argued, because Davis's Virginian peers would be biased.¹⁷ Additionally, Southerners would reelect their old politicians back into office. Stevens proclaimed, "In [restoration], therefore, no reform can be effected in the Southern States if they have never left the Union. But reformation *must* be effected; the foundation of their institutions, both political, municipal and social, *must* be broken up and *relaid*, or all our blood and treasure have been spent in vain."¹⁸ Restoration provided the South with a way to return to their slave-like system. He knew a different course was necessary in order to ensure South would never place the United States at risk again.

Stevens preferred "Reconstruction," the second policy that he discussed in his address. Under this plan, the United States government would "accept the position to which [Southern States] placed themselves as severed from the Union." He proposed treating them as "an independent government" and "an alien enemy to be dealt with according to the laws of war."¹⁹ Reconstruction, Stevens believed, would allow Congress to rebuild Southern governments so that all men would be treated equally, to confiscate the property of "leading rebels" for federal use, and ultimately to keep the South from threatening the Union again.²⁰ Should Reconstruction fail, the United States faced a dismal future, one that Stevens described in a chilling prophecy:

If Restoration prevails the prospect is gloomy, and new "lords will make new laws." The Union party [Republicans] will be overwhelmed. The Copperhead party [Democrats] has become extinct with Secession. But with Secession it will revive. Under "Restoration" every rebel State will send rebels to Congress; and they, with their allies in the North, will control Congress, and occupy the White House. Then Restoration of laws and

¹⁷ Ibid., 15.

¹⁸ Ibid., 16.

¹⁹ Ibid, 13.

²⁰ Ibid.

ancient Constitutions will be sure to follow, our public debt will be repudiated, or the rebel National debt will be added to ours, and the people be crushed beneath heavy burdens.²¹

In this grim portrayal, the Southerners and Northern Democrats would form the new majority in Congress. With their combined power, they could threaten the ratification of the Thirteenth Amendment, intended to forever outlaw slavery. Finally, Democrats would have drastically increased the national debt by embracing the Confederate debt. In short, Restoration would have disastrous consequences for Republicans, freed persons, taxpayers, and Americans as a whole. Thaddeus Stevens, the radical politician, would not allow such a thing to happen.

In this chapter, we explore two different groups of men and their fight for Reconstruction. The first section provides the reader with a clear understanding of the political ideologies of these men. Next, we examine the lives of the various adherents to the Reconstruction policy who participated in the events on December 4, 1865, in the House of Representatives. Thaddeus Stevens and Edward McPherson, Clerk of the House, are examined in the context of the date above. Then, we consider the opposition to Reconstruction, better known as the “Restorationists,” by reviewing the lives of President Andrew Johnson, who influenced the events in the House, Representative James Brooks, Representative-elect Horace Maynard, and other Southern delegates.

Political Parties and Ideologies before December Fourth

This thesis commonly uses the terms “radicals,” “Republicans,” and “Democrats.” However, one must not think of these concepts in modern terms because, in Stevens’s day, they meant something very different from what they mean now. Democrats were not liberals in the sense that they did not promote social equality or expanded government. Republicans were not

²¹ Ibid., 25.

conservatives wishing to shrink the government. The word radical, which we now associate with religious extremism, referred in the 1860s to an individual who promoted emancipation or the end of slavery, and equal rights for newly freed slaves. It is also necessary to understand what the political parties stood for in the months prior to December 4.

The Republican Party, originally the more liberal party by today's standards, was born in the late-1850s.²² It is important that the reader understands liberal, according to *Webster's Dictionary*, is defined as a group or individual who favors change. Free soil, which appealed to Northern whites, was the party's main platform. As a political philosophy, free soil meant that working whites would not have to compete with slave labor. In order to achieve this vision, slavery, which had been entrenched in American society since the seventeenth-century, needed to be abolished.²³ During the Civil War, the Republican Party split into three factions: Radicals, Moderates, and Conservatives. Radicals, on the party's extreme left, believed that slavery was morally wrong and slaves deserved the same rights as white Americans. Conservatives, on the other hand, wished to avoid bloodshed at all costs but would later push for a negotiated peace. They did not want to grant slaves equality. President Abraham Lincoln, a Moderate, took great pains to prevent the party from splintering during the war by balancing both Radical and Conservative ideologies. Lincoln believed slaves should be emancipated but was hesitant to grant them the right to vote. Republicans as a whole believed in passing a protective tariff to safeguard American jobs and establish a national bank. The Republicans became the National

²² Christopher J. Olsen, *The American Civil War: A Hands-On History* (New York: Hill and Wang, 2006), 47.

²³ *Ibid.*

Union Party, or Unionists, during the presidential election of 1864. By stressing unity, they hoped to gain votes from “War Democrats.”²⁴

Democrats, like Republicans, were also broken into factions. “War Democrats” refused to let the country remain divided even if that meant bloodshed. “Peace Democrats,” or Copperheads, wanted to negotiate peace with the rebels. For them, peace meant that the South could possibly keep their slaves or remain a sovereign nation. Both “War Democrats” and “Peace Democrats” tended to be from the North where large populations of immigrants and Irish Catholics voted for the party. Many Protestants in the North felt threatened by the growing number of Ethnic White Democrats in the North. In response, many of them formed an allegiance with the Republican Party.²⁵ The Democratic Party, as a whole, maintained a conservative belief system. Conservative, according to Webster’s Dictionary, is defined as a group or individual against change. The Copperhead’s slogan, “The Constitution As It Is, The Union As It Was,” sums up this point.²⁶

The Confederates, the most conservative group in America, were Southerners who seceded from the Union over the issue of maintaining slavery. Alexander Stephens, Vice President of the rebels, delivered a speech about the newly-formed Confederate States where he declared, “our new Government is founded upon exactly the opposite ideas [of the Declaration of Independence]; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and

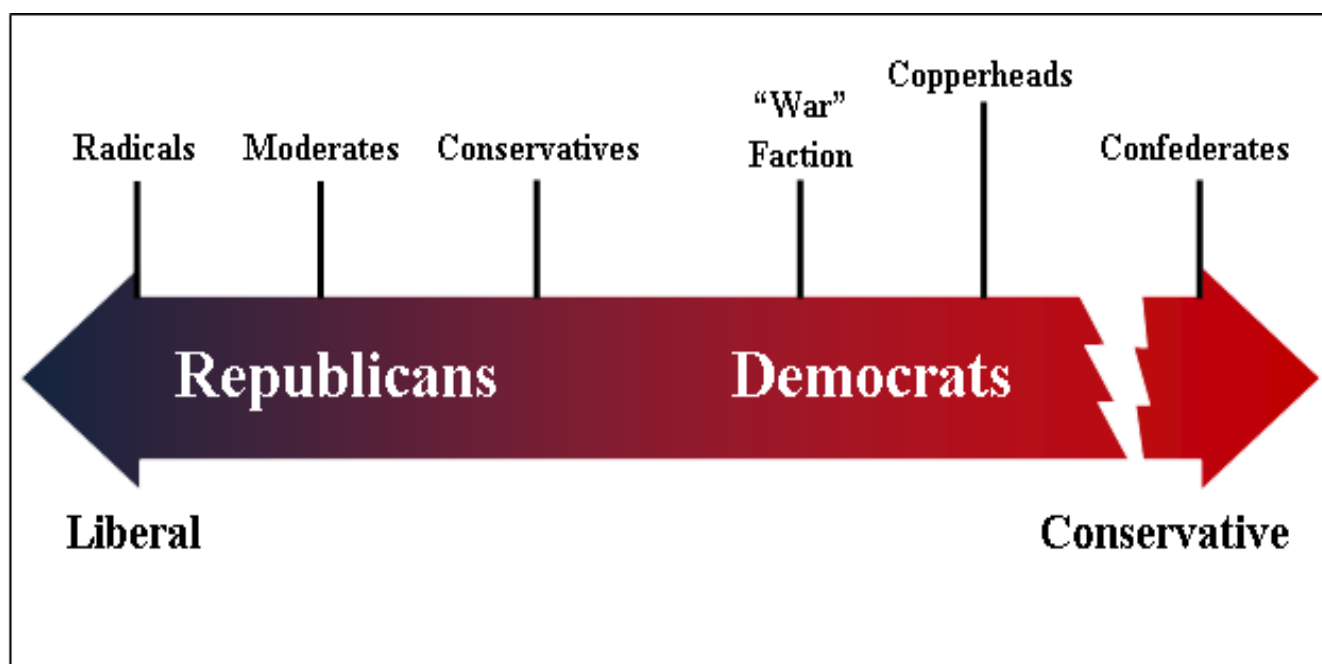
²⁴ Michael Kazin, Rebecca Edwards, and Adam Rothman, eds., *The Concise Princeton Encyclopedia of American Political History* (Princeton: Princeton University Press, 2011), 163, Accessed February 7, 2017, ProQuest ebrary.

²⁵ Ibid.

²⁶ James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 2003), 493.

normal condition."²⁷ Confederates also believed in states' rights, which is to say they thought the federal government did not have a say in abolishing slavery. Yet, former rebels wished to reestablish some sort of white--black hierarchy that mirrored that of the pre-war South when the war ended (to see the entire spectrum of pre-December 4 politics, see Figure 1).²⁸ Thaddeus Stevens, however, refused to reverse the course of American progress.

Figure 2. The American Political Spectrum in the mid-1860s



Representative Thaddeus Stevens before December Fourth

Thaddeus Stevens's political career was defined by his fierce advocacy of two causes – abolitionism and egalitarianism. Where did his crusading nature come from? Some historians believe that his passionate interest in the oppressed began on day one in Danville, Vermont on April 4, 1792. His parents, Joshua and Sarah Stevens, raised their four children in poverty. To

²⁷ “Alexander Stephens,” Civil War Trust, 2014, accessed February 8, 2017, <http://www.civilwar.org/education/history/biographies/Alexander-Stephens.html?referrer=https://www.google.com/>.

²⁸ Kazin, Edwards, and Rothman, 163.

make matters more complicated, Stevens was born with a club foot which left him susceptible to societal prejudices and rumors.²⁹ In those days, giving birth to a physically handicapped child meant for many that God was punishing you for your sins. Some later claimed that he was the illegitimate child of Charles Maurice de Talleyrand, a French count who visited the United States in 1794. This claim, not supported by evidence, shows the lengths to which people would go to support their superstitions. Fawn M. Brodie, author of *Thaddeus Stevens: Scourge of the South* (1959), argued that the discrimination Stevens faced as a result of his club foot allowed him to sympathize with other oppressed peoples in the United States. His handicap, in other words, looms behind his passionate advocacy of equal rights for freed persons among others.³⁰

Hans Trefousse, author of *Thaddeus Stevens: Nineteenth-Century Egalitarian* (1997), tells a different origin story. Stevens's egalitarianism, he asserted, grew out of an experience he underwent as a Pennsylvania attorney in 1821. Charity Butler, a runaway slave, consulted Pennsylvania emancipation laws to argue for her own and her children's freedom. The laws stated that slaves residing in Pennsylvania for more than six months are free. Complicating the case, Butler and her children had intermittently crossed the Maryland-Pennsylvania border with their master. Stevens appeared before the court on the side of Butler's master to argue that Butler's sporadic visits prevented her from gaining freedom by invoking the state's emancipation laws. Stevens won, and Butler and her children were returned to bondage. But this was not a happy victory. As time passed, Stevens grew ashamed of his role in *Butler v. Delaplaine*. By enforcing his government's laws, he had violated his moral code. Later in his career, he perhaps sought an opportunity to redeem himself by coming to the aid of the oppressed.³¹

²⁹ Trefousse, 2.

³⁰ Fawn M. Brodie, *Thaddeus Stevens: Scourge of the South* (New York: Norton, 1959), 10.

³¹ Trefousse, 13-14.

Quite possibly, both Stevens's disability and his role in the Butler case shaped his views on slavery and equality. Stevens's former neighbor once claimed that Thaddeus was "different from the rest of the boys [in the town], and they'd laugh at him, boy-like, and mimic his limping walk. They didn't mean any harm; but Thaddeus was a sensitive little fellow and it rankled him. I've always thought that's the reason, perhaps, he has never been back to the old homestead."³² Another contemporary, who called himself Byng, recalled a time when Stevens warned others, "You have heard that I am one of the devil's children, and that this club foot of mine is proof of my parentage."³³ He understood that his clubfoot rendered him as a societal outcast in the same way that being black made a person property. In 1823, records inform us that he took a stance on abolition when he proclaimed, "The next President – May he be a freeman, who never riveted fetters on a human slave."³⁴ In what may not have been a coincidence, the comment above came not too long after the *Butler* case. Therefore, it is not completely absurd to presume both the discrimination he faced for being disabled and his guilty conscience over returning a slave family to bondage impacted his psychology – and powered his egalitarian crusade.

Stevens's conviction that everyone ought to be equal lasted his entire life. In one instance he purchased and freed a slave in Maryland so the individual could remain with family.³⁵ He also hired Lydia Hamilton Smith, a woman of mixed race, to be his housekeeper in 1843. The two were such close friends that both contemporaries and current scholars argue whether the relationship was romantic or purely platonic.³⁶ Most remarkably, archaeologists have recently discovered a modified cistern, with a crawl space, on the Stevens-Smith property in Lancaster

³² Brodie, 25.

³³ Ibid.

³⁴ Trefousse, 14.

³⁵ Ibid., 14-15.

³⁶ Ibid., 69.

which is believed to have hidden runaway slaves.³⁷ In fact, oral histories from the 1920s state that local abolitionists in Lancaster had been using cisterns to hide runaways. It is possible that the Stevens-Smith property served as a temporary stop on the Underground Railroad.³⁸ Finally, Stevens firmly believed that education could be a tool which dismantled inequality.

Education is another major theme in Stevens's life. His father abandoned the family in 1804. His mother managed the farm and took care of her children in her husband's absence. She also valued education. Stevens recalled that "the support and education of the family depended on my mother. She worked day and night to educate me. I was feeble and lame in youth, and as I could not work on the farm, she concluded to give me an education."³⁹ Mrs. Stevens relocated the family to Peacham, Vermont, in order to provide her children with schooling. Peacham possessed Caledonia Grammar School, better known as Peacham Academy. There Thaddeus excelled as a student. He finished his time at Peacham and pursued higher education in 1811.⁴⁰

Stevens continued his promising academic career at Dartmouth College and the University of Vermont. He composed a tragedy; passed examinations in Latin and Greek, arithmetic, and the New Testament; and learned grammar, logic, philosophy, and political law. He attempted to join *Phi Beta Kappa*, a fraternal and intellectual organization, which rejected him for unknown reasons. Some speculate that the organization denied him membership due to his club foot. A few scholars believe Stevens's a strong hatred for elite organizations emerged

³⁷ James A Delle and Mary Ann Levine, "Excavations at the Thaddeus Stevens and Lydia Hamilton Smith Site, Lancaster, Pennsylvania: Archaeological Evidence for the Underground Railroad," *Northeast Historical Archaeology* 33, no. 1 (2004): 131-52, accessed March 20, 2016, <http://digitalcommons.buffalostate.edu/cgi/viewcontent.cgi?article=1094&context=neh>.

³⁸ James A. Delle and Mary Ann Levine, "Archaeology, Intangible Heritage, and the Negotiation of Urban Identity in Lancaster, Pennsylvania," *Historical Archaeology* 45, no. 1 (2011): 51-66, accessed March 20, 2016, <http://www.jstor.org.ezaccess.libraries.psu.edu/stable/23070203>.

³⁹ Trefousse, 1-9.

⁴⁰ Ibid.

out of this humiliation.⁴¹ In any case, education allowed Stevens to develop the skills he needed to become an excellent orator, debater, and statesman.

After graduating from college, Stevens moved to York, Pennsylvania, to teach and begin his law career. He filled a teaching position at York Academy in 1815. His course offerings consisted of Latin, Greek, grammar, mathematical sciences, and moral instruction. His actual reason for being in York, however, was to study for the bar examination. He passed the bar in Bel Air, Maryland, and opened a practice in Gettysburg, Pennsylvania, in 1816.⁴²

It was during his stay in Gettysburg that Stevens embarked on a lifetime career as a politician – the final theme of his career. He joined the Anti-Masonic party and was elected to the Pennsylvania House of Representatives on September 2, 1833.⁴³ His most significant contribution during his time as a state representative was a speech he delivered in defense of the Common School Law of 1834. He stood before his colleagues in the house to deliver a two-hour speech in defense of the law, which provided tax-supported public education to all Pennsylvanians, on April 11, 1835. His oratory was so persuasive that it was considered the greatest speech of his political career.⁴⁴

Stevens followed the Anti-Masonic movement, which argued that Freemasons took advantage of their exclusive membership to obtain political offices, for several reasons.⁴⁵ First, the Masons were a secret and elite organization that did not permit Stevens or anyone with disabilities to join. Nobody excluded Stevens without stoking his ire. Second, Democratic

⁴¹ Ibid.

⁴² Ibid., 10-23.

⁴³ Ibid.

⁴⁴ Thaddeus Stevens Memorial Association of Philadelphia, *The Speech of Hon. Thaddeus Stevens of Pennsylvania in Opposition to the Repeal of the Common School Law of 1834, in the House of Representatives of Pennsylvania April 11, 1835*, 1904, 4-5.

⁴⁵ Martin, 304.

President Andrew Jackson, whom Stevens viewed as the embodiment of the southern slave master, was a Freemason. Stevens was inclined to hate any organization that would have Jackson as a member. Finally, Stevens was outraged when William Morgan mysteriously disappeared after he threatened to disclose to the public the secret dealings of the organization. The Free Masons, Stevens suspected, had taken extra-legal measures to avoid a scandal.⁴⁶

Stevens also belonged to the Whig and Know Nothing parties to advance his anti-slavery cause. The Whig's ideology included promoting industry, a national bank, and western settlement in order to strengthen the American economy.⁴⁷ Stevens joined the party because he foresaw the end of his political career if he remained with the fading Anti-Masons. He also supported the Whigs for the very simple reason that they were not Democrats. Stevens was first elected to the United States House of Representative in 1848. His first major test came with the Compromise of 1850. This law enforced, among other things, a strict fugitive slave policy. It forced Northerners to aid Southerners in the retrieval of runaways. Stevens proposed measures to repeal the law but to no avail. In 1853, he left the Whig party and returned to Lancaster.⁴⁸ It was during this time that he flirted with the Know Nothings. The party, also known as Nativists, adhered to anti-immigrant and anti-Catholic sentiments.⁴⁹ While one might think that he would shy away from such a prejudice-driven organization, he saw his involvement in this party as a way to gain more votes for the anti-slavery cause.⁵⁰ In the end, he viewed both parties purely in a practical sense – they were means to a larger end.

⁴⁶ Trefousse, 10-23.

⁴⁷ Martin, 325.

⁴⁸ Trefousse, 77-87.

⁴⁹ Olsen, 43-44.

⁵⁰ Trefousse, 89.

The Republican Party was the final political group that Stevens joined. Ironically, it was composed primarily of former Whigs and Know Nothings. Stevens was elected to the House of Representatives yet again in 1858, a post he held until his death in 1868.⁵¹ During this ten-year period, he chaired the House Committee on Ways and Means, which was charged with reviewing bills that raised revenue or made appropriations for the federal government. In this way, Stevens became the chief individual to control the purse of the government. Crucially, this position also allowed him to place political pressure on his opponents by threatening to withhold funds. Edward Stanley, Military Governor of North Carolina, recalled, “[Lincoln] expressed belief that, without the [Emancipation] proclamation for which they were clamoring, the Radicals would take the extreme step in Congress of withholding supplies for carrying on the war.”⁵² As important as this job was, he had another important role in the House before December 4.

Stevens was indispensable in securing the passage of the Thirteenth Amendment. In 1865, the Civil War was coming to a close. President Lincoln knew his Emancipation Proclamation, which freed slaves in the rebel states, was at risk of being overturned as it was only a wartime measure. The President knew that the Constitution needed to be amended to permanently abolish slavery or else the Union would risk undoing everything it worked so hard to achieve during the war. Of course, this was a cause Stevens had been fighting for most of his life.⁵³ The Thirteenth Amendment states, “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the

⁵¹ Trefousse, 95.

⁵² Aaron J. Walker, ““No Distinction Would Be Tolerated”: Thaddeus Stevens, Disability, and the Original Intent of the Equal Protection Clause,” *Yale Law & Policy Review* 19, no.1 (2002): 265-301, accessed March 29, 2016, <http://jstor.org.ezaccess.libraries.psu.edu/stable/40239565>.

⁵³ Peter Carlson, “Thaddeus Stevens,” Historynet, February 19, 2013, accessed February 2, 2016, <http://www.historynet.com/thaddeus-stevens.htm>.

United States, or any place subject to their jurisdiction.”⁵⁴ The amendment passed through the Senate but stalled ominously in the House of Representatives. At this point, Lincoln and Stevens used every ounce of their political skills to convince a few Democrats to vote in favor of it. They succeeded, and the House approved the amendment on January 31, 1865. However, the states now needed to ratify the amendment before it became law.⁵⁵ Ratification promised to be difficult given the war’s imminent end. If the Southern states were allowed to reenter the Union before the amendment was ratified, would they be allowed vote on it? If so, would they reject it? The challenge of ratification is the subject of chapter two.

Representative Edward McPherson before December Fourth

Edward McPherson also helped drive the movement for Radical Reconstruction. He was born on July 31, 1830 in to a prominent Gettysburg banker. Stevens was an important influence in his life from an early age. McPherson attended a common school and Pennsylvania College which would have been impossible without Stevens.⁵⁶ In fact, he was even a family friend.⁵⁷ McPherson spent most of his early life studying law and editing local newspapers.⁵⁸ However, he was elected to the United States House of Representatives, with the help of Stevens, in 1858. He served on this post until 1863.⁵⁹

McPherson became the Clerk of the House of Representatives on December 8, 1863.⁶⁰ The Clerk is tasked with keeping records of House proceedings and roll-call. He also kept close contact with Stevens during these years and served as a second set of eyes and ears. McPherson

⁵⁴ US Constitution, amend. 13 sec. 1.

⁵⁵ Trefousse, 151-52.

⁵⁶ “McPherson, Edward,” United States House of Representatives Office of the Historian, accessed February 7, 2017, <http://history.house.gov/People/Detail/18064>.

⁵⁷ Trefousse, 92.

⁵⁸ “McPherson, Edward.”

⁵⁹ Trefousse, 98-99.

⁶⁰ “McPherson, Edward”

would often correspond with Stevens and inform him on legislative matters. It is no surprise then that Stevens included McPherson in his scheme to keep out the Southern delegates on December 4, 1865.

President Andrew Johnson before December Fourth

Andrew Johnson was Thaddeus Stevens's greatest political opponent and an advocate of "restoration." Johnson was born into a poor family, like Stevens, and attended school for only a short time. Both his poverty and lack of education motivated him to be ambitious. In 1829, he served as an Alderman in Greenville, Tennessee. He climbed the political ladder to become a state legislator, governor, and congressman.⁶¹ Republicans chose Johnson, a Democrat, as their vice presidential nomination in 1864. Why would an incumbent Republican President choose a running mate from the opposition party? Johnson was the only Southern senator who remained with the Union when the South seceded and Republicans desperately needed the votes of Southern Unionists.⁶² Like Lincoln, he had been a target in Booth's assassination plot. However, Booth's co-conspirator failed to harm him. This meant he would now ascend to the presidency.⁶³

Radical Republicans were optimistic about a Johnson administration. Johnson, like Stevens, favored the common man and tax-supported public education. Additionally, he despised the rich and powerful. This anti-elitism meant that he would punish the rebel officials. He also hinted at the possibility of allowing freedmen to vote. However, the relationship between the Radicals and the President soured.⁶⁴

⁶¹ Eric Foner, *Reconstruction: America's Unfinished Revolution 1863-1877* (New York: Harper Perennial, 2002), 176.

⁶² Olsen, 201.

⁶³ *Ibid.*, 225.

⁶⁴ Foner, 176-78.

Johnson, it turned out, had a poor personality for holding political office. First, he was stubborn and unable to compromise. He was horrible at working with Congress. Making matters worse, he was a recluse who did not forge political friendships and win allies. Finally, Johnson was prejudiced towards freed persons and had no intention of granting them equal rights. These characteristics worked against the President when he enacted his version of restoring the Union.⁶⁵

Contemporaries of Johnson and historians named his plan for rebuilding the South and reuniting the country Presidential Reconstruction or “restoration.” However, Presidential Reconstruction originated with the previous administration. In 1863, President Lincoln called for a speedy Southern reentry to the Union, amnesty for rebels who swore an oath of allegiance, and restoration of all property rights except for slaves. White-controlled Southern governments would be permitted when ten percent of a state’s population took the oath of allegiance.⁶⁶ Johnson slightly altered Lincoln’s proposal. He included that Confederate officials and Southerners who owned more than \$20,000 in property must seek a special presidential pardon. Nevertheless, “restoration” was one of the most lenient punishments of a rebel group in world history.⁶⁷

On May 29, 1865, Johnson ordered William W. Holden, Provisional Governor of North Carolina, to establish a state constitutional convention. The convention would amend North Carolina’s prewar constitution. Those not yet pardoned by the President were barred from attending. Since North Carolina was amending their prewar laws, newly freed people were unable to vote or attend the convention as delegates. However, Mississippi was the first state to

⁶⁵ Ibid.

⁶⁶ Olsen, 224.

⁶⁷ Foner, 183.

hold such a convention in August. Delegates were to be Unionists meaning they did not voluntarily aid the rebellion, or fight against the Confederacy, or oppose secession. Instead, they became part of the Confederate States when their state seceded.⁶⁸

Stevens and other Republicans quickly grew to distrust President Johnson. Johnson, after all, was a Southerner and once owned slaves. Johnson rapidly abandoned his strict requirement for Confederate officials and wealthy property owners to seek hard-to-get presidential pardons. Over 7,000 Southerners had been pardoned by the President in 1866. Former rebels were being elected to public offices across the South, and the new state governments passed legislation excluding the freedmen from voting and partaking in the rights and privileges granted to white citizens. They also sought to re-establish the white over black hierarchy that had characterized the days of slavery. Governor Marvin, of Florida, informed freed persons to “call your old Master – ‘Master’.” Marvin was a prominent Southerner who opposed secession and owned slaves but joined the South during the war.⁶⁹

Representative James Brooks before December Fourth

James Brooks had evolved into Thaddeus Stevens’s great foe in the House of Representatives by December 4, 1865. Brooks was born on November 10, 1810, in Maine. Like Stevens, he studied law and served in his state legislature. He relocated to New York City in the late-1830s and was first elected to be a Democratic Representative of New York to the United States Congress in 1849. He also shared many years of congressional experience with Stevens.⁷⁰

⁶⁸ Ibid., 183-91.

⁶⁹ Foner, 189-91.

⁷⁰ “Brooks, James,” Office of the Historian of the United States House of Representatives, accessed February 21, 2017, [http://history.house.gov/People/Listing/B/BROOKS,-James-\(B000881\)/#biography](http://history.house.gov/People/Listing/B/BROOKS,-James-(B000881)/#biography).

Representative Brooks challenged Lincoln and Stevens when the Thirteenth Amendment was introduced to the House. He presented a speech in front of his colleagues where he insisted, “No time seems more inauspicious to me than in the midst of civil war...to make great fundamental changes of the Constitution of the United States.”⁷¹ Brooks argued that he did not agree with slavery. Nevertheless, he could rationalize his tolerance of the institution by employing the following logic:

The approval of a slavery system ... and the acceptance of it as an institution existing, are very different things. I accept it, if I do not approve. The Constitution of my country teaches me to be tolerant in all things, even in the most important of all matters, that or religion. Intolerance is criminal at all times; but intolerance is repelled under our form of Government in every line and letter of that Constitution under which we live; and if the Constitution did not teach me that, the Bible does.⁷²

This quote is an excellent example of a Northern Democrat’s tolerance of religious differences. On the other hand, the quote exemplifies the racism of the Democratic Party in the mid-1860s. Brooks suggested that he deplores slavery but he is willing to accept its existence. He failed to see how slavery created a white over black hierarchy that was both unequal and inhumane. Perhaps, he stomached slavery because he himself did not view black individuals as his equals. Brooks’s ideological beliefs are important to understand as they reappear on December 4, 1865.

Southern Representative- Elect Horace Maynard before December Fourth

Horace Maynard fit the country’s assumed definition of a Southern Unionist. He was born in Westboro, Massachusetts, on August 30, 1814. East Tennessee College hired Maynard to tutor students in the late-1830s. Suddenly, he became a transplanted Puritan descendant in a Southern State. Puritans were a group of religious settlers that migrated to New England in 1630. Maynard pursued a career in law in the 1840s. He belonged to the Whigs, Know-Nothings, and

⁷¹ James Brooks, “Speech of Hon. James Brooks, of New York: on the President’s message, in the House of Representatives, December, 1864,” Slavery & Anti-Slavery: A Transnational Archive, accessed February 22, 2017, Gale Group.

⁷² Ibid.

Constitutional Union Party over the span of his life. When the Southern states seceded in 1860, Maynard found himself torn between his adopted home in Tennessee and his beloved country.

Ultimately, Maynard chose to fight against secession. He threw his support behind the Crittenden Compromise which amounted to a last ditch effort to stop the South from leaving the Union. He also successfully campaigned in Eastern Tennessee to sway the vote in favor of remaining in the United States. Despite his efforts, the entire state chose to leave. Andrew Johnson, a long-time political opponent of Maynard, worked with him to free the eastern portion of the state from rebel control during the war. During Johnson's tenure as a military governor, Johnson selected him to be his attorney general.⁷³ Maynard repaid Johnson by nominating him and President Lincoln for the Union Party's ticket in 1864.⁷⁴ When the war came to a close, Maynard ran for his seat in Congress. He won the election in August of 1865 and patiently waited for the opening of the first secession of the Thirty-Ninth Congress in December.⁷⁵

Other Southern Representative-Elects before December Fourth

Although some Southern representative-elects, like Maynard, undoubtedly supported the Union cause, others fought for the Confederate States. Thomas Jefferson Foster of Alabama fit the criteria to be a Unionist. Foster staunchly opposed secession in 1861. He even promoted the idea of a special meeting between the North and South to lessen the growing possibility of civil war after Lincoln's election. When all chances of peacekeeping failed however, Foster dove headlong in the Confederate cause. In 1861, he was colonel of a regiment of troops named after

⁷³ Hans L. Trefousse, "Maynard, Horace," American National Biography Online, 2000, accessed February 22, 2017, <http://www.anb.org.ezaccess.libraries.psu.edu/articles/04/04-00670.html>.

⁷⁴ Brodie, 240.

⁷⁵ "Maynard, Horace."

him and helped build Fort Henry on the Tennessee River. He was also elected to the Confederate House of Representatives the same year and served until the end of the war.⁷⁶

Arthur Exum Reynolds of Mississippi followed a path similar to Foster. Reynolds maintained that Mississippi should remain in the Union at the state's secession convention but later signed the proclamation of secession. He went on to lead the 26th Mississippi Infantry in battle. Reynolds fought at the Battle of Fort Donelson, the Battle of Champion's Hill, and the siege at Petersburg, Virginia. He suffered and sacrificed much for the rebel cause. Union troops captured Reynolds and imprisoned him in Washington, D.C. Additionally, he was wounded at the Battle of Weldon Railroad in 1864.⁷⁷ One of Reynolds's counterparts, James T. Harrison, maintained a position in the Confederate Congress prior to December 4.⁷⁸ Delegates from Louisiana and Virginia also contributed the rebellion.

In conclusion, Stevens's Reconstruction policy formed as a reaction to Johnson's leniency towards former Confederates who fought for the idea that blacks should remain in bondage. We learned that "Reconstructionists" consisted of Republicans like Stevens and Edward McPherson who believed it was too soon to bestow statehood to the conquered Southerners and doing so would undo the Civil War. In Chapter 2, I will provide more details on how admitting Southern delegates to Congress would reverse Union progress during the war. "Restorationists" followed President Andrew Johnson and believed that the South should quickly rejoin the Union with little punishment. James Brooks, a Northern Democrat, Horace Maynard

⁷⁶ Ezra J. Warner and W. Buck Yearns, *Bibliographical Register of the Confederate Congress* (Baton Rouge, LA: Louisiana State University Press, 1975), 89-90.

⁷⁷ Bruce S. Allardice, *More Generals in Gray* (Baton Rouge, LA: Louisiana State University Press, 1995), 196-197.

⁷⁸ E. Ryan, "Collection Overview: James T. Harrison Papers, 1770-1896," University of North Carolina at Chapel Hill, 2008, accessed March 16, 2017, <http://finding-aids.lib.unc.edu/02441/>.

and other Southerners sided with Johnson on this policy. December 4, 1865, happened to be the crossroads of the “Reconstructionist” and “Restorationist” ideologies.

Chapter 2: An American Pivotal Moment

On May 10, 1865, Thaddeus Stevens composed a brief letter to Senator Charles Sumner of Massachusetts from the St. Lawrence Hotel in Philadelphia. Stevens expressed dismay over President Andrew Johnson's implementation of Presidential Reconstruction. He stated, "I see the President is precipitating things. Virginia is recognized! I fear before Congress meets he will have so be-deviled matters as to render them incurable."⁷⁹ Only one day before Stevens's letter, Johnson had issued an executive order declaring:

That to carry into effect the guaranty by the Federal Constitution of a republican form of State government and afford the advantage and security of domestic laws, as well as to complete the reestablishment of the authority and laws of the United States and the full and complete restoration of peace within the limits aforesaid, Francis H. Pierpont, governor of the State of Virginia, will be aided by the Federal Government so far as may be necessary in the lawful measures which he may take for the extension and administration of the State government throughout the geographical limits of said State.⁸⁰

Through executive order, Pierpont had become governor of Union-occupied territory in Virginia in 1861.⁸¹ However, the President was somewhat naive to recognize Virginia only a month after Lee surrendered at Appomattox under the assumption that no immediate or long-term repercussions would occur. Stevens concluded that he must intervene before the President allowed the entire South to rejoin the Union in this fashion.

Stevens spent very little time waiting to contact the President about his executive order.

On May 16, 1865, he opted to write his concerns in a letter rather than waiting to meet with Johnson personally. "The last Congress, (I expect the [next Congress])," Stevens remarked,

⁷⁹ Thaddeus Stevens to Charles Sumner, May, 10, 1865, in *Selected Papers*, ed. Beverly Wilson Palmer and Holly Byers Ochoa, vol. 2, 1865-1868 (Pittsburgh: University of Pittsburgh Press, 1998), 4.

⁸⁰ Andrew Johnson, "Executive Order—To Reestablish the Authority of the United States and Execute the Laws Within the Geographical Limits Known as the State of Virginia," May 9, 1865, online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=72146>.

⁸¹ Thaddeus Stevens to Andrew Johnson, May, 16, 1865, in *Selected Papers*, ed. Beverly Wilson Palmer and Holly Byers Ochoa, vol. 2, 1865-1868 (Pittsburgh: University of Pittsburgh Press, 1998), 5.

“looked upon [Reconstruction] as a question for the Legislative power exclusively... How the executive can remodel the *States in the union* is past my comprehension.”⁸² He continued by stating, “The forcing [of] governor Pierpont, chosen by a thousand votes on the million inhabitants of Virginia as their governor and call it a republican form of government may provoke a smile, but can hardly satisfy the [judgment] of a thinking people. Had you made him a military [governor] it were easily understood.”⁸³ Stevens referenced several aspects of Article IV of the Constitution in his letter. Section III provides the legislative branch, not the chief executive, with the power to admit new states and “dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”⁸⁴ Section 4 guarantees that each state will maintain a “Republican Form of Government.”⁸⁵ In closing, Stevens advised the President to “call an extra Session [of Congress]” rather “than to allow many to think that the executive was approaching usurpation.”⁸⁶ Johnson refused to heed Stevens’s warning.

Once again, the President took matters into his own hands in readmitting Southern states into the Union. He ordered William H. Holden, provisional governor of North Carolina, to establish a state constitutional convention and reestablished North Carolina’s pre-war voting requirements. This meant that freedmen were unable to have a say in their new state government. Stevens wrote a fiery message about Johnson to Representative William Kelley on May 30. “I see our worthy president fancies himself a sovereign power,” he said, “His North Carolina

⁸² Stevens to Johnson , 5.

⁸³ Ibid.

⁸⁴ US Constitution, art. 4, sec. 3, cl.1.

⁸⁵ US Constitution, art. 4, sec. 4, cl.1.

⁸⁶ Stevens to Johnson, 5.

proclamation sickens me...I write merely to vent my mortification.”⁸⁷ Stevens knew the lack of black suffrage was the least of his concerns. “I do not know that I can suggest anything – Would to God the people in those states would elect all rebels,” he informed Kelley.⁸⁸ Again he tried to convince the President to wait until Congress convened in December and again he failed.

In late-August, Stevens penned a letter to Charles Sumner about the “President’s fatal policy.” Stevens complained, “I have twice written [Johnson] urging him to stay his hand untill [sic] Congress meets – Of course he pays no attention to it.”⁸⁹ This letter, however, is unique because it stands as a precursor of his Reconstruction speech in Lancaster on September 6. His plan was to “Get the rebel states into a territorial condition, and it can easily be dealt with.”⁹⁰ The next day, Stevens repeated this policy to Representative John Hutchins of Ohio. “If we can put the South into Territories,” he argued, “it will come right.”⁹¹ His plan struck a chord amongst fellow Republicans who were able to obtain a copy of his Lancaster address. Representative Godlove Stein Orth of Indiana exclaimed, “I ... read with pleasure your remarks on the question of reconstruction.”⁹² Orth followed up this comment by stating what Stevens knew all along. He darkly prophesied that “all the sacrifices, toils & sufferings of this terrible [Civil] War will go for naught and worse than naught” if the President is successful with Restoration.⁹³

This chapter uncovers Stevens’s pivotal role in swaying the course of history on December 4, 1865. The first section focuses on the breakdown of Restoration which led to the

⁸⁷ Thaddeus Stevens to William D. Kelley, May, 30, 1865, in *Selected Papers*, ed. Beverly Wilson Palmer and Holly Byers Ochoa, vol. 2, 1865-1868 (Pittsburgh: University of Pittsburgh Press, 1998), 6-7.

⁸⁸ *Ibid.*

⁸⁹ Thaddeus Stevens to Charles Sumner, August, 26, 1865, in *Selected Papers*, ed. Beverly Wilson Palmer and Holly Byers Ochoa, vol. 2, 1865-1868 (Pittsburgh: University of Pittsburgh Press, 1998), 10.

⁹⁰ *Ibid.*

⁹¹ Thaddeus Stevens to John Hutchins, August, 27, 1865, in *Selected Papers*, ed. Beverly Wilson Palmer and Holly Byers Ochoa, vol. 2, 1865-1868 (Pittsburgh: University of Pittsburgh Press, 1998), 11.

⁹² Godlove Stein Orth to Thaddeus Stevens, September, 12, 1865, in *Selected Papers*, ed. Beverly Wilson Palmer and Holly Byers Ochoa, vol. 2, 1865-1868 (Pittsburgh: University of Pittsburgh Press, 1998), 27.

⁹³ *Ibid.*

infamous black codes in the South. Then, we move on to Stevens's preliminary meetings with fellow Republicans to formulate a plan to keep Southern delegates from taking their seats in Congress and reversing Johnson's Presidential Reconstruction. The third section covers the date in which American history pivots, December 4. This section will cover the exact events as they unfolded in the United States House of Representatives using the *Congressional Globe*. Next, we explore the Constitution to understand the legality of Stevens's actions. Finally, this chapter covers the Joint Committee of Fifteen on Reconstruction. The Committee on Reconstruction, designed by Stevens, decided when the Southern states were eligible to rejoin the Union.

Thirteenth Amendment Loophole

Elite white Southerners sought to re-impose the pre-war social hierarchy on their states immediately after their surrender.⁹⁴ This hierarchy placed the wealthiest plantation owners at the top, followed by yeomen farmers, poor whites, and slaves at the bottom.⁹⁵ It also positioned whites over blacks. Their first strategy to return to their antebellum way of life was to reject the ratification of the Thirteenth Amendment. Mississippi tried to do just that.⁹⁶ However, Presidential Reconstruction forced Southern states to adopt the amendment before reentering the Union. White Southerners were then forced to use a different legal device to subjugate freed persons.

White Southerners exploited a loophole in the Thirteenth Amendment, which ended slavery, to reestablish a form of servitude for freed persons. The amendment stipulates that involuntary servitude is illegal "except as a punishment for crime whereof the party shall have

⁹⁴ Foner, 198.

⁹⁵ Martin, 392-93.

⁹⁶ Foner, 199.

been duly convicted.”⁹⁷ In other words, the Thirteenth Amendment did not apply to freed persons who broke the law. Additionally, states determined what constituted a crime. In 1865 and 1866, Southern legislatures began passing a series of laws known collectively as the black codes. The black codes included laws on vagrancy, labor contracts, and apprenticeship; and Mississippi along with South Carolina passed the first of these codes.⁹⁸

Above all others, vagrancy laws threatened to return freed persons to lives of forced servitude. Vagrancy was a term, according to South Carolina’s Code, which was applied to “persons who lead idle or disorderly lives.”⁹⁹ In Alabama, freed persons could be fined fifty dollars for “[loitering] away their time.” Since they were former slaves, many freed people were poor and unable to pay the fine. In this case, they were arrested and “hired out at public auction for a period of six months.”¹⁰⁰ Fawn Brodie noted, “Any Negro could be arrested as a vagrant upon the complaint of any white man, and if unable to give bond and security, would be sentenced to be hired out for a year, preferably to the white man bringing the complaint,” in Louisiana.¹⁰¹ However, vagrants were typically freed persons who did not own property as a result of slavery and refused to work for white employers under labor contracts.¹⁰² Later in the chapter, I explore labor contract laws in greater depth. Southern states could now justify placing blacks into involuntary servitude by criminalizing vagrants. Vagrancy laws, however, were only one aspect that kept freedmen on the plantation.

Labor contracts coincided with the vagrancy laws. In many Southern states, freed persons needed to have written proof of employment at the beginning of each year. If an individual could

⁹⁷ US Constitution, amend. 13 sec. 1.

⁹⁸ Foner, 200-01.

⁹⁹ Ibid.

¹⁰⁰ Brodie, 239.

¹⁰¹ Ibid.

¹⁰² Foner, 200-01.

not provide their work papers, they would be given the same punishment as vagrants. In Florida, blacks who broke contracts were wiped, put in a pillory, or sold into “labor.” In most Southern states, freed people were forced to work as a farmer or servant as a result of the taxes placed on all other trades performed by them.¹⁰³ There was hardly any way to escape plantation labor for both old and young.

Apprenticeship laws were arguably the worst of the black codes. Black youths were separated from their parents and placed under the “guardianship” of whites. Courts argued that the parents were unfit to care for the child due to their poverty and relocated the children to white planters without parental consent. As a result, black families were broken apart in a similar manner to those of slavery era. These planters tended to be a former master seeking unpaid labor. One freedman commented, “Surely the law does not Call for [white] Children to be bond out when their people is Abel [sic] to Keep them.”¹⁰⁴ In any case, Republicans were furious that Johnson’s leniency towards Southerners had degenerated into a semi-reversal of Union progress during the Civil War. Slavery, supposedly abolished, was coming back under a new name and in a slightly altered form. Now that Southern legislatures were sending delegates to Congress, a more permanent return to Southern antebellum life could be enacted by a Democratic and Southern majority. Thaddeus Stevens, unnerved by this prospect, formulated a plan in a series of meetings with fellow Republicans to stop the Southern states from undoing any war-time achievements.

¹⁰³ Foner, 200-01.

¹⁰⁴ Foner, 201.

A Final Appeal and a Course of Action

Thaddeus Stevens appealed to President Johnson for one final time in person. He made his way to the White House on November 29, 1865.¹⁰⁵ The *New York Herald* reported on the meeting. He strongly denounced Johnson's pardoning of former rebels and told the President "that he did not believe that there was any person in Pennsylvania, outside of officeholders and a few personal friends of their officials, that endorse or in the least approved [Presidential Reconstruction]."¹⁰⁶ Johnson pleaded with him for harmony "for the sake of the country" – but to no avail.¹⁰⁷ Stevens saw the meeting was pointless and resolved to take matters into his own hands.

On December 1, 1865, over twenty-five Radical Republicans attended a caucus. Caucus, in this case, is defined as a gathering of a political faction or party with the intention to discuss policy and candidate preferences. Thaddeus Stevens took part in controlling the course of the meeting. He proposed charging a committee with the task of overseeing Reconstruction and the slow admittance of Southern representatives to Congress. However, the Radical Republicans felt that other Republicans in the Senate, who were mostly conservatives, would prefer to allow Southerners to hold seats immediately. According to Benjamin Kendrick, Stevens decided that "the resolution appointing this committee ought to have some provision that would prevent one house from admitting Southern representatives until the other had come to the same decision."¹⁰⁸ The goal of such a provision would delay the Senate from accepting Southern delegates until Radicals in the House could convince Republicans in the Senate to back Radical Reconstruction.

¹⁰⁵ Trefousse, 175.

¹⁰⁶ "A Peep Behind The Political Coulistes," *New York Herald*, December 11, 1865, accessed February 26, 2017, America's Historical Newspapers.

¹⁰⁷ *Ibid.*

¹⁰⁸ Benjamin B. Kendrick, "The Journal of the Joint Committee of Fifteen on Reconstruction, 39th Congress, 1865-67" (PhD diss, Columbia University, 1914), 139-40, accessed February 19, 2017, <https://babel.hathitrust.org/cgi/pt?id=pst.000012035441;view=1up;seq=9>.

The members of the caucus unanimously agreed with Stevens's plan. Kendrick argued that Stevens's actions on December 1 became "the first step on the road toward committing the Union party against the Presidential theory of reconstruction."¹⁰⁹ Now that the Radical faction had approved his plan, Stevens needed to convince the rest of the party.

The next day, December 2, the one hundred and twenty-four Republicans held a caucus in Washington, D.C.¹¹⁰ One member moved to establish a committee of seven individuals who would construct a policy on the issue of the Southern delegates.¹¹¹ The committee consisted of Stevens, its chair, along with Representatives Henry Raymond, Rufus Spaulding, Elihu Washburn, Halbert Paine, George Boutwell, and former-Representative Francis Blair. The committee members produced a resolution which stated the following:

Resolved, By the Senate and House of Representatives of the United States, in Congress assembled, that a joint committee of seventeen members shall be appointed ... who shall inquire into the condition of the States which formed the so-called Confederate States of America, and report whether any of them are entitled to be represented in either house of Congress ... and until such report shall have been made and acted on by Congress no member shall be received into either house from any so-called Confederate States.¹¹²

According to the *Boston Daily Advertiser*, Stevens himself prepared the wording of the resolution.¹¹³ This fact validates the contention that he was a primary player in preventing Southern delegates from taking their seats in Congress on December 4. The caucus members unanimously voted in favor of the resolution.¹¹⁴ Now, Stevens anxiously awaited the opening of Congress in two days.

¹⁰⁹ Ibid.

¹¹⁰ "Caucus of the Republican Members in Washington – The Admission of Members from the late Rebel States," *Boston Daily Advertiser*, December 4, 1865, accessed February 20, 2017, 19th Century U.S. Newspapers.

¹¹¹ Kendrick, 139-40.

¹¹² "Caucus of the Republican Members."

¹¹³ Ibid.

¹¹⁴ Kendrick, 139-40.

December 4, 1865

The events of December 4, 1865 began in the late morning at the Capitol. The *Boston Daily Advertiser* described the scene as “favorable” and “good humor[ed].” “The air was balmy as a May day,” according to the *Advertiser*, “and the concourse of people who crowded the galleries and corridors was brilliant and fashionable.”¹¹⁵ William H. Barnes, author of *History of the Thirty-Ninth Congress of the United States*, informs us that “crowds as had never before been seen at the opening of a session” attended. Americans from “every quarter of the Union” filled the Diplomatic Gallery, Reporters’ Gallery, and House floor. Barnes claimed, “The ‘floor’ was held not only by the ‘members,’ who made the hall vocal with their greetings and congratulations, but by a great crowd of pages, office-seekers, officer-holders, and unambitious citizens” who were “unskilled in the mysteries of diplomacy.”¹¹⁶ Many individuals eagerly awaited the opening of Congress for the same reasons that Lancastrians were interested in Stevens’s “Reconstruction” speech. Americans, as a whole, wished to know how Congress would respond to the very serious issues that arose in the immediate aftermath of the Civil War.

Thaddeus Stevens, seventy-three years old by that time, entered the House Chamber on what was presumably a sedan chair. Sedan chairs functioned as a mode of transportation where an individual would be seated and typically two others would carry them from place to place. According to Brodie, Stevens was too ill to walk on his own at this time. Carl Schurz, a Union general who attended the occasion, observed that Stevens “looked very much aged since our last meeting [eight months prior] and infirm in health. In repose his face was like a death-mask.”¹¹⁷

¹¹⁵ “By Telegraph,” *Boston Daily Advertiser*, December 5, 1865, accessed February 20, 2017, 19th Century Newspapers.

¹¹⁶ William H. Barnes, *History of the Thirty-Ninth Congress of the United States*, (New York: Harper and Brothers, 1868), 15.

¹¹⁷ Brodie, 240.

The *New York Tribune*, however, described him as displaying “his [73] years as though they were 40.”¹¹⁸ Though his body appeared to be ailing, his spirit was prepared for a fight.

The Representatives of the Thirty-Ninth Congress assembled at noon in the House Chamber. Edward McPherson, Clerk of the previous House of Representatives, started the secession by conducting a roll call as proscribed by law. One by one, he read the names of members elected to the new House.¹¹⁹ However, he skipped the names of all the delegates sent to Congress by Alabama, Louisiana, Mississippi, Tennessee, and Virginia (to see the entire list of Southern delegates on December 4, see Table 1).¹²⁰ Stevens worked with McPherson to deliberately keep these delegates off the roll by invoking the rules of the House (the following section of this chapter addresses the legality of Stevens’s actions).¹²¹ Horace Maynard of Tennessee, one of the excluded states, quickly jumped to his feet and declared, “Mr. Clerk, I beg to say that in calling the roll of members—.” At this point, McPherson interrupted with, “The Clerk will be compelled to object to any interruption of the call of the roll.” “Does the Clerk decline to hear me?” replied Maynard. McPherson answered, “I decline to have any interruption for the call of the roll.” Once the roll call was complete the members moved to elect a new Speaker of the House. Article I, Section II of the Constitution requires the House to “chuse their Speaker.” However, the Founding Fathers did not provide guidelines to how the Speaker must be selected.¹²² Traditionally, the Speaker is selected by the House at the first secession of each new Congress. In fact, the selection of a Speaker tends to be the first order of business in a new

¹¹⁸ Trefousse, 175.

¹¹⁹ *Cong. Globe*, 39th Cong., 1st sess., 1865, 3-7.

¹²⁰ “The Thirty-Ninth Congress,” *Philadelphia Inquirer*, December 4, 1865, accessed March 15, 2017, NewsBank.

¹²¹ Trefousse, 175.

¹²² US Constitution, art. 1, sec.2, cl. 5.

House of Representatives. Any debate over allowing Southern delegates to take their seats subsided for a brief moment.¹²³

Table 1. Southern Representatives-Elect

Alabama
Charles Carter Langdon, George C. Freeman, Cullen Andrews Battle, J. W. Taylor, C. Shield, Thomas Jefferson Foster
Louisiana
Louis St. Martin, Jacob Barker, Robert Charles Wickliffe, John E. King, John Ray
Mississippi
Arthur Exum Reynolds, E. A. Pierson, James T. Harrison, A. M. West, E. G. Peyton
Tennessee
Nathaniel G. Taylor, Horace Maynard, Col. William B. Stokes, Edmund Cooper, William B. Campbell, Dorsey B. Thomas, Col. Isaac Roberts Hawkins, John W. Leftwich
Virginia
William Henry Bagwell Custis, Lucius H. Chandler, Benjamin Johnson Barbour, Robert Ridgeway, Beverly A. Davis, Alexander H. Stuart, Robert Y. Conrad, Daniel H. Hoge

Not easily silenced, Maynard launched another attempt to be heard. He exclaimed, “Before that motion is put—.” Cutting him off in mid-sentence, Stevens interjected with, “I call the gentlemen to order.” McPherson then added, “The Clerk rules, as a matter of order, that he

¹²³ *Cong. Globe*, 3-7.

cannot recognize any gentleman whose name is not upon his roll.”¹²⁴ Although Maynard unarguably had remained a loyal Unionist throughout the war, Stevens and McPherson knew that giving exceptions would create a precedent that would undo their plan. Therefore, Maynard must not be allowed to speak. He would have to wait until the Republicans recognized Tennessee as a state.

Representative James Brooks now intervened on the side of Maynard. He asked McPherson that “if Tennessee is not in the Union” then by “what right does the President of the United States usurp his place in the White House?” He continued by inquiring, “if the honorable gentleman from Tennessee, who would address the House if permitted by the Clerk, is not a loyal man and is not from a State in the Union, what man this is loyal?” These questions had legitimacy for those who did not subscribe to Stevens’s Reconstruction policy. McPherson answered, “With the consent of the gentlemen I will state that if it be the desire of the House to have my reasons, I will give them; but I have not felt justified or called upon to give any reasons; I have acted in accordance with my views of duty, and I am willing to let the record stand.” Stevens assured the Clerk, “It is not necessary. We know all.” Brooks fumed in anger at Stevens’s response.¹²⁵

The tension building in the House Chamber must have been felt by all those who witnessed the fiery debate. Brooks fulminated, “If the gentleman from Pennsylvania, who has interrupted me, would inform me at what period he intends to press this resolution [on readmitting Southern states] which he is to be the organ, I would be happy to be informed by him.” “I have no object to answer the gentleman,” Stevens responded, before cleverly adding, “I

¹²⁴ Ibid.

¹²⁵ Ibid.

propose to press it at the proper time.” The House erupted with laughter and applause. Stevens was known for his quick wit and humor. Brooks then resorted to a coded personal attack on Stevens that was not easily identified by those who were uninformed. He asserted, “Talleyrand, the great diplomatist, said that language was given to man to conceal his ideas; and we all know [Stevens’s] ingenuity in the use of language.”¹²⁶ Not only did Brooks accuse Stevens of lying, he referred to the rumor that Stevens was Talleyrand’s illegitimate son. The reader will recall, from Chapter 1, that the Talleyrand rumor was directly connected to Stevens’s clubfoot. Therefore, the insult also carried a subtext of discrimination.¹²⁷

Refusing to be silenced, Brooks continued to press. He proposed that Maynard be permitted to “present the credentials of the members of from Tennessee, and that their names be put upon the roll.” Stevens objected because the proposal was not related to the original motion of selecting a Speaker of the House. He then moved for the House to elect a Speaker, but Maynard attempted to plead with Stevens one final time. Maynard said, “I appeal to the gentleman from Pennsylvania to listen to me for a moment.” Stevens replied, “I cannot yield to any gentleman who does not belong to this body – who is an outsider.” Silenced again, Brooks’s and Maynard’s chances of succeeding grew dimmer by the moment.¹²⁸

Finally, the members of the House appeared to grow weary of the debate. Brooks, however, chose to provide a final comment. “I will yield the floor unconditionally for the purpose of order and decorum,” he grumbled. “After the decision of the Clerk, and without acquiescing in its parliamentary propriety or justice, I can only lament that a precedent like this should be established for future organizations of the House, when some other majority may have

¹²⁶ Ibid.

¹²⁷ Brodie, 240.

¹²⁸ *Cong. Globe*, 3-7.

the control.”¹²⁹ Brooks, however, failed to see the danger of allowing certain Southerners to control the rights of the freed persons. Stevens and the other Republicans felt that barring the Southern delegates was a necessary precaution for extreme circumstances. Next, Philip Johnson of Pennsylvania suggested “that the Clerk of the House be directed to place upon the roll the names of the gentlemen holding credentials from the Governor of Tennessee as members-elect of this House.” Johnson’s motion meant the House would vote to force the Clerk to recognize the Tennessee delegation. However, McPherson refused to hear any further debate on the issue and asserted, “Nominations are now in order for the office of Speaker.” Schuyler Colfax, Republican, and James Brooks, Democrat, were nominated by their respective party members. The majority of the House selected Colfax to be the Speaker with a vote of 139 over 36.¹³⁰

Applying the Constitution

The position of the Clerk of the House of Representatives originated with the Secretary of the Continental Congress.¹³¹ However, Article I, Section II of the Constitution provides the House with the authority to “chuse their Speaker and other Officers.”¹³² The first Clerk was elected by the first House of Representatives on April 1, 1789.¹³³ Those who fill this office are required to call the first new session of the House to order, produce the rolls with the names of the Members-elect, conduct roll call, and serve as the presiding officer of the House among other duties. Edward McPherson happened to be the Clerk of the Thirty-Eighth House and was legally responsible for opening the secession of the Thirty-Ninth.¹³⁴ Stevens understood that only McPherson could strike the Southern delegates from the rolls. But this information is not

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ “Clerks of the House,” Office of the Historian of the United States House of Representatives, accessed February 24, 2017, <http://history.house.gov/People/Office/Clerks/>.

¹³² US Constitution, art. 1, sec.2, cl. 5.

¹³³ “Clerks of the House.”

¹³⁴ Barnes, 16.

sufficient to complete our understanding of the legality of striking Southern delegates' names from the official roll.

Instead, we must shift our attention to the Constitution to understand the legality of Stevens's actions on December 4. According to Article I, Section V, "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members."¹³⁵ The Thirty-Seventh Congress enacted a piece of legislation in compliance with the above clause. The act states, "the Clerk of the next preceding House of Representatives shall make a roll of the representatives elect, and place thereon the names of all persons and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States, respectively, or the laws of the United States."¹³⁶ Stevens understood that the act could be strategically interpreted in such a way that could advance his primary object- to impose his vision for Reconstruction on the Southern states using his theory of Reconstruction. Thus, McPherson's removal of Southern representatives-elect from the roll was required by law since the South remained "an alien enemy to be dealt with according to the laws of war."¹³⁷ In other words, the Constitution provides Congress with the power to reject its own members. Now that the Southern representatives-elect were virtually barred from their seats and a Speaker of the House was elected, Stevens proposed his plan to rebuild the South.

The Joint Committee of Fifteen

Stevens introduced a resolution calling for a Joint Committee on Reconstruction. The legislation reads:

¹³⁵ US Constitution, art. 1, sect. 5, cl. 1.

¹³⁶ An Act to Regulate the Duties of the Clerk of the House of Representatives in Preparing for the Organization of the House, H. Res. 780, 37th Cong., 3rd sess., *Congressional Globe* (March 3, 1863).

¹³⁷ Stevens, "Reconstruction," 13.

*Resolved by the Senate and House of Representatives in Congress assembled, That a joint committee of fifteen members shall be appointed, nine of whom shall be members of the House and six members of the Senate, who shall inquire into the condition of the States which formed the so-called confederate States of America, and report whether they or any of them are entitled to be represented in either House.*¹³⁸

Readers will recall that the original Joint Committee proposal at the Republican caucus consisted of seventeen members. Stevens possibly dropped two of these members as a way to limit the power of the Senate over the committee. He also included the important clause forbidding either house from admitting Southern delegates until the Joint Committee approved of their reentry to the Union. Like Stevens's plot to keep Southern representatives-elect from the roll, his proposal faced several attempts at obstruction. He moved to suspend the rules of the House and his resolution passed with an overwhelming majority of 133 yeas to 36 nays. Democratic Representative William Niblack of Indiana endeavored to ensure the Southern members' voices were heard. He called for the "persons claiming to have been elected Representatives to the present Congress from the States lately in rebellion" to "be entitled to the privileges of the floor of the House." Republicans returned the favor of obstruction when Stevens motioned to adjourn. Accordingly, the debates and excitement of December 4, 1865, concluded at two p.m.¹³⁹

In this chapter, we have examined the importance of Stevens's actions on December 4. We learned that Johnson's plan for Reconstruction degenerated into chaos for freed persons. Many blacks were forced to work on plantations through the notorious set of laws called the Black Code, and Southern legislators provided them with little freedom. Stevens maneuvered to obstruct Johnson's Restoration and enact his own plan to rebuild the South and guarantee equal rights for freed people. He convinced his fellow Republicans to support a proposal for a Joint Committee that would decide the future of the South. Additionally, he worked with Edward

¹³⁸ *Cong. Globe*, 3-7.

¹³⁹ *Ibid.*

McPherson, using the Constitution and established laws, to reject Southern members-elect from being placed on the roll. This action allowed Stevens to become the one of the most powerful congressman in the Reconstruction era. He participated in the committee that would forever change the course of American history.

Chapter 3: The Aftermath

On December 6, 1865, Theodore Tilton, a New York newspaper editor, composed a letter to Thaddeus Stevens. Tilton praised Stevens for the way in which he “opened Congress & [threw] down the gauntlet to the President’s policy.”¹⁴⁰ He also described the reactions of his Radical friends with words and phrases like “heartly,” “merry,” and “tumultuous with gratitude.”¹⁴¹ Stevens replied, “I feel grateful for your approval.”¹⁴² Although some approved of Stevens’s actions on December 4, others did not. Not surprisingly, Southerners especially denounced Stevens.

In this chapter, we investigate the South’s reaction to Congress and Stevens’s ingenious stratagem which denied their delegates a seats by examining Southern newspapers and correspondence. In addition, this chapter also explores the policies that Stevens and other Republicans pursued in the wake of December 4. This section discusses Radical Reconstruction, the Fourteenth and Fifteenth Amendments, and the Civil Rights Act of 1866. The final part of Chapter 3, perhaps the most important part, explains the vast importance of December 4 to Americans today. Readers will learn how Stevens’s actions have impacted them personally and why he remains relevant now more than ever before.

Southern Reactions

On December 4, 1865, Alexander P. Field, from Louisiana, corresponded with Stevens. Field occupied a job as a New Orleans lawyer and proponent of the Union Party during the Civil

¹⁴⁰ Theodore Tilton to Thaddeus Stevens, December, 6, 1865, in *Selected Papers*, ed. Beverly Wilson Palmer and Holly Byers Ochoa, vol. 2, 1865-1868 (Pittsburgh: University of Pittsburgh Press, 1998), 43.

¹⁴¹ Ibid.

¹⁴² Thaddeus Stevens to Theodore Tilton, December, 7, 1865, in *Selected Papers*, ed. Beverly Wilson Palmer and Holly Byers Ochoa, vol. 2, 1865-1868 (Pittsburgh: University of Pittsburgh Press, 1998) , 44.

War. In the letter, he reviewed Stevens's dramatic actions in Congress and the effect it had had on him personally:

Although Two years at Washington claiming a seat as representative to Congress from [New Orleans] and each session refused admission, upon the ground mainly that Congress was not satisfied that the people of this State was in condition to be admitted upon their want of Loyalty to the Union. On this question you took a decided stand against the admission of the members from this state and Arkansas and from several causes I had reasons to believe that you were somewhat prejudiced against me and supposed me to be in Sympathy with the Secessionists & slave owners of the South.¹⁴³

Indeed, a Republican-controlled House allowed two representatives from Louisiana to vote for Speaker of the House in a previous secession. However, their names were not placed on the roll and they were not officially members of the House for the same reasons the Southern representatives-elect were barred on December 4.¹⁴⁴ Field had felt initially that Stevens disliked him personally. However, he now understood the true reason why he was unable to be seated in Congress.

Field informed Stevens of the motive behind his letter. He wished to "give [Stevens] some idea of the conduct and feeling of the Returned Rebels."¹⁴⁵ According to Field:

There is less true Union feeling in [Louisiana] now than there has been during any period of the Rebellion and the tone and expression of the men who have brought all the train of evils upon the country by this war, are far more defiant than they were in 1861 when they passed the act of secession ... In fact [to] see their hatred to all Northern men is truly astonishing.¹⁴⁶

It comes as no surprise to readers today that the South would view their Northern counterparts with bitter resentment immediately after the war. Thousands of Southerners died to maintain

¹⁴³ Alexander P. Field to Thaddeus Stevens, December, 4, 1865, in *Selected Papers*, ed. Beverly Wilson Palmer and Holly Byers Ochoa, vol. 2, 1865-1868 (Pittsburgh: University of Pittsburgh Press, 1998), 38-40.

¹⁴⁴ *Cong. Globe*, 3-7.

¹⁴⁵ Field to Stevens, 38-40.

¹⁴⁶ *Ibid.*

their way of life but failed to succeed. Field's letter shows us that the Lost Cause ideology is becoming entrenched in the South at this time.

Christopher Olsen, a Civil War scholar, describes the effect of the loss on the Southern psyche. "To cope with defeat and the inconceivable losses," he writes, "Southern whites invented the 'Lost Cause' mythology ... [which] attempted to deal with the psychological costs that white men face, having failed to defend their society, their homes, and their families."¹⁴⁷ The Lost Cause maintained the idea that the antebellum South was a happy place for both slaves and masters and the rebels attempted to protect that way of life from an invasive Northern government. Southerners portrayed the Lost Cause mythology in art, music, novels, and poems among other things.¹⁴⁸

Field was not alone in turning to pen and paper. Gillet F. Watson, a Virginia doctor, and Joseph M. Humphreys, a customs collector in Richmond, sent a message to Stevens the next day. Watson and Humphreys identified themselves as representatives of "the loyal people of [Virginia], many of whom have fought and bled, and lost their all in defense of the stars and stripes."¹⁴⁹ They explained to Stevens that "Virginia is no more fit for Union legislation now, than she was in 1863. Six of the seven presses of [Richmond] are Rebel organs, and the leading ones are living on their rebellious reputations of the past."¹⁵⁰ In fact, they hoped Congress would,

say to these people 'We will manage your political affairs till your passions cool. You can go to work on your farms, in your stores and elsewhere, and restore your shattered fortunes, and when you are ready to elect Union members of Congress and of the

¹⁴⁷ Olsen, 226.

¹⁴⁸ Ibid.

¹⁴⁹ Gillet F. Watson and Joseph M. Humphreys to Thaddeus Stevens, December, 5, 1865, in *Selected Papers*, ed. Beverly Wilson Palmer and Holly Byers Ochoa, vol. 2, 1865-1868 (Pittsburgh: University of Pittsburgh Press, 1998), 41-42.

¹⁵⁰ Ibid.

Legislature – when you have passed Union laws, and adopted a Union constitution, we will give you Union representation, but not till then.’¹⁵¹

It is hardly surprising that Southern men who supported the Union had cause for concern.

Watson, Humphreys, and Field reminded Stevens that the former Confederates had taken over the state legislatures and Unionists like themselves would require protection. Field warned Stevens, in what must have been a terror-stricken instance, that if Congress “recognize this state as . . . entitled to her place in the Union . . . the consequence will be the Union men [who] have stood by the Government at the hazard of their lives will be compelled by persecution and violence to leave the country and seek protection somewhere else.”¹⁵² Field’s letter reminds us that the South was more complicated than we wish to assume. Not all Southerners joined the Confederate cause. Some, like Watson, Field, and Humphreys, labored to secure a Union victory. These men, like freed persons, faced severe threats to their wellbeing in the era of Reconstruction.

Many Southerners did not welcome Stevens’s actions with an open mind. The *Daily Cleveland Herald* reported that Southern members of Congress “propose to hold a caucus to determine upon their action, and if they are not admitted, to go home in a body. This threat is supposed to have lost some of the effect it had in 1861.”¹⁵³ The Southerners decided to protest any successful attempt of being barred from their seats by Republicans. Their plan was to simply return home and therefore pressure Northerners. The *Herald* found the Southerners choice to leave somewhat amusing considering Southerners chose the same course of action in 1861 and lost a war to the North as a result. Indeed, the North paid little attention to any tantrum the Southern delegates threw. Nevertheless, the Southerners persisted with their outbursts.

¹⁵¹ Ibid.

¹⁵² Field to Stevens, 38-40.

¹⁵³ "Multiple News Items," *Daily Cleveland Herald*, Dec 4, 1865, accessed February 27, 2017, 19th Century U.S. Newspapers.

On February 22, 1866, Thompson Powell penned a heated message to Stevens. Powell resided in Halifax Court House, Virginia. He asked Stevens to send him public documents “since you will not let our so-called representative get into your Circus.”¹⁵⁴ The “Circus” he described happened to be the House of Representatives. He continued by asking Stevens some pointed questions:

Now, Thad, I know you are a rum old chap and a "good hater"... but I had no hand in the burning of your foundry and you must do me this little favor. Let me ask you a civil question. Which feeling is strongest & uppermost in your Abrahamic bosom – love of the negro, or hatred of the white man of the South? Tell me truly, do you care a farthing for the negro, but don't you hate the white men of the South till you can't rest?¹⁵⁵

The foundry incident cited by Powell referred to an incident that had taken place during the war. On June 26, 1863, Confederate General Jubal Early pillaged and burned Stevens’s iron forge during the Gettysburg Campaign. With this destructive act, Early claimed revenge for Southern property destroyed by Union soldiers. Though Powell assumed lasting bitterness on Stevens’s part, a letter between Stevens and his nephew disproves this notion. In that letter, Stevens expressed, “all this gives me no concern, although it was just about the savings of my life ... I have, I think, enough left to pay my debts. If, finally, the government shall be reestablished over our whole territory; and not a vestige of slavery left, I shall deem it a cheap purchase.”¹⁵⁶ He felt that the loss of his iron forge was a small price to pay in order to reunite the country and exterminate slavery. Southern newspaper printed articles that were even harsher in comparison to Powell’s words.

The *Virginia Sentinel*, based in Alexandria, printed an article on Stevens’s conditions for admitting Southern delegates to their seats on December 23, 1865. According to the Sentinel,

¹⁵⁴ Thompson Powell to Thaddeus Stevens, February 22, 1866, Civil War Trust, accessed December 5, 2016, <http://www.civilwar.org/education/history/primarysources/thompson-powell-to-thaddeus.html>.

¹⁵⁵ Ibid.

¹⁵⁶ Trefousse, 134-135.

Stevens did not wish to readmit Southerners to the Union until the Constitution was amended to protect the rights of freedmen. This information accurately reflects Stevens's views. Predictably, the *Sentinel* criticized him. "Stevens has long had negro on the brain," the paper asserted, "so we must excuse him and his friends, who still worship the God of their Fathers, the eternal negro."¹⁵⁷ Additionally, the *Sentinel* proclaimed, "it is strange these Northern traitors and disunionists are applauded by the Republican press... It was such fanatics as Stevens, who stimulated the South to rebellion, and who is now determined to give the country no peace, until the white population of eleven States entrance the negro as a social equal."¹⁵⁸ This quote subtly reflects the Lost Cause mythology of the South. For example, the *Sentinel* claims the South was forced to secede from the Union because of Northern "fanatics." The paper also tells us these "fanatics" make up the "'God and humanity party' whom an infatuated and deceived people have placed in power. The Devil is a saint compared to such men."¹⁵⁹ A portion of the Republican Party was made up of individuals belonging to various reform movements. Such reformers tended to rely on their Protestant beliefs to evoke societal change. Abolitionists, like Stevens, constituted a large portion of the moral reform movement in the nineteenth-century.¹⁶⁰ The *Sentinel* depicts abolitionism as detrimental to what they might call happier days in the South.¹⁶¹ In fact, the *Sentinel* portrays abolitionists as individuals worse than the Devil; the evil spirit that turns man away from god in Judeo-Christian religion.

¹⁵⁷ "Thad. Stevens," *Virginia Sentinel*, December 23, 1865, accessed February 28, 2017, 19th Century U.S. Newspapers.

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*

¹⁶⁰ Olsen, 19-25.

¹⁶¹ *Ibid.*

Radical Reconstruction and America Today

The Joint Committee on Reconstruction first convened in mid-January of 1866. Senator William Fessenden, a Conservative Republican, chaired the committee and led the Senate wing of the Joint Committee. Thaddeus Stevens, on the other hand, headed the House portion of the committee. Their combined goal involved investigating the race relations of the South, the success rate of Johnson's Restoration policy, and the readiness of the South to rejoin the Union. In order to accomplish such a feat, the Joint Committee interviewed a diverse group of witnesses. Interviewees consisted of Union soldiers, Freedmen's Bureau agents, Northern and Southern journalists and newspaper editors, Southern Unionists, and former-Confederate officials.¹⁶²

The Committee's findings from the interviews proved unsatisfactory for many Republicans. A federal district judge from Virginia reported that a former-Confederate soldier had shot the only pro-Union man in the county and received no punishment. Major General George Armstrong Custer testified on the conditions of freedmen in Texas. He asserted that, "The people of the north have no conception of the number of murders that have been committed in that State during and since the war ... It is of weekly, if not of daily occurrence that freedmen are murdered." Alexander Stephens, former-Vice President of the Confederacy, also appeared before the committee. Stephens upheld that secession was legal and believed that Johnson's Restoration policy was the best plan to reunite the country. These testimonies left many Republican's heads spinning in disbelief. The conditions in the South were worse than previously believed. The findings of the Joint Committee began to turn many Conservative and Moderate Republicans in favor of Radical Reconstruction.¹⁶³

¹⁶² Brodie, 242-246.

¹⁶³ Ibid.

In 1866, Republicans attempted to fix Presidential Reconstruction by passing a renewal of the Freedmen's Bureau Bill and a Civil Rights Bill. Congress established the Freedmen's Bureau in 1865 to ensure the fair treatment of former slaves and Unionists by the former-Confederates. The Bureau provided schools, medical aid, food, and churches among other things. The Civil Rights Bill ensured that all Americans had the same legal rights and all natural-born individuals were citizens. President Johnson, however, vetoed both pieces of legislation. This political move by Johnson proved to be his undoing. Congress was able to override the President's veto on the Civil Rights Bill. Of far greater importance, Republicans united against the President.¹⁶⁴

In March of 1867, Congress passed two laws: the Reconstruction Act and Tenure of Office Act. The Reconstruction Act consisted of three basic tenants. First, the former-Confederate States would be divided into five military districts. Second, all of the Southern state legislatures which had formed under Restoration would be disbanded. The Act established new state legislatures that would be more republican in form. Finally, all freedmen would be permitted to vote. The Tenure of Office Act forbade the President from removing an executive cabinet member without the Senate's approval.¹⁶⁵

In February of 1868, Johnson ignored the Tenure of Office Act when he removed Secretary of War Edwin Stanton from office. Johnson found the above law to be unconstitutional. The House of Representatives, under the leadership of Stevens, responded by invoking the articles of impeachment. When the House approved the President's impeachment, pressure was placed on the Senate by the Constitution to decide the course of Johnson's fate.

¹⁶⁴ Foner, *Reconstruction*, 228-280.

¹⁶⁵ Eric Foner, *Give Me Liberty! An American History*, vol. 1, 2nd ed. (New York: W.W. Norton & Company, 2009), 520-555.

According to law, once the House approves impeachment the Senate must vote whether or not to remove a President from office. The Senate, however, failed to remove Johnson from office by a single vote. The President's lawyers were able to convince the Senate that if he was not removed, Johnson would retreat from his Restoration policy. In the end, Johnson became the first President to be impeached.¹⁶⁶

The year 1868 proved exciting to many Americans at that time for two other reasons. Congress officially ratified the Fourteenth Amendment in July. The amendment permanently cemented much of the Civil Rights Act of 1866 into law.¹⁶⁷ The amendment grants natural born citizenship, due process and equal protections to Americans, and provides the federal government with the power to protect the rights of citizens. Within the landmark law, the Due Process Clause states, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law." The Equal Protection Clause provides that a state cannot "deny to any person within its jurisdiction the equal protection of the laws."¹⁶⁸ Former Union General Ulysses S. Grant ran for the Republican ticket the same year. Grant overwhelmingly defeated Democratic nominee Horatio Seymour in the Electoral College, winning by a margin of 214 votes to 80. Grant proved to be a great ally for the Radical cause.¹⁶⁹

The country's turn towards Radical Reconstruction ushered in exciting changes for Republicans and freed persons. Congress adopted the Fifteenth Amendment which provided freedmen with the right to vote. Mississippi elected Hiram Revels, the first African American Senator, to Congress in 1870. South Carolina maintained an African American Majority in the

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ US Constitution, amend. 14, sec. 1.

¹⁶⁹ Foner, *Give Me Liberty*, 520-555.

state legislature. Republicans readmitted all of the Southern states to the Union by the end of 1870. However, what seemed like positive change soon shifted in the favor of the former-Confederates.¹⁷⁰

The history of Reconstruction's eventual failure and the return of home rule in the South is too extensive to cover here in depth.¹⁷¹ However, the Ku Klux Klan formed to intimidate freedmen, black politicians, and Southern Unionists from controlling the political arena in 1866. In 1873, hundreds of freed people were murdered in Colfax, Louisiana by redeemers. Although Congress enacted legislation to outlaw the Klan, the North itself began backing away from Reconstruction. Finally in 1877, the Republican Party agreed to back away from Reconstruction and allow Southerners to control their own affairs in return for a Republican presidential victory.¹⁷²

With the former-Confederates in complete control, African Americans quickly lost political control. Voting laws were passed that restrained the African American vote. This was also the period in which lynching became a major problem in the South. Finally, the Supreme Court ruled that separate was equal, legitimizing segregation, in *Plessy v. Ferguson*. The Jim Crow era, as it was known, lasted until the mid-1960s when Americans realized that citizens were already guaranteed equal protection under the law.¹⁷³

The Joint Committee of Fifteen on Reconstruction's legacy continues to influence America one hundred and fifty-one years later. Fawn Brodie, a biographer of Stevens, tells us that, "No other committee in Congress ever wielded the power of the Joint Committee on

¹⁷⁰ Ibid.

¹⁷¹ See Foner's *Reconstruction: America's Unfinished Revolution 1863-1877* for more on Redemption.

¹⁷² Foner, *Give Me Liberty*, 520-555.

¹⁷³ Olsen, 244-267.

Reconstruction or left so permanent an imprint on the country's history."¹⁷⁴ That is to say, no other congressional committee had the power to shape the path of America's political, social, and cultural domains. Modern legal cases exemplify the importance of Stevens, December 4, 1865, and the Joint Committee today.

In 1954, the Supreme Court listened to the cases for *Brown v. Board of Education of Topeka, Kansas*. The plaintiffs argued that segregated black and white schools violated the Equal Protection Clause under the Fourteenth Amendment.¹⁷⁵ Justice Thurgood Marshall searched for evidence for the argument that the framers of the Fourteenth Amendment intended the Equal Protection Clause to outlaw all forms of racial discrimination by the states. He found his evidence in the words of Thaddeus Stevens. Stevens declared that "no distinction would be tolerated in this purified Republic but what arose from merit and conduct."¹⁷⁶ The Court ruled that separate was not equal in *Brown v. Board* and the *Plessy v. Ferguson* ruling was overturned. The Court also used the clause in *Loving v. Virginia* in 1967. In this case, the Supreme Court ruled that interracial marriage was protected under the Fourteenth Amendment.¹⁷⁷

In 1990, President George H. W. Bush signed the Americans with Disabilities Act (ADA). The legislation outlawed discrimination against nearly 40 million Americans with mental and physical disabilities.¹⁷⁸ However, the ADA introduced a new set of questions for the Supreme Court to decide. For example, does carpal tunnel syndrome and high blood pressure meet the definition of a disability? Do the rights of a disabled worker seeking a particular

¹⁷⁴ Brodie, 242.

¹⁷⁵ Stephen M. Gillon and Cathy D. Matson, *The American Experiment: A History of the United States*, 2nd ed. (Boston, MA: Houghton Mifflin Company, 2006), 1121.

¹⁷⁶ Walker, 252.

¹⁷⁷ Brian Fitzpatrick and Theodore M. Shaw, "Common Interpretation: The Equal Protection Clause," National Constitution Center, accessed March 1, 2017, <http://constitutioncenter.org/interactive-constitution/amendments/amendment-xiv/the-equal-protection-clause/clause/20>.

¹⁷⁸ Gillon and Matson, 1272.

position to accommodate their disability override a company's seniority system?¹⁷⁹ Aaron J.

Walker, a Constitutional scholar, argued:

Thaddeus Stevens, the primary framer of the Equal Protection Clause, was disabled and faced discriminations as a result. This injustice motivated a life-long crusade against all discrimination, culminating in the framing of the Equal Protection Clause. Finally, the principles he enunciated were broad enough to include the discrimination that he himself faced, and is congruent with the discrimination that the [ADA] prohibits...If the Supreme Court chose to follow the Constitution, it could find ample justification to uphold the [ADA].¹⁸⁰

Stevens, who was disabled, fought hard to ensure all American citizens were treated as equals.

Surely, his Equal Protection Clause was meant to protect other individuals like himself. Other minorities looked to the same clause in the Constitution to seek equal treatment.

In 2015, the Supreme Court evoked the clause to help another minority group in America. According to Brian Fitzpatrick and Theodore M. Shaw, authors of "Common Interpretation: The Equal Protection Clause," Justices ruled in *Obergefell v. Hodges* that discrimination against gays and lesbians may violate the clause. In fact, the Supreme Court has applied the clause to other non-racial "suspect classifications" such as national origin, gender, immigration status, and wedlock status at birth. "Suspect classifications" generally tend to have a higher risk of government discrimination. Therefore, the Court tends to carefully access laws that target groups under the above classifications.¹⁸¹

In this chapter, we analyzed the reactions of Southerners to December 4, 1865 and the legacy of that date. We learned that Southerners had diverse reactions to Stevens's plot to keep Southern delegates from taking their seats. Some applauded the action and others condemned it. Furthermore, readers learned how this pivotal event swayed the course of American history. It

¹⁷⁹ "Supreme Court Decisions Interpreting the Americans with Disabilities Act," National Council on Disability, September 17, 2002, accessed March 17, 2017, <http://www.ncd.gov/publications/2002/Sept172002>.

¹⁸⁰ Walker, 299.

¹⁸¹ Fitzpatrick and Shaw.

allowed Stevens and others to enact Radical Reconstruction along with the Fourteenth Amendment. Without the aforesaid legislation there would not be an Equal Protection Clause and Supreme Court rulings like *Brown v. Board of Education*, *Loving v. Virginia*, and *Obergefell v. Hodges* would not have occurred. Many Americans would be treated as unequal and our values defined in the Declaration of Independence would exist only as words.

Conclusion

What would the United States look like without Thaddeus Stevens and December 4, 1865? Though one can only speculate when it comes to alternative history, a lot would likely be different. Radical Reconstruction would be missing from the pages of our history textbooks. A void might exist where the Fourteenth Amendment resides at the National Archives in Washington, D.C. Perhaps, lynching and voter restriction laws would remain a problem in our own time. *Brown v. Board*, *Loving v. Virginia*, and *Obergefell v. Hodges* might never have occurred. Life in America might seem unfamiliar and disturbingly undemocratic. Thanks to Thaddeus Stevens and his tireless efforts to keep former-Confederates from taking their seats on December 4, 1865, we do not have to live in such a harsh society.

In this thesis, we learned the importance of Thaddeus Stevens's actions on December 4, 1865. Stevens overcame all odds to reject the Southern delegates and pass a better plan to rebuild the South. He worked with fellow Republicans to establish a Joint Committee on Reconstruction which decided the course of history for Southerners, freedmen, and modern-Americans. He also collaborated with the Clerk of the House of Representatives to keep the names of the Southern delegates of the official roll call. These actions were not only legal, they were Constitutional. In the end, Stevens truly believed, as the words on his tombstone state, in the "EQUALITY OF MAN BEFORE HIS CREATOR."

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