

Running From Reconstruction:
Amos T. Ackerman and The Republican Party's Shift From Civil Rights to Corporate Rights

Aidan McDonald

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Professor Mathew Pinsker
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In a letter to his friend, Georgia Governor Benjamin Conley, Amos T. Akerman displayed a remarkably philosophical outlook for a man who had just been dismissed from a presidential cabinet post. Akerman lamented that, “even such atrocities as Ku-Kluxery do not hold their attention...The Northern mind being full of what is called progress runs away from the past.”¹ Akerman perhaps said more than he could know in 1871. The Republican Party had begun to feel the pull of commercial and industrial growth at significant cost to their commitment to reconstruction policy. As the Republican Party faced the horrors of violence and discord perpetrated by the Ku Klux Klan, they began to turn away from the Reconstruction South. The former slaves served as a constant reminder of old prejudices, and the outdated agricultural economy based on their labor didn’t complement the increasingly commercial and industrial character of the post war United States. By the end of the decade the Republican Party had transitioned from the party of equal rights – the party that redefined the Civil War as a moral crusade to end slavery and lift the lowest members of society – to a party that concerned itself with the needs of corporations and the wealthy. They ran away from the possibility of social progress in favor of the only progress many Northerners could see – the expansion of capital.

The life and career of Amos T. Akerman is representative of the difficulty Republicans faced in restructuring Southern society, especially when political will began to diminish. While his prosecutions of the Klan in 1871 could fairly be called a success, they were far from the death of the white supremacy movement. The Grant Administration was

¹ Amos T. Akerman, quotes in William S. McFeely, *Grant : A Biography*. (New York: Norton, 1981), pp. 373.

willing to use its legal and coercive authority to fight the Klan in the early 1870s, but commitment to reconstruction diminished as the focus of the Republican Party shifted to commercial issues. Akerman's removal as Attorney General, partially motivated by his opposition to railroad interests, signaled the end of the Republican party as the national party for racial equality and its rise as the party of industrial expansion. In his short time as Attorney General, Amos Akerman did make several important contributions to the Reconstruction South, bringing a temporary reduction in violence against blacks and restoration public order, improving the morale of Southern Republicans, and most importantly reinstating rule of law.

The Life of Amos T. Akerman

Amos T. Akerman was born on February 23, 1821 in Portsmouth, New Hampshire. He spent his childhood in the North, growing up on his father's farm. Despite limited financial means, Akerman received a first-rate secondary education at Phillips Exeter Academy due to the generosity of relatives and family friends.² His stellar performance at Exeter convinced two of his classmates to help pay for Akerman's college education. After receiving additional financial support from his grandmother, Akerman enrolled at Dartmouth as a member of the sophomore class.³ Akerman continued to enjoy academic success at Dartmouth, graduating Phi Beta Kappa in 1842.⁴ His professors at Exeter and Dartmouth predicted great things from Akerman in the future.⁵

² Allen W. Trelease. "Akerman, Amos Tappan," *American National Biography Online* (Feb. 2000), <http://www.anb.org/articles/04/04-00010.html>.

³ William S. McFeely, "Amos T. Akerman: The Lawyer and Racial Justice." In *Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward*, ed. J. Morgan Kousser and James M. McPherson (New York: Oxford University Press, 1982.) pp. 398.

⁴ Trelease, "Akerman, Amos Tappan"

⁵ McFeely, "Amos T. Akerman: The Lawyer and Racial Justice." pp. 397.

Like many college graduates at the time, Akerman sought employment as a teacher.⁶ Due to his ill health, possibly the result of childhood damage to his lungs from nearly drowning, his doctors advised him to relocate to a warmer climate.⁷ He moved to Georgia in 1842, eventually serving as a tutor to the children of Senator John Macpherson Berrien, another transplanted Northerner who had been Andrew Jackson's Attorney General.⁸ Akerman read law with Berrien while under his employ, and was admitted to the bar of Georgia in 1850.⁹ After a brief commitment to commercial farming, Akerman decided to pursue a legal career full-time, enjoying a quiet life practicing law in a town northeast of Atlanta.¹⁰

Akerman was not particularly politically involved in the events leading up to the Civil War, though he was a longtime Whig party member and a supporter of slavery. He himself owned eleven slaves by 1864, presumably to provide labor at his farm in Clarkesville.¹¹ That same year he married Martha Rebecca Galloway; the couple went on to have seven children.¹² His marriage was rushed, occurring just one day before he left for military service.¹³ Although Akerman opposed secession, like many Georgia Whigs, he reluctantly took up arms as a member the Georgia State Guard during Sherman's march

⁶ Ibid., pp. 398.

⁷ Trelease. "Akerman, Amos Tappan"

⁸ McFeely, William S. "Amos T. Akerman: The Lawyer and Racial Justice." pp. 398.

⁹ David B. Parker, "Amos T. Akerman (1821-1880)." *New Georgia Encyclopedia*. 29 July 2013.

¹⁰ A.J. Langguth, *After Lincoln: How the North Won the Civil War and Lost the Peace*. Simon & Schuster: New York, 2014. Pp. 279.

¹¹ Trelease. "Akerman, Amos Tappan"

¹² Richard Zuczek. *Reconstruction: A Historical Encyclopedia of the American Mosaic*. Santa Barbara, California: Greenwood, 2016. Pp. 10.

¹³ William S. McFeely, *Grant : A Biography*. (New York: Norton, 1981), pp. 367.

through the state.¹⁴ However, neither Akerman, who served as quartermaster, nor his home-guard brigade took part in any combat when the state was invaded.¹⁵

In the years after the war, Akerman's political involvement skyrocketed. He agreed to the peace terms offered by Congress, spoke in support of rights for the former slaves, and helped in the effort to restore Georgia's delegates to Congress.¹⁶ He joined the Republican Party in 1867 in the hopes of quickly readmitting Georgia to the Union, a move for which some of his fellow Georgians labeled him a scalawag and a traitor to the South.¹⁷ He served as a Republican member of the Georgia constitutional convention of 1867-1868 after his efforts to organize the Republican Party.¹⁸

Akerman exhibited complex views in his opinions and actions toward the freed people in his early political activity. Notably, early in his political career, Akerman was not particularly supportive of political rights for the freedmen, and was among the more conservative members of the convention. He supported a failed proposal that would have limited black voting rights by requiring all voters to possess taxable property and by mandating a passing grade on an educational litmus test.¹⁹ His thinking evolved on that point, and he began to view the extension of voting rights, which was "at first an alarming imposition on account of the supposed ignorance of the class to be enfranchised," as necessary. Reflecting on this evolution in 1876, Akerman wrote, "we considered that if

¹⁴ Zuczek, pp. 10.

¹⁵ McFeely, *Grant*, pp. 367

¹⁶ Langguth, pp. 279

¹⁷ Allen W. Trelease. "Akerman, Amos Tappan"

¹⁸ McFeely, *Grant* pp. 367

¹⁹ Trelease. "Akerman, Amos Tappan"

ignorance did not disqualify white men it should not disqualify black men.”²⁰ Akerman was not involved in an 1868 attempt by white supremacists in the government to remove African American members from the legislature.²¹ While Akerman left the convention early in opposition to the new constitution, his primary motivation for leaving related to opposition to debt relief provisions, not explicitly racial issues.²²

Despite his lack of strong support for the new constitution, which provided guarantees for black political rights, he ardently opposed the extralegal removal of black legislators attempted by the white majority in 1868. He subsequently became a prominent advocate for black suffrage, and for the need to protect the former slaves from violence.²³ This apparent contradiction in his approach to black political and civil rights may provide insight into his motivations. While Akerman may have had personal prejudices that prevented him from supporting political rights for the freedmen at the constitutional convention, once the constitution was adopted as law and those rights were legally guaranteed he acted as a fierce advocate for the rights of the freedmen. This episode in his life highlights his commitment to the rule of law and his acceptance of new way of life in the South in order to help Georgia move on from the war.

Akerman took this commitment to Washington, where he lobbied for the readmission of Georgia to the Union.²⁴ Akerman first came to President Grant’s attention by

²⁰ Amos T. Akerman to George W. Heidy, August 22, 1876, quoted in McFeely, William S. “Amos T. Akerman: The Lawyer and Racial Justice.” In *Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward*, ed. J. Morgan Kousser and James M. McPherson (New York: Oxford University Press, 1982. pp. 402-403.

²¹ McFeely, *Grant*. pp. 367

²² Trelease. “Akerman, Amos Tappan”

²³ Jean Edward Smith, *Grant* (New York: Simon and Schuster, 2001), pp. 542.

²⁴ McFeely, *Grant*. pp. 367.

campaigning for him in 1868. In a speech delivered in Atlanta less than two months before the election, Akerman argued at length that Grant's election would best serve Georgia, stating that the Democratic candidate, New York Governor Horatio Seymour, "is great in words, Gen. Grant is Great in deeds."²⁵ Akerman's 1869 appointment as the State's U.S. Attorney served as a reward for his efforts in the electoral campaign.²⁶ However, Akerman was forced to wait until December of that year for Congress to pass an act forgiving his past support of the confederacy, thus allowing him to take the position without the necessary oath of prior loyalty to the United States.²⁷

Akerman did not serve in his capacity as U.S. Attorney very long. In 1870, President Grant offered Akerman the U.S. Attorney Generalship, and Akerman quickly prepared to take control of the recently formed Justice Department.²⁸ Akerman's nomination received strong support in Congress, and the Senate unanimously confirmed his nomination on June 23, 1870.²⁹ Grant's nomination of Akerman came when Southern Congressmen offered support for the annexation of San Domingo (which Grant strongly desired) in exchange for the replacement of Attorney General Hoar with a southern Republican.³⁰ The quick ascendancy of the relatively unknown Akerman in the Grant Administration came as a surprise to many, including Akerman himself. The *New York Times* described Akerman just days after his nomination as, "a gentleman comparatively unknown in political circles at

²⁵ From Our Own Correspondent, "Political Affairs: Georgia." *New York Times (1857-1922)*, Sep 28, 1868.

²⁶ Langguth, pp. 278.

²⁷ Trelease, "Akerman, Amos Tappan."

²⁸ Zuczek, pp. 10.

²⁹ Special Dispatch, "Washington." *New York Times (1857-1922)*, Jun 24, 1870.

³⁰ Brooks D. Simpson, *Let Us Have Peace* (Chapel Hill, NC: The University of North Carolina Press, 1991), pp. 147.

Washington or at the North.”³¹ The appointment must have come as quite a shock to the quiet Southern lawyer. Akerman himself had not been very ambitious, at least not before joining the Republican Party, preferring the life of a small-town attorney.³² Indeed, before his appointment to Grant’s cabinet, Akerman had not lived up the predictions of his school teachers.³³

Akerman had many reasons to accept President Grant’s offer of a cabinet position though, despite the inherent visibility of the position. Akerman, who grew up a northerner, but matured as a Southerner, defied labels. He had developed a deep love for the South, residing there for the entirety of his adult life. He established a farm in Georgia and became tied to the land. His love for the South motivated him in his stand against the Ku Klux Klan as Attorney General, and drove him to remain in the small town of Cartersville, Georgia, perhaps facing the threat of repercussions for his strong prosecution of the Klan. In Cartersville, Akerman worked his farm, raised a family, and continued his legal practice.³⁴

Yet he retained a strong attachment to Northern values. He had a fundamental belief in the rule of law and was a staunch supporter of strong federal government.³⁵ The weakness of the federal government in the face of secession had a considerable influence on his momentary support of the Confederacy. In a letter to his sister dated July 17, 1870, Akerman reflected that, “I adhered to the Confederacy, having given up on the United States when its flag was fired on with impunity at Charleston in January [*sic*] 1861, and not feeling

³¹ Correspondent, “The New Attorney-General,” *New York Times (1857-1922)*, June 17, 1870.

³² William S. McFeely, “Amos T. Akerman: The Lawyer and Racial Justice.” pp. 397.

³³ *Ibid.*, pp. 397.

³⁴ *Ibid.*, pp. 396.

³⁵ *Ibid.*, pp. 396.

disposed to sacrifice myself for a government which showed no determination to assert its own rights.”³⁶ This belief led him to support the stern measures of the Reconstruction Acts.

President Grant and Akerman took several steps to prepare for the increased prosecutions in the South. In an effort to strengthen the Justice Department’s ability to combat the KKK and other white supremacist organizations, Akerman created an investigative department, which eventually involved into the Federal Bureau of Investigation.³⁷ President Grant created the new position of Solicitor General to assist Akerman in his efforts, and appointed Benjamin Bristow, an accomplished Kentucky attorney.³⁸ Under Bristow, the office of the Solicitor General took on an expanded role, assisting the Attorney General, providing support for the U.S. Attorneys and Marshalls, reviewing cases the U.S. government lost in lower courts, in addition to arguing for the United States before the Supreme Court.³⁹

After he organized the new Justice Department, Akerman turned his full attention toward the activities of the Ku Klux Klan. This period in Akerman’s life, which is explored in greater detail in the following segment of this essay, illuminated key challenges brought up during Reconstruction. When local law-enforcement and courts failed to prosecute members of the Klan for the acts of violence against African Americans and Sothern Republicans, Congress and President Grant gave Akerman vastly expanded powers to

³⁶ Amos T. Akerman to his Sister, July 17, 1870, quoted in McFeely, William S. “Amos T. Akerman: The Lawyer and Racial Justice.” In *Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward*, ed. J. Morgan Kousser and James M. McPherson (New York: Oxford University Press, 1982). Pp. 400.

³⁷ Parker.

³⁸ Langguth, pp. 279.

³⁹ Ross A. Webb "Benjamin H Bristow: Civil Rights Champion, 1866-72." *Civil War History* 15, no. 1 (March 1969): 39-53. pp. 47.

combat the growing white supremacist organization.⁴⁰ Akerman himself moved his base of operations to South Carolina in 1871 where he took drastic efforts to prosecute the KKK, including overseeing the suspension of habeas corpus.⁴¹ After years of aggressive federal intervention, the political organization of the Klan faded. Akerman's prosecution effectively ended the Klan in much of the South, though white supremacy could not be eradicated so easily, and the Klan rose again years later as the Knights of the Ku Klux Klan, founded in Atlanta in 1915.⁴²

Akerman's fierce advocacy for civil and political rights brought criticism from some members of Grant's cabinet, and his relative lack of interests in commercial issues led to condemnation from corporate railroad interests like Union Pacific. This pressure forced President Grant to request his resignation in December 1871.⁴³ Akerman continued to practice law after his resignation, but he never again had such a public role. He remained committed to the legal profession until his death from rheumatic fever in December, 1880.⁴⁴ In a concise obituary, the *New York Times* remembered Akerman as a man who "well and faithfully served the Republican cause." They noted his role in the 1867 Reconstruction Convention, and his advocacy for black suffrage. However, the obituary made no mention of Akerman's role in prosecuting the KKK and restoring order in the South. Discussing his tenure as Attorney General, the *New York Times* chose to remember only that he "served creditably until 1872."⁴⁵

⁴⁰ McFeely, *Grant*. pp. 368.

⁴¹ Trelease. "Akerman, Amos Tappan"

⁴² Jonathan M. Bryant, "Ku Klux Klan in the Reconstruction Era." *New Georgia Encyclopedia*. 28 October 2015.

⁴³ Zuczek, pp. 10.

⁴⁴ Zuczek, pp. 10.

⁴⁵ "Obituary 2 -- no Title." *New York Times (1857-1922)*, Dec 23, 1880.

Case Study: Prosecuting the KKK

The Ku Klux Klan spread from its place of origin – Tennessee – in the spring of 1868, and by the time of Akerman’s appointment in 1870 it, along with similar organizations, flourished throughout the South.⁴⁶ The Klan served as a political response by white supremacists against the changes brought by the Reconstruction state, the Republican party, and the evolving role of blacks.⁴⁷ The objective’s of the first Klan went beyond a racist desire to harm African Americans. Historian Allan Trelease characterized what he termed the Ku Klux Conspiracy as, “a sectional attempt to nullify the policy of Reconstruction” which had been outlined by Congress in the Military Reconstruction Act of 1867.⁴⁸

The Klan perpetrated horrific acts of violence against blacks, especially black office holders. At least one in ten African American delegates to the constitutional conventions in 1867-1868 fell victim to the Klan during Reconstruction, some murdered.⁴⁹ Violence extended to whites Southern Republicans as well, and by the time Congress took action in 1870 and 1871, hundreds of people had lost their lives.⁵⁰ It soon became clear that something had to be done to regain control in the South.

Before the Civil War, state courts were the most common arbiters of disputes, but the Reconstruction laws enabled victims of Klan violence to turn to federal courts.⁵¹ Under

⁴⁶ Trelease, Allen W. *White Terror; The Ku Klux Klan Conspiracy and Southern Reconstruction*. (New York : Harper & Row, 1971), pp. 383.

⁴⁷ Foner, Eric. *Reconstruction : America's unfinished revolution, 1863-1877*. New York: Harper & Row,1988. pp. 425.

⁴⁸ Trelease, *White Terror*, pp. 383.

⁴⁹ Foner, pp. 426.

⁵⁰ Trelease, *White Terror*, pp. 383.

⁵¹ McFeely, William S. “Amos T. Akerman: The Lawyer and Racial Justice.” pp. 405.

the existing federal system, crimes perpetrated by the Klan, such as murder or assault, were the province of state and local laws, but the inability or unwillingness of state and local prosecutors to tackle the Klan forced the federal government to revise its judicial system.⁵² This change came as a component on the first of three related acts, known Enforcement Act of May 31, 1870, part of which made it a federal offense for any group of two or more individuals to deprive anyone of any right or privilege of citizenship, or to punish a citizen for exercising those protected rights.⁵³ For now on, the Klan could be prosecuted in federal court. This provision formed the legal basis of many of the indictments against members of the Ku Klux during the early 1870s, but the federal government was slow to take action. As a result, the new law had little effect on the Klan in 1870.⁵⁴

Some in the Grant Administration, like Attorney General Rockwood Hoar, believed that “responsible” Southerners would address the violence themselves and protect the freedmen.⁵⁵ But by 1870, President Grant came to realize this was no the case. At the urging of carpetbagger senators, who wanted an attorney general who would actually prosecute the Klan, Grant took action to replace Hoar.⁵⁶ While Grant’s first Attorney General, Rockwood Hoar, failed to actively protect the freedmen due to either prejudice or lack of interest, his successor was quick to combat the white supremacist organizations causing terror in the South, most notably the Ku Klux Klan.

⁵² Trelease, *White Terror*, pp. 383.

⁵³ Ibid., 385.

⁵⁴ Ibid, 385.

⁵⁵ McFeely, Grant, pp 366.

⁵⁶ Ibid., pp. 366.

Facing ever-greater reports of racial and political violence despite three Enforcement Acts, Congress passed two more Enforcement Acts. The Second Enforcement Act, passed in May 1870 created a new procedure for federal oversight of voting and voter registration as a means of securing the right to vote granted by the Fifteenth Amendment.⁵⁷ The continuation of violence led Congress to enact its toughest measure yet to combat the Klan in the form of the third Enforcement Act, commonly known as the Ku Klux Klan Act of April 1871. The new law made certain individual crimes punishable under federal law and empowered the federal government to prosecute states for failing to protect the rights of citizens and allowed for the use of military force and the suspension of the writ of habeas corpus in extreme cases.⁵⁸

At the same time, Congress had initiated an investigation into the Klan's activities and sent a joint committee of congressman and senators into the South. Between April 1871 and February 1872, heard testimony that revealed the often-gruesome nature of the Klan.⁵⁹ Congress reviewed thousands of instances of deplorable violence, such as the case of John Childers, a black laborer in Alabama who was beaten by whites and otherwise terrorized into voting for the Democratic Party.⁶⁰

While it may have been easier to crush the Klan through military force, fighting violence with violence, Attorney general Akerman was a strong believer in the importance of the rule of law. U.S. Attorneys under Akerman began to bring indictments against the Ku

⁵⁷ Shawn Leigh Alexander, ed., *Reconstruction Violence and the Ku Klux Klan Hearings*. (Boston: Bedford/St. Marks, 2015.) pp. 9.

⁵⁸ Foner, pp. 454-455.

⁵⁹ Alexander, 9.

⁶⁰ Testimony of John Childers, Livingston, Alabama, quoted in Shawn Leigh Alexander, ed., *Reconstruction Violence and the Ku Klux Klan Hearings*. (Boston: Bedford/St. Marks, 2015.) pp. 52-56.

Klux despite logistical difficulties associated with gathering evidence on a limited budget.⁶¹ Akerman himself was directly involved in prosecuting the Klan, traveling to Raleigh, North Carolina in September 1770 to help oversee the first Klan prosecutions.⁶² It is worth noting the personal danger Akerman faced in taking part in the prosecutions directly, a threat most northern politicians did not have to live with.

In South Carolina, Akerman believed a more extreme approach would be necessary to quell the Klan. In October 1871, the Attorney General was able to convince President Grant of the need to implement the strongest measures of the KKK Act, arguing the Klan was so disruptive their activities constituted rebellion.⁶³ Grant used his authority to declare a “condition of lawlessness” in nine counties of South Carolina and suspended the writ of habeas corpus.⁶⁴ This declaration allowed federal troops to arrest hundreds of individuals suspected of Klan activities. The use of federal troops to capture Klan members represented a significant change in Grant’s approach to reconstruction, but the advocacy of Akerman and the pressure from Congress in the wake of the Ku Klux Klan hearings finally ushered in a strong response to Klan violence.⁶⁵

Akerman himself monitored the situation, and crafted a strategy aimed at healing the South by eliminating the Klan and leadership while being forgiving low-level participants who cooperated with federal authorities.⁶⁶ While Akerman was extremely concerned with protecting the safety and rights of the former slaves, he was also a

⁶¹ Foner, pp. 457.

⁶² Trelease, *White Terror*, pp. 402.

⁶³ McFeely, William S. “Amos T. Akerman: The Lawyer and Racial Justice.” pp. 408.

⁶⁴ Foner, pp. 457.

⁶⁵ *Ibid.*, pp. 458.

⁶⁶ *Ibid.*, pp. 458.

Southerner felt a deep sadness toward the situation. In a letter to a friend, Akerman wrote that he hoped Georgia “might be spared any severe handling by the government, ... But if the friends of the government must suffer without law, or the foes of the government must suffer by law, I prefer the latter.”⁶⁷ This opinion serves to illustrate Akerman’s belief that a strong federal government, based on rule of law, is preferable to the chaos brought by an inactive government. The trials, which continued after Akerman’s departure from office, helped restore order in the South, decreased instances of violence, and as a result improved the morale of Southern Republicans, who finally had some vindication for the crimes perpetrated against them. Though he was forced to be selective in his prosecution, Akerman’s efforts demoralized the Klan, which led to its near eradication by the mid 1870s.⁶⁸

The prosecutions were by and large a success, with Akerman’s lawyers winning over half the cases they brought between 1870 and 1872.⁶⁹ The prosecutions of the Klan continued to be effective under Akerman’s replacement, Judge George H. Williams. The ongoing prosecution efforts yielded 456 convictions in 1872, 469 in 1873, and 102 in 1874, far more than Akerman had been able to obtain.⁷⁰ However, Attorney General Williams showed little personal interest in prosecuting the clan. Much of the credit for the success of the Justice Department after 1871 has to be credited to Akerman’s efforts in building a strong institution and supporting the efforts of his U.S. Attorneys.

⁶⁷ Amos T. Akerman to W.H. McWhorter, November 14, 1871, quoted in McFeely, William S. “Amos T. Akerman: The Lawyer and Racial Justice.” In *Region, Race, and Reconstruction: Essays in Honor of C. Vann Woodward*, ed. J. Morgan Kousser and James M. McPherson (New York: Oxford University Press,

⁶⁸ Trelease. “Akerman, Amos Tappan”

⁶⁹ McFeely, William S. “Amos T. Akerman: The Lawyer and Racial Justice.” pp. 409.

⁷⁰ Ibid., pp. 410.

The inability of Southerners to control violence by terrorist groups like the KKK and the need for an exceedingly strong attorney general to step in to take on the role of the judiciary in the South highlighted the weakness and inefficiency of Reconstruction governments.⁷¹ Most Northern Republicans came to see these institutions as inept failures. Only continued, substantial federal involvement would have had the chance of success in reconstructing the South. Southern reconstruction and post reconstruction governments were either not strong enough or not willing enough to ensure the safety and equality of the free men. Unfortunately, trends in the Republican party that led to the removal of Amos Akerman, one of the party's fiercest advocates for equal rights helped make the long-term success of Reconstruction unlikely.

Analysis of Akerman's Life and Removal From Office

The Federal Government's commitment to protecting the rights of blacks faded as the Ku Klux Klan began to weaken. Some people within the Grant Administration began to fear that Akerman's understanding of equality would lead to total equality for African Americans.⁷² Just one month before his dismissal, Akerman wrote, "A black man's party is just as wrong as a white man's party. The best man of the soundest politics should have your votes, regardless of race."⁷³ Members of Grant's cabinet were increasingly less attuned to racial matters, and Akerman's attempt to persuade Northerners to take the Klan seriously often fell on deaf ears.⁷⁴ Some in the cabinet, especially Secretary of State Hamilton Fish, disliked any increase in federal-government interventions in the South.⁷⁵

⁷¹ Foner, pp. 459.

⁷² Ibid, pp. 409.

⁷³ McFeely, Grant, pp. 373.

⁷⁴ McFeely, William S. "Amos T. Akerman: The Lawyer and Racial Justice." pp. 411.

⁷⁵ Ibid, pp. 410.

By 1871, Fish frequently complained in his diary about Akerman's detailed reports on the Klan, writing, "It has got to be a bore to listen twice a week to this thing."⁷⁶ Additionally, President Grant became concerned that the aggressive prosecution of the clan, and the suspension of habeas corpus (which required the admission of a state of rebellion) could lead to a reopening of the Civil War, at least as a guerilla conflict.⁷⁷ By December 1871, with trials still ongoing, Akerman was dismissed.

But many scholars and a significant amount of evidence point to an alternative reason for Akerman's replacement beyond fears of expanded rights to African Americans, and rather revolved around political pressures from railroad interests. During his tenure as Attorney General, Akerman had been asked to provide an opinion on the legality of several public land claims against the government by western railways, especially Union Pacific. Akerman had little interest in commercial concerns, and ruled in favor of the government. When Akerman refused to change his ruling, railroad interests began placing pressure on Grant.⁷⁸ Akerman's rulings against railroad land grants led influential Republican friends of Jay Gould and Collis P. Huntington, both prominent railroad investors, to push for Akerman's removal from office.⁷⁹ Secretary of the Interior Columbus Delano was particularly active in this campaign on behalf of railroad interests.

The president had become increasingly indifferent to Akerman's efforts to combat the Klan, and mounting pressure from corporate railroad interests soon led Grant to relent. In a brief letter dated December 12, 1871, Grant asked for Akerman's resignation. The

⁷⁶ Foner, pp. 458.

⁷⁷ McFeely, Grant, pp. 373.

⁷⁸ Trelease. "Akerman, Amos Tappan"

⁷⁹ Foner., pp. 458.

letter detailed no specific reason for the dismissal, but was highly apologetic, offering Akerman a Federal Judgeship in Florida or Texas or “any foreign mission at my disposal.” By way of explanation, Grant only offered that, “circumstances convince me that a change in the office which you now hold is advisable, consulting the best interests of the government.”⁸⁰ Akerman replied to president Grant with a polite note offering his resignation, but refusing any additional political appointment.⁸¹ Akerman was not bitter about his dismissal, and even continued to support Grant as a presidential elector in 1872 and supported Grant for a third term in 1880.⁸²

The highly conciliatory nature of Grant’s request, and the lack of an articulated reason for the dismissal seem to suggest that railroad pressure may have in fact been the cause of Akerman’s removal. If this were the case, Grant would likely not have wanted to state the reason in writing. Grant’s offer of numerous positions to Akerman suggests confidence in his abilities, and no where did Grant express concern with his performance as Attorney General. The continuation of Akerman’s policies and the ongoing prosecution of the Klan after Akerman’s would seem to suggest the “change” was unrelated to Akerman’s activities in the South.

In her memoirs, Rebecca Latimer Felton, a well-known progressive-era reformer and acquaintance of Akerman, confirmed the involvement of the railroads in his dismissal, discussing Akerman’s ruling against the railroad land subsidy. In remembering the event,

⁸⁰ Letter to Amos Akerman in *The Papers of Ulysses S Grant, Volume 22: June 1, 1871-January 31, 1872*, ed. John Y. Simon. 1998, Digitally published by Mississippi State University Libraries. pp. 288.

http://digital.library.msstate.edu/cdm/compoundobject/collection/USG_volume/id/12550/rec/1

⁸¹ McFeely, Grant, pp. 373.

⁸² Trelease. "Akerman, Amos Tappan"

Felton despaired at Akerman being “run out of General Grant’s cabinet... and used by these Pacific railroad authorities.” Felton also suggested that a representative of the railroad had gone to Akerman’s wife and said that “all opposition to Col. Akerman would be withdrawn, if the Pacific railroad land subsidy was allowed to stand.”⁸³ While some scholars point out that Mrs. Felton was strongly opposed to railroads, several sources confirm their involvement.⁸⁴ It seems likely that the opinion of railroad investors strongly weighed on President Grant, who must have been keenly aware of their growing national importance.

The power of railroad interest to influence a change in the cabinet, perhaps at the cost of Reconstruction efforts in the South was symbolic of a larger shift in the power of corporate and business interests. By 1873, the national industrial output was 75 percent higher than its 1865 level and the U.S. had become the second largest manufacturer in the world.⁸⁵ Business and Government became increasingly linked, and some officials acted as the paid agents of corporations, a practice which would be unthinkable (and illegal) today.⁸⁶

By 1877, the federal government had retreated from the idea of strong government intervention to protect the fundamental rights of American citizens.⁸⁷ Despite this move, the federal government did not retreat from the idea of a strong government in every arena. The Federal government was quick to protect property rights and the rights of industry. During the Great Strike of 1877, President Hayes used federal troops to restore

⁸³ Rebecca Latimer Felton, *My Memoirs of Georgia Politics* (Georgia: The Index Printing Company, 1911.) (Google Books) pp. 93

⁸⁴ McFeely, William S. “Amos T. Akerman: The Lawyer and Racial Justice.” pp. 409.

⁸⁵ Foner, pp. 461.

⁸⁶ Foner, pp. 466.

⁸⁷ Foner, pp. 582.

order, with troops often serving as de facto strikebreakers. Ties between the government and corporate interests had grown increasingly strong throughout the Reconstruction period. President Hayed went so far as to fill his cabinet with railroad directors and other corporate leviathans.⁸⁸ Reforms enacted during reconstruction that were intended to help protect the rights of citizens became tools to protect corporations. Federal courts retained the vast powers bestowed on them during Reconstruction, but increasingly used that power to protect corporate interests from local government.⁸⁹ While the Republican Party's advocacy for equal rights certainly didn't disappear entirely, the fundamental realignment of the party's priorities and broader social and economic trends spelled the end of Reconstruction.

Conclusion

Amos Akerman left a complex legacy for use in studying reconstruction. In his career as Attorney General and in his removal from that office, he illustrated the changing political climate of the United States. He saw the end of slavery, and through he himself was conservative on most issues, became one of the most important defenders of equal rights. His commitment to the rule of law is central to understanding his commitment to his cause. He remained deeply committed to helping the South move on from the war, but was dedicated to doing so while protecting the legal rights of all citizens, including the former slaves. Unfortunately, changes within the Republican party and the nation as a whole prevented Akerman from fully realizing his goal of healing the South and advancing equality. Akerman reflected in a published letter that, "The truth is that slavery dies hard

⁸⁸ Foner, pp. 584.

⁸⁹ Foner, pp. 586.

and slowly. Though its legal existence has ceased, most of the Southern whites have not yet been able to dismiss the ideas, the feelings, and the habits which it bred. But a change is going on, though it is not yet decided enough to bear much fruit in practical politics."⁹⁰ He knew that he had started an important process, but Akerman didn't know how far it would go, or what direction progress would take the nation after Reconstruction.

⁹⁰ "THE ONLY HOPE FOR THE SOUTH." *New York Times* (1857-1922), September 8, 1876.

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