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THE ROLE OF THE NEGRO OFFICE HOLDERS IN
THE RECONSTRUCTION OF THE SOUTHWEST

THESIS

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PREFACE

Perhaps no phase of American history has been more written about by historians than the Reconstruction period, but few historians seriously consider the role of the Negroes during this period. It is the purpose of this thesis to show the part played by the Negroes during Reconstruction of the states of Arkansas, Texas, and Louisiana and the factors which led to their ascendancy to political leadership.

Most historians give a one-sided view of this period of Reconstruction, playing down the role of the Negroes with the assumption that they were members of an inferior race and incapable of contributing anything constructive to American history. An examination of the facts, however, discloses that the Negroes did contribute a great deal to American history during their brief role in politics. Many of the Negro office holders, usually considered ignorant and illiterate, were well trained and well educated and displayed considerable ability in their particular offices. Contributions of these Negro leaders have merely been obscured by bitterness in partisan politics, and more objective study of Reconstruction will inevitably alter the traditional picture of the Negro political leaders.

CHAPTER I

CONDITIONS IN THE SOUTH FOLLOWING THE WAR

The close of the Civil War left the Negro, for the most part, in a state of disillusionment and extreme poverty. Most of the wealth of the South was in the hands of the white in spite of the vast destruction wrought by the war. The Negro had assimilated much of the white man's civilization, such as language, religion, manners, and customs, but slavery had not taught him to be self-reliant. Emancipation alienated him, because of his incapacity due to a lack of education. His greatest asset was his ability to work, but he had difficulty grasping the meaning of freedom.

The Negroes, especially the latest ones to be emancipated, were completely unprepared for their new status as free men.

He was free from the individual master but the slave of society. He had neither money, property, nor friends. He was free from the old plantation, but he had nothing but the dusty road under his feet. He was free from the old quarter that once gave him shelter, but a slave to the rains of summer and to the frosts of winter. He was turned loose naked, hungry, and destitute.¹

To the mass of Negroes, freedom meant no more work. It meant that the government would take care of him. When

¹Life and Times of Frederick Douglas, p. 89.

General Sherman made his march through Georgia, he divided some land among Negroes who had worked with the Union forces. This led many Negroes to believe that the government was going to give every freed family "forty acres and a mule."²

The success or failure of individual Negroes in becoming established as free men capable of self-direction depended to a large extent upon their character, intelligence, and efficiency. These qualities reflected in turn the type of schooling they had received during slavery.³ Where the slaves had been treated well and there had been close association between the races in the same household, they had profited by the contact with their masters.

In a report to the thirty-ninth Congress, General J. B. Kiddoo, United States Army, made the following statement on conditions in Texas:

In the sudden liberation from slavery, the freed people are, I will admit, too often restless, shiftless, and suspicious of all restraint, but these characteristics . . . are the result of their former rather than their present, relations, and only need kindness, patience, education, and good faith to overcome.⁴

A vivid account of the upheaval of the economic system of the South was given by the historian DuBois:

²Walter L. Fleming, The Freedmen's Savings Bank, p. 12.

³E. Franklin Frazier, The Negro in the United States, p. 117.

⁴Walter L. Fleming, A Documentary History of Reconstruction, I, 80-81.

In every state many thousands were found without employment, without homes, without means of subsistence, crowding into towns and about military posts, where they had hoped to find protection and supplies. The sudden collapse of the rebellion, making emancipation an actual, universal fact, was like an earthquake. It shook and shattered the whole previously existing social system. It broke up the old industries and threatened a reign of anarchy. Even well-disposed and humane land owners were at a loss what to do, or how to begin the work of reorganizing society and of rebuilding their ruined fortunes. Very few had any knowledge of free labor, or any hope that their former slaves would serve them faithfully for wages. On the other hand, the freed people were in a state of great excitement and uncertainty. They could hardly believe that the liberty proclaimed was real and permanent. Many were afraid to remain on the same soil that they had tilled as slaves lest by some trick they might find themselves again in bondage. Others supposed that the Government would either take the entire supervision of their labor and support, or divide among them the lands of the conquered owners, and furnish them with all that might be necessary to begin life as an independent farmer.⁵

Immorality was rampant among the Negroes because of their lack of training. Under servitude, they depended upon their master for subsistence. Now the responsibility rested with the Negro. Since they had no sense of thrift, many of the Negroes usually took what they wanted. Chickens and hogs were their favorite prey. Cotton was picked in the fields after night and sold to dishonest merchants; to ameliorate this condition, laws in some states were passed prohibiting purchase of cotton and other products after sun down. Work or riding animals were often stolen.

⁵W. E. B. DuBois, Black Reconstruction, p. 224.

Emancipation of the slaves presented a legal problem by granting them full citizenship through the Fourteenth Amendment to the Constitution for which, as a whole, they were unprepared. In this connection, Frazier points out:

The great mass of ex-slaves, who had been kept in ignorance during slavery and many of whom had become demoralized during the upheaval of Civil War and Emancipation, were naturally not as prepared to use the ballot as voters with political experience or traditions of self-government. It was not strange, therefore, that they were often misled by scheming politicians, and their ignorance and superstition were utilized for selfish purposes by unscrupulous leaders.⁶

There were, however, many ex-slaves who realized their preparedness for the responsibilities involved in their new status. Many were intelligent and showed sound judgment with reference to the many problems presented. Keenly aware of inadequacies of the Negro under the circumstances, they showed understanding and appreciation of feelings and attitudes of former white masters. Yet they naturally wanted to be free and to enjoy the rights of citizenship. Many Negroes exhibited considerable restraint and intelligence during the transition to their new status.

Because of the lack of self-reliance and education, the freedman could not find a place for himself in society. He was unable to comprehend the meaning and responsibilities of citizenship and consequently thought that freedom meant to be free to do as he liked with no restraint or regard for law. Many Negroes were roaming the countryside, pilfering

⁶Frazier, op. cit., p. 135.

at will, not working at all or as little as possible, and breaking contracts to work. Fleming gives a vivid account of this:

As the full meaning of this news was grasped by the freedmen, great numbers of them abandoned their old homes, and, regardless of crops to be cultivated, stock to be cared for, or food to be provided, gave themselves up to testing their freedom. They wandered aimless but happy through the country, found endless delight in hanging about the towns and Union Camps, and were fascinated by the pursuit of the white's culture in the schools which optimistic northern philanthropy was establishing wherever possible.⁷

Labor contracts were used by some plantation owners as an attempt to exercise control over the Negro. The extreme impoverishment of the aristocracy and the non-slave holders alike also played a major role in their determination to keep the Negro in an inferior position.

Many Southerners felt that emancipation would have come eventually without war. Perhaps the greatest factor which made the slave system last as long as it did was the value of the slave. Each slave holder had from one thousand to fifteen hundred dollars tied up in each workable slave. To emancipate them would be almost certain financial ruin. But if they could have been reimbursed for them, some plan might have been worked out to free them without the destructive Civil War. Coulter expressed a prominent sentiment when he

⁷William Archibald Dunning, Reconstruction, Political and Economic, p. 11.

said, "As Southerners had reconciled themselves before the end of the war to the inevitability of freedom for their slaves, it was mockery in their eyes to give the North credit for doing a good and unselfish deed in emancipating them--an act Southerners were themselves about to perform."⁸ But the fact that the slavery system was a cheap and profitable form of labor must not be overlooked as being another factor inclining the slaveholders to cling to this system of labor. However, "the freedman still remained as economic wealth, however inefficient their work might have been as compared with slave labor,"⁹ for from among them had to come the force to man the plantations and farms.

It was inconceivable to many whites in the South that the freedman would be more than a public menace. This opinion was expressed by a northern traveler when he said that "most of them began by assuming . . . that it was right to keep the Negro in slavery must as long as possible, and by adding thereto the assumption that the free negro would not work . . ."¹⁰

The feeling that through vagrancy laws and "by availing themselves of the ignorance of the Negroes in the making of

⁸E. Merton Coulter, The South During Reconstruction, 1865-1877, p. 5. Such justification, of course, overlooks the fact that the South did nothing in this respect until forced by circumstances.

⁹Ibid., p. 6.

¹⁰Sidney Andrews, The South Since the War as Shown by Fourteen Weeks of Travel and Observation in Georgia and the Carolinas, p. 97.

contracts, by getting them in debt, and otherwise, they would place them . . . in a worse condition than they were when slaves,"¹¹ was expressed aptly in a report of a Union officer. Yet this sentiment was not universal among all classes as was shown in another report on treatment of Negroes in Texas in a report by another Union officer who said:

The better class of planters who were former slaveholders are, as a general thing, disposed to deal fairly with them in the division of the crop, but there is a class of men, commonly known in the state as "adventurers," small planters, traveling speculators, country storekeepers . . . swarming the planting regions like as many buzzards, seeking for prey. They endeavor to sell to the freedman worthless jewelry, cheap clothing, and unsound horses. The country storekeepers sell them rope and bagging, often at enormous prices, and in collusion with the small planters, take a lien on their portion of the crop, the freedman having no money. . . . In many instances bills are presented against their portion of the crop, for trifles, of such size as to almost absorb it, this, also by collusion between the planters and small stores, and the natural presumption is that they divide the profits. . . . I consider it just to the better people of Texas to state that the outrages spoken of therein are usually committed by a class of individuals who never were slave owners, but were the Negro's competitor, and hence his enemy, and now particularly so, since the Negro is free and approximates towards equality with them. It is the lower class of people that have the most bitter and vulgar hatred of the Negro. The more intelligent and liberal people consider the Negro set free by the Arbitrament of arms, and hence have no animosity towards him; while the other class hold him personally responsible, and treat him accordingly.¹²

Thus, the greatest resentment of the Negroes came from

¹¹Report of the Joint Committee on Reconstruction Made During the First Session Thirty-ninth Congress, I, 123.

¹²Fleming, A Documentary History of Reconstruction, I, 79-80.

the non-slave holders. In this same report, the officer went on to say in answer to a question regarding the condition of the Negro laborers:

They have hitherto had an owner and overseer to do their thinking for them, and now, when allowed to think, and act for themselves, are ill fit to exercise the distinguished prerogative. In their abject ignorance, they have been led to believe that their freedom means unrestraint--license to work as they please and do as they please, regardless of contracts of other legal obligations. In order that free labor may prove a success, the freedmen need to be taught the simplest lessons of practical life. They should be taught to depend upon their own personal exertions and that the highest enjoyment of their freedom is through the means of labor, industry, diligence, frugality, and virtue.¹³

The Southern people were oftentimes too impatient with the free labor. They expected too much from the start and were too eager to pronounce it a failure. It seems that when understanding and fairness were exercised on the part of the employers that free labor was a success. On this point Gideon J. Pillow reported:

I have just been most successful beyond my most sanguine expectations in encouraging labor for my plantations in Arkansas and Tennessee. I have already engaged about 400 freedmen and have full confidence in making a success of the work. I have given in all cases the freedmen a part of the crop of cotton and I allow him land for cultivation of vegetables and corn for his own use without charge therefor.¹⁴

Freedom brought to the mass of Negroes a greater variety of work than they had engaged in as slaves. If a freedman no longer wanted to serve as a farm hand, he might enter many

¹³Ibid., p. 80.

¹⁴DeBow's Review, I (February, 1866), 224.

other kinds of labor and might even become a proprietor of a little establishment all his own. The businesses appealed to freedmen most and were easiest to set up were barbershops, blacksmiths shops, bootblack parlors, shoeshops, and tailor shops. Some freedmen set up small stores, and around the Chesapeake Bay, many became oystermen. As skilled laborers, some became carpenters and brickmasons and received as much as three dollars a day. In fact, the economic opportunities of Southern Negroes surpassed those of the North. There was no labor movement in the South as there was in the North to whip up a feeling of labor consciousness, and by drawing the color line, deny the Negro a place.¹⁵

Labor in the South was much in demand following the war and wages were reasonably high, but the cost of living was not too great. Land sold at a fraction of its prewar value. With the proper instruction and guidance, the Negro might well have acquired a reasonable share of it, and his place in society would have been strengthened. And there were exceptional blacks who accumulated some property. On the other hand, many freedmen wanted to own land and to obtain an education but because of the lack of experience did not know how to acquire it. The Federal government did little to aid the Negroes in obtaining holdings, although there were

¹⁵Coulter, op. cit., p. 95-96.

millions of acres of public lands in the former slave states that could have been sold to them. "It could have devised means of ultimate landownership, including farm utensils, mules, and other necessities for operating farms."¹⁶ But, though it was cheap, the Negroes secured titles to but little land. Intemperance was widespread while swindlers found the credulous people an easy prey, and savings went for such luxuries as excursions, circuses, jewelry, and subscription books. Those who purchased land were frequently tricked by rascals into buying bad titles.¹⁷ As we have already seen, many Negroes, by the inferences of the Freedmen's Bureau and other government agencies, expected land to be given to them and made no effort to purchase it.

Hence, the most important phase of reconstruction was perhaps the problem of adjusting the blacks to a useful place and function in the Southern economy. The labor of the Negro population was an indispensable factor in the productive system of the South. The Freedmen's Bureau sought to make adjustments for the Negroes.

The Freedmen's Bureau was created by an act of Congress on March 3, 1865, for the purpose of looking after the interests of the Negroes and of the loyal refugees. The objective for its creation was worthy for much relief was given to the

¹⁶Ibid., p. 108.

¹⁷Fleming, The Freedmen's Savings Bank, p. 16.

destitute people of the South, although more was given to the freedmen than to the whites. Of 22,000,000 rations given in 1867, 15,200,000 were received by the Negroes.¹⁸ Most of the Bureau agents were located in towns and cities, which was one cause for many Negroes to flock to cities. Another function of the Bureau was to furnish transportation to refugees and freedmen going home or to places of employment. "By September, 1866, over 2,000 white refugees had been furnished transportation to their homes and, by 1870, 30,000 Negroes had been transported."¹⁹

Under the slave system, the Negroes had no worry about medical care, for the masters saw, for the most part, that they received it. Now that he was a freedman, the colored person could no longer look to his former master for such care, although many former slaves who stayed with their former masters after emancipation received some medical attention as well as food and clothing. Thus the establishment of hospitals and asylums was another important service of the Bureau. "In September, 1867, there were forty-five hospitals under the jurisdiction of the Bureau."²⁰

Another important phase of the Bureau was the educational work "carried out in co-operation with the benevolent and

¹⁸Coulter, op. cit., p. 71.

¹⁹Henry Lee Swint, The Northern Teacher in the South, p. 5.

²⁰Ibid., p. 5.

philanthropic associations of the North."²¹ Schools were established all over the South by the Bureau. It was empowered to sell or lease any property which had belonged to the Confederacy, the proceeds to go for the construction of school buildings. It was also responsible for protecting schools maintained by the benevolent associations.²²

The Freedmen's Bureau's work also included the field of labor, providing for the freedman a job as a free laborer and protecting his rights as a worker.²³ Written contracts were insisted upon to protect the freedmen and the planter as well. The freedmen did not like to sign them, though, not always understanding them, even if all contracts had to be approved by the Bureau's agents who used their best efforts to make the terms as liberal as possible for the freedmen.²⁴

Enforcement of regulations was done with the aid of Federal troops and any violations thereof were handled by Bureau courts. Care was taken by the Bureau to obtain justice for the Negro and to protect him from discrimination as to civil rights in the Southern communities.²⁵

²¹Ibid., p. 6.

²²Ibid., pp. 5-6.

²³Coulter, op. cit., p. 74.

²⁴Ibid., p. 77.

²⁵J. G. Randall, The Civil War and Reconstruction, p. 733.

The Bureau's work was marred by numerous abuses; many of its officers were corrupt, and its agents sometimes exceeded their powers or misappropriated funds. But much good was also accomplished by this federal agency, as attested by Brigadier General Charles C. Doolittle, reporting its work in the state of Texas:

I have paid considerable attention to the action of the Freedman's Bureau in various parts of the State; Texas at least such parts as were embraced within the limits of my command, and I am firmly of the opinion that unless the present Bureau or some substitute is maintained for an indefinite period, great wrongs and an immense amount of oppression would be entailed upon the freedman. As it exists there at present, the Bureau is totally unable to do all that might be done or that is required to be done.²⁶

Southern legal reaction to the freedom of the former slaves further complicated the work of the Bureau. The legislatures of most of the former Confederate States enacted strict laws which later became known as the Black Codes. One of the most notable of the Black Codes was one enacted by the Mississippi legislature in 1865:

An apprentice law was passed which provided for the apprenticing of all colored orphans or those with out means of support who were under eighteen years of age, their former masters being given the preference when in the opinion of the court they were suitable persons. The master was empowered to inflict moderate chastisement for misbehavior and was entitled to judicial remedy for the recovery of a runaway. A runaway apprentice, however, had the right to appeal to the county court, which, if it judged the cause of the desertion good, could discharge him, and award damages of one hundred dollars against his master. The master

75. ²⁶Report of the Joint Committee on Reconstruction, III,

was compelled to give bond to furnish sufficient food and clothing with proper medical attention, to treat the apprentice humanly, and, if the latter was under fifteen years of age, to teach him to read and write.

The Vagrancy Act, after the usual definitions of vagrancy and provision for its punishment, provided further that all persons of color, above the age of eighteen years, found on the second Monday in January, 1866, or thereafter, with no lawful employment or business, or found unlawfully assembling themselves together with all white persons so assembling with them on terms of equality, or living in adultery or fornication with negro women, should be deemed vagrants, and upon conviction should be fined, in the case of a person of color not more than fifty dollars and in the case of a white person, not more than two hundred dollars, and in addition be imprisoned not more than ten days in the case of a negro and six months in the case of a white person. Jurisdiction without a jury was conferred upon all justices of the peace, mayors, and aldermen. Should a negro fail to pay his fine within five days, he was to be hired out by the sheriff for an amount equal to the fine. A poll tax of not more than one dollar per annum was ordered levied upon all negroes between eighteen and sixty years of age, the proceeds to be used exclusively for the colored poor.²⁷

The Black Codes contained more than this. One section legalized slave marriages but prohibited intermarriage, imposing a penalty of life imprisonment. An act to confer civil rights upon the freedmen gave them the right to sue and be sued, to implead and be impleaded in all the courts of the state, to acquire, hold, and dispose of property in the same manner as white persons, with the exception that they could not rent or lease lands or tenements anywhere in

²⁷The Laws of Mississippi, 1865, p. 861, cited by J. G. Roulhac Hamilton, "Southern Legislation in Respect to Freedmen," Studies in Southern History and Politics, pp. 145-146.

incorporated towns.²⁸ Most states gave them the right to testify in courts in their own behalf.

Arkansas and Tennessee passed no acts containing any discriminating provisions on account of color, and in both states Negroes were granted civil rights. The convention of 1866 in Texas inserted in the new constitution an article which granted to all persons of color full civil rights, including the right to give testimony in all cases affecting one of their race.²⁹ An apprentice law was passed similar in every respect to the one subscribed above, except that nowhere was there any mention of race or color. The labor law was quite stringent, however, providing for written contracts which were required to be witnessed and recorded. Employers could make deductions for time lost, injury to property, or bad work, but the laborer had in all cases the right to appeal.

One-half the crop was subject to a laborer's lien for wages, and the employer was liable for a fine to be paid to the employee for cruelty or non-fulfillment of the contract. Enticement of employees was punishable. Visiting without permission and absence without leave were forbidden.³⁰

²⁸Ibid., p. 146.

²⁹Annual Cyclopedia, 1866, p. 75, cited by Hamilton, "Southern Legislation in Respect to Freedmen," loc. cit., p. 75.

³⁰Ibid., p. 741.

The Black Codes, met with great criticism from the Northern Radicals and even from some in the South,

came as a welcome aid in carrying out a policy already determined upon [the Congressional plan]. It had small part in shaping policy, but it was exceedingly important in procuring the success of that policy. The extreme measures were held up to public view as typical, and the mass of people and many members of Congress never knew that only a part had been shown. . . . Still less did they comprehend the motive and spirit of the South and the underlying necessities of the case.³¹

The Radicals considered the apprentice and vagrancy laws as an attempt to restore slavery.

Many of the critics and members of Congress and the mass of the population of the North did not believe that the South "could have worthy motives, kindly feeling to the Negroes, or any sincerity in acceptance of defeat and its consequences, and it no longer remains a cause for wonder that the 'Black Codes' should have been made the justification for venomous attack and harsh legislation."³²

Lincoln, along with many others from the North, maintained that a state could not secede and that the Confederate States had merely refused to perform their duties as members of the Union. On December 8, 1863, Lincoln issued a proclamation, granting pardons to all who would take an oath of allegiance, except important Confederate officers, and declaring that when one-tenth of the members who had voted in

³¹Hamilton, "Southern Legislation in Respect to Freedmen," *loc. cit.*, p. 157.

³²*Ibid.*, p. 150.

the presidential election of 1860 should establish a loyal government in a state, it would be recognized. Three states, Tennessee, Louisiana, and Arkansas, set up governments under this plan and sent representatives to congress, but they were denied a seat by congressional leaders.³³

Lincoln, in a speech on April 11, 1865, three days before his assassination, regarding the provisional government of Louisiana, admitted that the government was not as desired. He was in favor of limited enfranchisement of the colored who were intelligent.³⁴ The Louisiana government, though, did not grant the Negroes the right to vote. However, Lincoln favored accepting it as it was and improving upon it. "Concede [he said] that the new government of Louisiana . . . as the egg is to the fowl, we shall sooner have the fowl by hatching the egg than by smashing it."³⁵

Andrew Johnson's theory coincided with Lincoln's. He was mindful that the avowed purpose of the war as indicated by Congress and the President had been the maintenance of the Union rather than the subjugation of the South and invasion of state functions.³⁶ Being a Southerner, he understood the South and its Negro problem. He did not believe

³³E. Merton Coulter, op. cit., p. 34.

³⁴J. G. Randall, The Civil War and Reconstruction, p. 705.

³⁵Speech by Lincoln April 11, 1865, quoted by Randall, The Civil War and Reconstruction, p. 795.

³⁶Randall, op. cit., p. 707.

that suffrage should be granted to the Negroes as yet. He carried forward a similar plan of reconstruction for the remaining states of the Confederacy, granted pardons, and appointed provisional state officials. All the Southern states except Texas elected constitutional conventions which finished their work before the year 1865 ended. The important task at hand was to accept the results of the war, repeal the secession ordinances, and repudiate the war debts.³⁷ All the states complied with these qualifications with the exception of South Carolina which refused to repudiate the debt. Soon thereafter elections for the regular state governments were held. Most officials who were elected were old Whigs, "who had opposed secession but had joined in the war and showed distinctly the determination of the South to uphold its traditions."³⁸

After the organization of the state governments, which was quickly done, they set about their work. President Johnson issued a proclamation on April 2, 1866, declaring the insurrection to be at an end. In the proclamation, he reiterated that "no state, of its own will, has the right or power to go out of, or separate itself from, or be separated from the American Union, and that therefore each state ought to remain and constitute an integral part of the United

³⁷Coulter, op. cit., p. 34.

³⁸Ibid., p. 36.

States."³⁹ He further proclaimed that "it is believed to be a fundamental principle of government that people who have been overcome and subdued, must either be dealt with so as to induce them voluntarily to become friends or else they must be held by absolute military power, or devastated, so as to prevent them from doing harm as enemies, which last named policy is abhorrent to humanity and freedom."⁴⁰

Public sentiment as a whole in 1865 was in favor of "quick restoration without the infliction of serious penalties upon the South."⁴¹ General Lee wrote that "when he surrendered to Grant, he informed him that if the United States authorities desired it the entire South could be restored to peace and harmony in thirty days."⁴² By 1866 sentiment in the North was changing.

The noted Negro leader, Frederick Douglas, at the time the Thirty-ninth Congress convened, wrote:

It is obvious to the common sense that the rebellious states stand today, in a point of law, precisely where they stood when, exhausted, beaten, conquered, they fell powerless at the feet of Federal Authority and the lives and property of the leaders of the Rebellion were forfeited. . . . To change the character of government. . . is neither possible nor desirable.

³⁹Fleming, op.cit. p. 193.

⁴⁰Ibid., p. 194.

⁴¹Randall, op. cit., p. 694.

⁴²Browning Diary, p. 216, quoted by J. G. Randall, The Civil War and Reconstruction, p. 695.

All that is necessary to be done is to make the government consistent with itself, and render the rights of the States compatible with the sacred rights of human nature.⁴³

Douglas, in his article, further described the South as a place where men deliberated with daggers and voted with revolvers, and they did not even conceal their deadly hatred of the country that had conquered them. It was the job, he said, of the Thirty-ninth Congress to correct this situation and "as the rightful reward of victory over treason, have a solid ovation, entirely delivered from all contradictions and social antagonisms, based upon loyalty, liberty, and equality."⁴⁴

On the matter of enfranchisement of the Negroes, Douglas felt that it was necessary for the protection of the freedmen. "The true way and the easiest way is to make our government entirely consistent with itself, and give to every loyal citizen the elective franchise--a right and power which will be ever present and will form a wall of fire for his protection."⁴⁵

When Congress convened in late 1865, it refused to seat the elected representatives from the "Reconstructed States" and disregarded Johnson's organizations for the Southern

⁴³Frederick Douglas, "Reconstruction," Atlantic Monthly, XVIII(December, 1866), 762-764.

⁴⁴Ibid., p. 761.

⁴⁵Ibid., p. 762.

states. State legislatures, with not much regard for the "ironclad oath," which provided that for one to hold a United States office he must swear that he had never voluntarily aided the Confederate cause, elected senators from among the ranks of "Confederate generals, high Confederate civil officials--even the vice-president of the Confederacy--most of whom had not yet been pardoned."⁴⁶ Much resentment on the part of leaders of Congress was due to the fact that Lincoln and, later, Johnson had not consulted them on a plan for Reconstruction.

"The word reconstruction implies repairing the damages of war, returning to normal, acting and sane thinking, undoing war time blunders, rebuilding the nation."⁴⁷ Congress was predisposed to broadening the concept of this definition.

When it convened in December, 1865, it set about to draw up its own plan for the South. A Joint Committee on Reconstruction to investigate the South and let Congress know when states were ready to be readmitted was appointed.⁴⁸ The first fruits of this committee were embodied in a proposed constitutional amendment.

The Fourteenth Amendment with its five provisions did not specifically state that the Freedmen must be enfranchised,

⁴⁶Coulter, op. cit., p. 38.

⁴⁷Randall, op. cit., p. 689.

⁴⁸Coulter, op. cit., p. 42.

but in Section II it asserted that whenever any state "denied the elective franchise to any portion of its males not less than twenty-one years of age, or in any way abridge, except for participation in rebellion or other crime, the basis of representation in such States shall be reduced. . ."⁴⁹ Section III was likewise harsh and hard to take on the part of Southerners. They expected some political disabilities but not to this extent. This section excluded from office-holding most of the old Southern leadership until Congress should remove such disability.⁵⁰ The amendment as drawn up made it clear that the debt incurred by the Confederacy would not be paid by the United States government or any state governments, nor any claim for compensation for loss of labor.

The report of the joint committee stated that when this amendment was ratified and became a part of the Constitution and the states of the former "Confederacy" had ratified it and had modified their constitution so as to conform with the Federal Constitution, "the representatives and senators from such state if found duly elected and qualified, [might] after having taken the required oaths of office, be admitted into Congress as such."⁵¹ Under advice from President Johnson,

⁴⁹U. S. Congress, Report on Reconstruction 1st Session, 39th Congress, I, v.

⁵⁰Ibid., p. v.

⁵¹Ibid., p. vi.

however, all of the former Confederate states except Tennessee refused ratification.

The election of 1866 gave the Radicals a two-thirds majority, which was to insure their rule for two more years. Speeches by Radical leaders promising pensions to the veterans, playing upon the sympathies of the population for the Negroes, denouncing the Southern politicians, and pointing to the bad features of the Black Codes, had great effect in turning public sentiment against Johnson's plan. The shift in control of reconstruction was made possible by the election of 1866.

The Radicals now in the saddle, Congress was ready in 1867 to launch a revised reconstruction program. A bill was passed on March 2, 1867, designed to divide the South into five military zones, with a United States Army brigadier general in command of each zone. Each state, until its constitution conformed with the United States Constitution, Negro suffrage was granted, and the Fourteenth Amendment ratified, would remain as a provisional government.⁵² Another act on March 23 provided for a registration of eligible voters under the supervision of the military commanders. In July of the same year a third act was passed which provided for the removal of state officers by military authority if they opposed Reconstruction.⁵³

⁵²Randall, op. cit., p. 753.

⁵³Ibid., p. 753.

Thus the Radical element had succeeded in acquiring the upper hand in control of reconstruction. The seeds for the development of the Republican Party in the South had been sown. For the first time it became possible for a new group of leaders to emerge from the Negroes, carpet-baggers, and scalawags, and to become the agents of Radical rule in the Southland.

CHAPTER II

EMERGENCE OF THE REPUBLICAN PARTY

Prior to the elections of 1866, the Radical Republican Party did not have the necessary majority in Congress to succeed in putting across a reconstruction program. But, with the large majority achieved as a result of the election of that year, they were assured of the support needed for such a program, and after the spring of 1867 Congress retained control of the reconstruction policies. Through its program the Republican Party was able to emerge in the South.

Congressmen felt that the Confederate states were, even though defeated in the war, still rebellious. They relied upon reports from Union men in the South and agents of the Freedman's Bureau. Carl Schurz, also among those who visited the South, made a report to Congress, believing that the only way the Southern people could be "induced to grant to the freedmen some measure of self-protection" was to make Negro suffrage a condition precedent to readmission to the Union.¹ Reports of this nature had a decided influence in swinging the moderates in Congress to the Radical camp.

¹W. E. B. DuBois, "Reconstruction and Its Benefits," American Historical Review, XV(July, 1910), 785.

Based upon reports that were forthcoming from the South and upon the fact that the Southern states would not accord civil equality to the freedmen, rejected the Fourteenth Amendment, and passed laws creating a new form of control for the Negroes, Congress felt that it must continue military rule indefinitely or give the Negro political power with which to maintain his own civil rights.²

Texas, the last of the Confederate states to draw up a constitution under the provisional government, was no more ready to grant suffrage to the Negroes than other states had been. This fact was evident from speeches by the candidates to the Johnson constitutional convention. Most candidates were in agreement on the fact that slavery was a thing of the past, that the war debt should be repudiated, and that the act of secession should be nullified; but the paramount question was the status of the freedmen. The successful candidate from Williamson and Travis Counties said in a published letter:

My opponents . . . each and all, concede something to the Negroes; some more, some less, approximating to equality with the white race. I concede them nothing but the station of "Hewers of wood and drawers of water." . . . If a Republican form of government is to be sustained, the white race must do it without any Negro alloy. A mongrel Mexico affords no fit example for imitation. I desire the perpetuation of a white man's government. . . . The Negro is and must remain

²John W. Burgess, Reconstruction and the Constitution, p. 245.

free. This is one of the results of the late conflict. He must be protected in person and property; this is due to justice and humanity, but I hope and believe that legislative wisdom can devise some mode of securing fully these rights without an equality in the courts of the country. Of course I am opposed to Negro suffrage in whatever form or with whatever limitations it may be proposed.³

Likewise, Colonel M. T. Johnson of Tarrant County, equally conservative, declared his opposition to granting the Negro any political rights and insisted that he should be made to work by uniform laws regulating pauperism, labor, and apprenticeship; but at the same time asserted the necessity of treating him with justice and kindness in his helpless condition.⁴ Most of the candidates expressed similar views. E. Degener of San Antonio was perhaps the only candidate who openly advocated Negro suffrage.

John H. Reagan, a prisoner of war in Boston, in a letter to the people of Texas expressed the idea that the will of the people of the North must be taken into consideration. Texas, he thought, occupied the status of a conquered nation. The restoration of the state government would be delayed unless a policy should be adopted acceptable to the will of the conquerors. Nothing short of suffrage for the freedmen

³Charles William Ramsdell, Reconstruction in Texas, p. 86.

⁴Ibid., p. 87.

would be acceptable to the North, and the South was in no position to resist such a demand. Furthermore, he advocated:

First, admitting the testimony of Negroes in the courts, subject only to the same rules as applied to whites; second, fixing an intellectual, moral, and if necessary, a proper test for the admission of all persons to the elective franchise, regardless of race or color provided that no person previously entitled to vote should be deprived of the right by any new test.⁵

Upon his return to Texas his views were met with much disfavor, and he retired to his farm without taking any further part in the decision of public matters.

Texas, like the other Southern states, did not grant Negro suffrage in the constitution that was drawn up. Thus reports coming from Texas and other southern states "that the South was in a condition bordering upon anarchy and that this was due to the rebellious and disloyal dispositions of its people, that everywhere Unionists and loyal freedmen were unsafe, were being outraged and murdered," was supposedly the basis for the Reconstruction Act of 1867.⁶

Opposition to Negro suffrage was not limited to the South by any means. Some Northern states did not grant suffrage to the Negro, and some even had codes similar to those set up in the South. Many felt that whatever regulations were made should apply to the whites as well as the Negroes. Even Horace Greeley, the editor of the Tribune, did not claim universal suffrage for the Negro, saying: "We would

⁵Ibid., pp. 87-88.

⁶Ibid., p. 148.

readily consent to admitting to the suffrage only those who can read and write, or those who pay taxes, or are engaged in some trade. Any standard which would limit the voting privilege to the competent and deserving, would be acceptable to us."⁷ But the rules and restrictions relating to the suffrage should be applied to all on the same basis, and the Southern states contained many poor whites who were not better qualified to vote than the most ignorant and degraded Negroes.

General Sherman expressed a similar conservative view when he said: "We all felt sympathy for the Negro, but of a different kind from that of Mr. Stanton, which was not of pure humanity but of politics . . . I did not dream that the former slaves would be suddenly, without preparation, manufactured into voters . . . I doubted the wisdom of at once clothing them with the elective franchise . . ."⁸

In Louisiana, under the proposed Johnson reconstruction, not "one Negro was allowed to vote though at that very time the wealthy intelligent free colored people of the state paid taxes on property assessed at \$15,000,000 and many of

⁷Georges Clemenceau, American Reconstruction, 1865-1870, p. 37.

⁸Myrta Lockett Avary, Dixie After the War, pp.281-282.

them were well known for their patriotic zeal and love for the Union."⁹ It seems reasonable to assert that had there been some degree of suffrage granted the Negroes that Congress would have been prone to have taken a different view of reconstruction. The Fourteenth Amendment, as a measure of protection, did not take the power of regulating suffrage from the states, but it did penalize the states depriving a man of the right to vote just because he was a Negro.

On the matter of educational qualifications, one post-civil war writer argued that if only the educated were allowed to vote all power would be in the hands of the few aristocratic families, for three-fifths to three-fourths of the poor whites could not read or write. If it were based on color, then the most loyal element in the South, the freedmen, would be disfranchised.

This same contemporary observer pointed out that "the addition of four millions of persons to the people of the South, without any corresponding addition of voters, will increase the political power of the ruling whites to an alarming extent, while it will remove all check on its mischievous exercise."¹⁰ He estimated that thirty-nine

⁹W. E. B. DuBois, "Reconstruction and Its Benefits," loc. cit., p. 785.

¹⁰W.P. Whipple, "Reconstruction and Negro Suffrage," The Atlantic Monthly, XVI(July, 1865), 244.

representatives would be added to Congress, but that the Negro could not vote for them. He further stated that ". . . it is not more necessary for the protection of the freedmen than for the safety and honor of the nation."¹¹

After Congress refused to seat the representatives of the "reconstructed states," the South was expecting some sort of a substitute for President Johnson's plan. The Reconstruction Act, dividing the South into military zones, declaring that the reconstruction state governments would be deemed provisional only, and barring those ex-Confederates who had held an office in the Union before the war from holding an office now, undid the work of the constitutional conventions under Johnson's plan. By an act of March 23, the commanding general in each military district was to supervise a registration of all qualified citizens in each county before September, and, after duly qualified voters had registered, the voters should vote for or against a convention and choose delegates to the same. No convention was to be held unless a majority of the registered voters had participated and a majority that voted favored the convention. The convention was to meet at a time and place designated by the commander and the constitution framed was to be submitted

¹¹Ibid., p. 244.

to the qualified voters for ratification. After the constitution had been duly ratified by the people and approved by Congress, the state would be entitled to representation in Congress.

The Southwestern states, Arkansas, Louisiana, and Texas, duly registered the voters of their states. In Texas and Louisiana, the fifth military district commanded by General Sheridan, many ex-Confederates were not allowed to register, in line with Sheridan's interpretation of the law. Any one who had held any kind of office from the highest to the lowest, if he had later supported the Confederacy, was rejected. An editor of a newspaper in Galveston, Texas, who had been mayor of Galveston, the only office he had ever held, was rejected. When he insisted that he was not disfranchized by the law, the Board replied that he was by their instructions; "nor did they refer to the law but to their instructions for their authority."¹²

Registration of the Negroes, coupled with the work of the Union League and the Freedmen's Bureau, laid the groundwork for formation of the Republican party. The party drew its strength from the Unionists and Negroes. Mass meetings were held in which Negroes predominated. In nearly all these meetings they pledged support to the legislation of Congress

¹²Ramsdell, op. cit., p. 163.

and declared themselves for full equality for all persons in civil and political rights. Ex-Governor Pease of Texas presided over a convention in Houston in which a state Republican Party was organized that advocated free common schools and free homesteads out of the public land without distinction of color. Thereafter, through the new Party organ, the Austin Republican, the Radicals began propaganda attacks on state officials. Especially severe was the attack on Governor Throckmorton of Texas in which his administration was accused of incompetency, inefficiency, and rank disloyalty. It was asserted that Throckmorton encouraged the oppression and murder of Union men and refused to have the criminals punished.¹³

Governor Throckmorton was removed by order of General Sheridan on the ground that he was "an impediment to the reconstruction of that state under the law."¹⁴ E. M. Pease was appointed provisional governor and took office on August 8, 1867. He insisted that he did not ask for the provisional governorship but could not refuse to aid his state at a time of crisis. Although he belonged to the Radical ranks, he was somewhat of a moderate, and it was perhaps better for the state that he was appointed because his advice carried weight where Throckmorton's could not.

¹³Ibid., p. 167.

¹⁴Ibid., p. 169.

Thus he saved the state from what might have been even worse consequences.¹⁵

Governor Pease's first problem was the making of recommendations to state offices, many of which had been vacated during Throckmorton's administration. The elected heads of various state departments, attorney-general, the treasurer, the comptroller, and land commissioner were removed by order of General Griffin. Petitions from agents of the Freedmen's Bureau and the Union League for the removal of local officers were frequently being sent to the governor. In many cases they were not able to fill the vacancies with Unionists, so Conservatives were allowed to retain their offices or the vacancies were left unfilled.

The Radical grip on Texas and Louisiana was shaken a bit by the removal of General Sheridan as commander of the fifth military zone by President Johnson. In his place General George H. Thomas was given the assignment. But he did not remain long as commander, owing to poor health, and was replaced by General Winfield S. Hancock, a Democrat sympathetic to the policies of the President. He set out to try to revise Sheridan's policies in his first order:

In war it is indispensable to repel force by force, and to overthrow and destroy opposition to lawful authority. But when insurrectionary force has been overthrown and peace established and civil authorities are

¹⁵Ibid. p. 172.

ready and willing to perform their duties, the military should cease to lead, and the civil administration should resume its natural and rightful dominion . . . the right of trial by jury, the "habeas corpus," the liberty of the press, freedom of speech, and the natural rights of persons and the rights of property must be preserved.¹⁶

In preparation for election of delegates to a constitutional convention in Texas, registration booths were again opened in September, 1867, to give those a chance to register who had not availed themselves of the opportunity. The Conservatives were urged by their papers to register for the vote on the calling of a convention which depended upon whether or not half of the registered voters cast their vote, not upon the number who registered. General Hancock ordered an election for February 10-14 to decide whether or not a convention should be held. Registry lists were reopened during the last five days of January to give those who had neglected to register in the summer a last chance. Total registration was 109,130 and those disqualified were estimated to be between 7,500 and 12,000.¹⁷ A little less than half of the registered voters were Negro.

The election went off as scheduled with little friction. General Hancock had ordered troops to stay away from the polls, unless called upon by civil officers to assist in keeping order. The Radicals were victorious with 44,686

¹⁶Ibid., 182.

¹⁷Burgess, op. cit., p. 149.

votes cast for a convention and 11,440 against it, many conservatives having failed to vote. A convention of Conservatives was held in Houston prior to the election in which they urged the Conservatives to vote, but the resolutions of the convention did not travel throughout the state. However, the convention might have served to make a constitutional convention a certainty since the total votes cast was just a little more than half the number registered.¹⁸ Of the ninety delegates elected to the convention, nine were Negroes.

In Louisiana the election to decide the question of holding a constitutional convention was held on September 27-28, 1867. The Negroes voted in large numbers, but many whites, as in Texas, abstained, hoping by this action that the Republican plans might be defeated. Louisiana had 129,654 registered voters, of whom 84,436 were colored, and in the election for the convention 79,089 voted on the question. There were 75,083 in favor of the convention.¹⁹ It was evident, therefore, that the Negro vote was decisive in Louisiana as well as Texas. By a prearranged agreement, forty-nine Negro delegates and forty-nine white delegates were elected to the convention.

¹⁸Ibid., p. 199.

¹⁹John Rose Ficklen, History of Reconstruction in Louisiana, p. 193.

Arkansas, like Louisiana, was "reconstructed" under Lincoln's plan of reconstruction and was recognized by Lincoln. After the congressional plan had been put into operation, Arkansas and Mississippi became the Fourth Military District under the command of General E. O. C. Ord, with headquarters at Vicksburg. Brigadier General C. H. Smith was placed in command of the sub-district of Arkansas. Registration being completed, General Ord issued a proclamation for an election to be held on the first Tuesday in November, 1867. Registration showed 66,805 persons entitled to vote-- 27,567 voted for convention and 13,558 voted against. Seventy-five delegates were elected--mostly "carpetbaggers" and "scalawags." There were eight Negroes elected to this convention.²⁰ Thus we see that the Negroes were to play an important role in the affairs of these three states. The work of these conventions will be dealt with subsequently. In the meantime, some attention is due the rise of the Republican Party in the South.

Regarding the efforts of the Republican Party to aid the Negro of the South, Clemenceau, in a news report to France stated:

It must be added that the Americans are now making the most laudable efforts to arouse the newly freed slaves to a sense of the dignity of their present condition. The South is sprinkled with schools . . . all

²⁰Dallas T. Herndon, Annals of Arkansas, II, 635-638.

are at work and time alone can show of what the black race is capable. As for the Republican party, which has done so much for the Negro in so short a time, considering the strength of the prejudices it had to combat, it will remain in power as long as its work is threatened, as long as the solution it has evolved for the question is not universally accepted by the conscience of the country. Once this result has been accomplished, its role will be over and there will be another transformation in the two great parties which rule them.²¹

The Republican Party was greatly aided in its organization by the open hostility of most of the Southern whites toward the enfranchisement of the Negro and by their indifferent attitude toward helping him with his problems. The racial conflict was constantly stimulated by politicians and leaders of the whites, who represented the Negro race as a menace to economic and social welfare. When the Negro failed to observe the traditional forms of etiquette toward the whites, when he exercised his right to vote, even when he acquired land and attended school, such actions were an indication that he was "getting out of place." The Ku Klux Klan was an organized attempt on the part of whites to force Negroes to accept a subordinate status in social organization. Even when the Negroes exhibited intelligence, efficiency, and honesty in their new role, this fact did not affect the feelings and attitudes of the whites toward the changed status. Some negroes would have been inclined to accept political

²¹Clemenceau, op. cit., pp. 298-299.

leadership of the Southern whites, but the whites were not interested in helping the Negro to secure the status of the citizen. The Negro was forced to turn to the Republican Party for help.²²

Many Southerners, however, believed that there was nothing they could do to stop the rise of the Republican Party and blamed the rise of the party on the propaganda campaigns of the Radicals rather than as a defense against Southern attitudes. Dunning, a Southern historian, states:

But it was not unguided instinct alone that kept the blacks apart politically from the native whites. From the Union soldiers, from the northern missionaries and school-teachers, and from bureau agents of every grade the freedmen had heard proclaimed for years now, in all the changes from mysterious allusion to intemperate asseveration, the virtues of the Union and the Republican Party which controlled the North, and the vices and heresies of the Democrats which had brought ruin to the South. Without a clear comprehension as to what it all meant, the mass of the freedmen were sure that they must be Union men and Republicans.²³

Regarding the type of person which composed the Republican Party, he writes further:

The party, then, which triumphed in the making of the constitutions, and which looked forward to a further triumph in their ratification, consisted chiefly of freedmen, led by a small number of northern whites--the detested "carpet-baggers." With these were united a body of native whites--the even more detested "scalawags"--who were either one time Unionists animated by

²²E. Franklin Frazier, The Negro in the United States, p. 143.

²³William Archibald Dunning, Reconstruction, Political and Economic, p. 115.

still undiminished hatred of the ex-Confederacy, or "reconstructed" rebels who had given up the fight against the congressional policy, whether from sincere conviction that such course was for the best or from a longing for the good things of office which were obviously to be expected only from the radical party.²⁴

Various methods were used by the Republican Party to stimulate interest of the freedmen in voting. In many cases, threats that "whites will put back into slavery if they win" and bribes were effectively used. In some cases, voting day was used as a joint picnic day for the colored people, who would flock to the polls before day and spend the entire day celebrating a good time. Gingerbread and lemonade stands would flourish, and games and fun would be enjoyed. Even circuses might be brought to the site of voting to perform for the people as a means of inducing all Negroes to vote.²⁵

Union League Clubs dispatched agents to the South to mingle with the Negroes and to organize them in secret clubs. Dunning described these clubs as follows:

These societies, originating during the war as agencies for the promotion of the Union cause among the southern whites, devoted their energies after the end of hostilities to the aid of the radical projects of reconstruction. . . . Under cover of the secret and oath-bound organizations, with awe-inspiring rites and ceremonial, the new voters were duly trained for their political activity by the few whites who were in control.²⁶

²⁴Ibid., p. 116.

²⁵Avary, op. cit., p. 282

²⁶Dunning, op. cit., p. 115.

He believed that they were the chief factors in giving coherence and efficiency to the majority party during the first elections under the reconstruction acts.

The Negroes were led to believe that they should not vote for the Democratic Party because the Democrats would restrict their liberty and place them in an inferior position in society. It was the Republican Party which gave them their freedom and only the Republican Party could protect that freedom.²⁷

Leagues grew up in almost every Southern community, and a large number of the colored men were enrolled. In Louisiana there were 53,300 Negroes enrolled in ninety-four clubs. Thus, by 1867, the Union Leagues had become strongly entrenched for Radical Republicanism in the South as a powerful instrument of control over the blacks. By oath they were bound to vote for the nominees endorsed by the League, and the League had remarkable success in capturing and delivering the Negro vote.²⁸

The Freedmen's Bureau also played an important part in the development of the Republican Party. On July 16, 1866, a bill was passed over Johnson's veto to extend the functions and powers of the Bureau. It extended sweeping jurisdiction to the Bureau's officers who were authorized to take

²⁷Claude G. Bowers, The Tragic Era, p. 294.

²⁸J. G. Randall, The Civil War and Reconstruction, p. 848.

over many functions then belonging to state agents and commissioners. Through these provisions an opportunity for building up a party machine was evident. One of the most striking features of the bill was that provision which under regulations issued through the Secretary of War established "military jurisdiction" over cases concerning immunities and rights of freedmen. This means the seizure by the federal government of an immense field of civil and criminal jurisprudence formerly belonging to the state courts and that the transfer of jurisdiction to military courts in which important judicial guarantees would be absent.²⁹ This also became a means to further the ends of the Republican Party in the South.

Many Bureau agents overstepped their bounds by wandering over the plantations, seeking out the Negroes in the cabins and halting them in their labor in the fields. One commissioner of the Bureau was accused of gathering a number of Negroes behind closed doors in one of the plantation cabins and telling them that the government required their enrollment in political clubs.³⁰ Thomas Nelson Page describes the conniving of Bureau agents with the Negroes in the following manner:

The sutlers, skulkers, and refuse, who had been given a chance, under the working of the Bureau, to ingratiate themselves with the Negroes, soon were chosen as the political leaders. The ignorance and

²⁹Ibid., p. 131.

³⁰Bowers, op. cit., p. 198.

the credulity of the Negro became the capital of these creatures, and with it they loaded together enrichment and the impoverishment of everyone else.³¹

On the other hand, many of the Bureau agents were men of honesty and integrity. Many of the agents were interested in the cause of the Southern Negro and worked hard for the advancement of that cause. But to the Southerner it was hard to see that there was any honesty and integrity in any of them, a view expressed by Wade Hampton when he said: "There may be an honest man connected with the Bureau."³²

Also contrary to many historians, many honest and capable leaders emerged from the Negroes as a result of the reconstruction era. Many of the political leaders among freedmen came from the class of Negroes who were free before emancipation. The ones of free ancestry were frequently educated men who were as capable as the majority of enfranchised whites to vote and hold office. They were interested in maintaining law and order and preserving civilization as well as promoting the interests of their race. They had the same ideas as the conservative whites about economic and political rights, except that they were opposed to caste

³¹Thomas Nelson Page, "The Southern People During Reconstruction," The Atlantic Monthly, LXXXVIII (September, 1901), 297.

³²Walter L. Fleming, The Sequel of Appomattox, p. 107.

system based on racial descent. In fact, in Louisiana many of the wealthy and educated mulattoes were opposed to general enfranchisement of the illiterate masses of emancipated blacks.³³

Regardless of means used to secure support of the Negro for the Republican Party, by 1867 he had become an integral part of that party. His support was essential to Republican success, and his support could be secured only by concessions to his needs and desires. Among such concessions was the right to hold office, freely granted by the Radicals. Thus, the constitutions of the Southwestern states and the new governments of those states would to some extent be affected by Negro officeholders.

³³Frazier, op. cit., p. 137.

CHAPTER III

THE ROLE OF THE NEGRO IN THE CONSTITUTIONAL CONVENTIONS

The constitutional conventions of the Southwestern states met as scheduled. Most of the delegates were "carpet-baggers" and "scalawags." Louisiana was represented with the greatest number of Negroes, many of whom were carpet-baggers. Some of the Negro delegates to the three conventions were men of meager education and training, but there were others, well trained, well educated, and talented, who could match wits with any delegate to the conventions. There were perhaps as many able Negro leaders proportionally as there were from among the whites.

When the Arkansas constitutional convention met, there were seventy-five delegates in all, the Radicals being in the majority. The eight Negro delegates were associated with the Radical element. There were only about fifteen Conservatives represented.¹ The convention met on January 7, 1868, at Little Rock in the old House of Representatives, and Thomas M. Bowen was elected president.

Of the eight Negro delegates, one was a postmaster, two were farmers, four ministers, and one a planter. Two were

¹Eugene Cypert, "Constitutional Convention of 1868," Publication of the Arkansas Historical Association, IV, 8.

from North Carolina, one from Indiana, one from the District of Columbia, and one from regions unknown. It seems that the blacks made little effort to elect delegates of their own race, since from only one district was a Negro the sole representative.²

The ablest Negro delegate was W. A. Grey of Phillips County. A native of Virginia and a minister by profession, he was educated in his native state and was a man of unusual attainment as a speaker, as the delegates in the convention testified. In fact it is doubtful that another man in the convention hall could compare with his ability.³ Few Negro delegates took active part in the debates. Among the ones who did was J. F. White. He was an educated man and a minister.⁴ William Murphy was a man of education, also, but he took a very small part in the debates and proceedings. All the delegates voted solidly with the Radicals on every issue.

Six days of the Arkansas convention were consumed in preliminaries--the election of a president and the appointment of standing committees. Nearly all the Negro delegates served on one or more of these committees. William Murphey

²Thomas S. Staples, Reconstruction in Arkansas, 1862-1874, p. 219.

³Cypert, op. cit., p. 10.

⁴Ibid., p. 10.

was represented on the Committees of "Exemption of Real and Personal Estate" and "Federal Relations;" Monroe Hawkins on "Preamble and Bill of Rights," "Counties and Townships," and "Supplies;" William H. Grey on "Boundaries," "Organization of Governments of Cities and Villages," the "Elective Franchise" of which he served as chairman, and "Education;" James T. White on "Impeachment and Removal from Office" and "Miscellaneous Provisions;" Henry Rector on "Schedule;" Thomas P. Johnson on "Executive." Richard Samuels and James W. Mason were the only two Negroes not on committees.⁵

Those delegates who took part in the debates bore themselves with becoming moderation, but a slight vindictive spirit was manifest on the part of two or three of the Negro delegates. This was evident when Henry Rector from Pulaski County said, when the vote was being taken on the adoption of the constitution, "I am not well satisfied with the Constitution in all respects. This disfranchisement clause is not strong enough for me . . ."⁶ Following the same line of thought, M. T. White, one of the colored delegates, had this to say regarding the franchise: "I am exceedingly gratified to see the position that has been taken. . . I

⁵Debates and Proceedings of the Constitutional Convention, 1868, p. 14-16.

⁶Ibid., p. 676.

have been studying the question and I knew there were a set of men in this country that ought to have their heads cut off. And from this night the man who opposes reconstruction is politically dead already. . ."⁷

The convention became rather heated when, on the sixth day, the leader of the Conservative element, J. N. Cypert, offered an ordinance calling for the convention to adopt the Constitution of 1864. It was drawn up, he explained, by loyal men and ratified by the citizens who decided that the Negroes were not citizens and therefore not entitled to suffrage. President Lincoln, he asserted, had recognized the government as republican. He went on to explain that "under the present Constitution every department of the state government had prospered. . . The people of Arkansas desired to remain under the state government which they knew something about."⁸ He appealed to the convention not to force upon the state a measure, Negro suffrage, which the people of Ohio, of Kansas, of Minnesota, had rejected. "The Constitution of Arkansas was similar--let her have that Constitution."⁹ While he was glad the rebellion was crushed, the Negroes free, and would consent to their protection, as they were by law, he could never consent to see them entrusted

⁷Ibid., p. 673.

⁸Ibid., p. 88.

⁹Ibid., p. 88.

with the elective franchise, which was not a universal right but a class right.¹⁰

W. H. Grey, the most active colored delegate, in defining the position of his people answered this Conservative move:

I must confess my surprise at the action of the gentleman from White County. I am here as the representative of a portion of the citizens of Arkansas, whose rights are not secured by the ordinance offered by the gentleman from White . . . We are here not to ask charity at the hands of this honorable body, but to receive at the hands of the people of Arkansas, in Convention assembled, the apportionment of our rights as assigned by the Reconstruction Acts of Congress. I am here, sir, to see those rights to citizenship engrafted upon the organic law of this state. The gentleman from White does not seem to recognize the fact that the present Constitution is not in accordance with the Constitution of the United States guaranteeing to each State a republican form of government.¹¹

In response to Cypert's statement that the Negroes could not be citizens, Grey replied:

I claim that it is ours not only on constitutional grounds but ours by right of purchase on the numerous battle fields of our country; it is ours because, from the Revolution down to and through the Rebellion, we have stood unswervingly by our country and the flag. We fought for liberty. That liberty cannot be secured to us without the right of suffrage. The government owes the debt, acknowledges it, and apportions it out among the several states. We are here, sir, to receive the amount due us from the State of Arkansas. Pay us, sir, the rights and privileges due us as citizens of the United States and the state of Arkansas, and we will be content.

¹⁰Ibid., pp. 88-91.

¹¹Ibid., pp. 91-92.

The gentleman denies us the right of suffrage on the ground of our ignorance. Why, sir, every Negro vote registered in this State I can duplicate with the vote of a white man that can neither read nor write; and still we are charged with ignorance. I do not deny it, but we are not isolated in that respect. If these men can vote, I see no injustice in permitting us to vote also.¹²

As to the fear of four million Negroes dominating thirty million whites, Grey, in pointing out that it was unfounded said:

They are endeavoring to work on the prejudice of the masses, to produce outrage and bloodshed, and, if possible, what they pretend to deprecate a war of races . . . you need not fear Negro domination. Give us our rights as citizens before the law, the right of trial by a jury of our peers,--admit us into the "sanctum sanctorum" of justice--the jury box--give us a fair show in the courts . . . Give us the right of suffrage; establish a school system that will give us opportunities to educate our children; leave ajar the door that leads to peace and power; . . . Settle once and forever the question of human rights, by giving us equality before the law. Then, and not till then, will peace come to our borders . . . We have given an undeniable proof of our intelligent use of the franchise by voting solid. . . for the men that stand by our rights.¹³

In respect to adventurers from the north who were denounced as "carpet-sack" gentlemen, Mr. Grey said:

I belong, perhaps to the class of adventurers spoken of. Born in Virginia, I came to Arkansas believing that under the clause in the Constitution of the United States that guarantees to the Citizens of each State the rights, privileges, and immunities of the citizens of the several States, I have about as much right here as anybody else;

¹²Ibid., pp. 92-93.

¹³Ibid., p. 96.

and besides this, I regarded the state of Arkansas as sort of common property, being a part of the Louisiana purchase, for which the people of the United States paid some fifteen million dollars. Now, sir, I think it no great trespass to adventure upon common territory. The gentleman would, doubtless, have objected to the Savior on the ground of his not having possessed worldly wealth, as his failure to locate a farm somewhere within the land of Judea.¹⁴

One can see from the arguments of this representative of the colored people of Arkansas the factors causing the Negroes to align themselves with the Radical Republican Party. Although the more able Negro leaders could see that there was much wrong in the Radical ranks and that many dishonest and unscrupulous politicians were seeking only to get control through the Negro vote, they felt that in order to gain the protection which they believed was theirs under the United States Constitution they must support the Republicans. Grey pointed this out when he said:

The gentleman need not fear but the Negro will vote for his rights all the time. We have everything at stake that makes life a blessing; and we can only vote for those men who will nail suffrage to their mastheads; and wherever we see their white plumes advancing in the smoke of this political contest, we will follow in a solid phalanx . . . I am willing to forget the past, and to wrap the winding sheet of oblivion over the sod that contains the bones of my wronged and oppressed ancestors for 250 years. O disturb not the sacred sarcophagus that contains the bitter bitter memories of the past;--we wait the judgment day. Give us the franchise, the right to protect ourselves, our wives, and children, and we are content. We are warned of the reaction of the North. I think, sir, if the question of Negro suffrage had been stripped of

¹⁴Ibid., p. 97.

deserters bills, woman suffrage, and everything that could be found that was unpopular, it would have been adopted; and even carrying this weight, we obtained the largest vote, upon the subject ever polled in Ohio. But at the same time, I do not blame the people of the North for rejecting it. It was their proposition to the South and we had no right to place them in the position of the conquered, instead of the conquerors. Strip the question of outside issues, let the people know that we do not wish white men to make themselves the pedestals upon which to place black statues, or to elevate the Negro into office. We desire simply the means and incentives to industry and education. We will carry them triumphantly from the snow-capped hills of New England to where the dark-eyed daughters of the sunny South bathe their tiny feet in the tepid waters of the Gulf of Mexico.¹⁵

After much argument as to the legality of the provisional government and its recognition by the United States, Joseph Brooks, a white Radical, argued along the same lines as Grey. He reiterated the intention of the Republican Party to reconstruct the state in accordance with the Reconstruction Acts, on the basis of universal suffrage. In summation, Brooks said:

We intend to frame a constitution which shall so address itself to the patriotism and good sense of every man, irrespective to his previous position, views, and purposes, so adapted to the exigencies of the present hour, a constitution so tending to develop the resources of the State, the freedom and enfranchisement of the people, that no sensible citizen can consistently refuse to ratify it. But we believe that in so doing we shall place,--or rather, continue--in possession of the State government loyal men, men whom the honorable gentleman on the other side of the hall so much admires.¹⁶

¹⁵Ibid., p. 98.

¹⁶Ibid., p. 114.

Still the conservative whites bitterly fought political equality. A member of the Conservatives, W. F. Hicks, pointed out that no race other than the Caucasian was ever able to maintain a republican form of government. His argument, too, was that the franchise was a class privilege and should be restricted to the Caucasian race. He recognized the fact that Grey was a talented man when he said: "I accord to that gentleman more talent than any gentleman on that side of the house, probably more than I have myself--he is certainly a talented gentleman and one who understands this question."¹⁷ Hicks went on to say that there were other talented men among the Negroes, but that he believed they received their abilities from the Caucasian race. "I believe, however, and have the vanity to feel quite well convinced, that it came from the Caucasian blood in their veins."¹⁸

Another colored delegate, J. T. White, offered a resolution on the fourteenth day of the convention as follows:

Resolved: That whereas the public carriers and owners of public conveyances in the State of Arkansas persistently refuse the ordinary accommodations to citizens of said State,

Therefore be it resolved: That the public carriers are the public servants, and that refusal to perform their duties in carrying or transporting all citizens upon the same terms and subject to the same regulations is an outrage upon the citizens of the state:

¹⁷Ibid., p. 115.

¹⁸Ibid., p. 115.

And be it resolved; That this body recommends that the Legislature pass an act making such refusal to carry or transport citizens over the public highways of travel, subject only to the general rules governing all others on the various routes or modes of carrying, conveying, or transporting passengers, a penal offence.¹⁹

The Constitution, when passed, did not contain the above resolve as stated; instead, it was included in the following general statement: "The equality of all persons before the law is recognized and shall ever remain inviolate."²⁰ Thus the desires of the Negroes to have equal privileges was asserted.

The Negro delegates also wanted to make it possible for the Negro masses to become economically independent. This fact was evident from a resolution offered by Grey which states:

Resolved: That the Committee appointed to examine into the condition of the suffering poor of the state and to report a memorial to Congress asking aid for the same, be instructed to consider a plan by which government aid may assist in the permanent location of the freedmen in the counties or districts where there are tracts of government lands subject to entry under the Homestead laws of Congress, for settlement, and make said lands and improvements made thereon, security for the amount of six months' provisions, advanced to the actual settler thereon, payable to the government two years after day of receipt.²¹

¹⁹Ibid., p. 251.

²⁰Ibid., p. 356.

²¹Ibid., p. 252.

Grey's desire for his people to be a part of the country was brought out in a debate on relief for the poor of the state: "We want to be harnessed to the soil, and like the races who have fancied themselves sprung from the soil, to feel ourselves a permanent belonging of it."²² He did not advocate relief to one class alone, but recognized that both whites and blacks were destitute. He emphasized the fact that immediate aid was necessary, but his primary interest was a long range plan that would enable his people to be self-reliant. "But I repeat, that I do not want one cent from the government of the United States unless it comes to locate the parties under the Homestead Law. This principle of asking black men to work to put money in other men's pockets, I want no more of."²³

Throughout the arguments, Grey reiterated the necessity of making laws that were equally applicable to both races. He did not maintain that Negroes should control the government or reap all the benefits from it:

For hereafter, as in the past, I propose that this shall remain a white man's government. Gentlemen seem to be afraid that it is not to be so. I want them to legislate, and to carry on the machinery of the government. I wish to hold upon them the scale of justice, let them be blind--let them know no man's color, or previous position.²⁴

²²Ibid., p. 293.

²³Ibid., p. 293.

²⁴Ibid., p. 375.

The constitution as adopted provided that "every child of sufficient mental and physical ability shall attend the public schools during the period from the ages of five to eighteen years, or a term equivalent to three years, unless educated by other means."²⁵ The colored masses, who had been denied education as slaves, were thirsty for knowledge. Grey, the colored delegate on the Committee of Education, helped to frame this portion of the constitution. The clause relating to education was alarming to the whites of the state for two reasons: (1) it required that schools be maintained a minimum of three months and this would call for unwanted additional taxes; (2) no provisions were made for separate schools for white and black.²⁶

In a debate on a resolution to ask Congress to continue the Freedmen's Bureau, Grey argued in favor of the resolution. He mentioned the fact that until civil government could be restored, the Negro could expect no justice in the courts. In support of his position, he related a story of a man who had served on a jury in a prominent case. When the case was submitted, they proposed to him, "Let us take back a verdict of guilty." "But hold on: is the man guilty?" "O, it doesn't make any difference--it's a nigger, it's a nigger--and it's near dinner time!"²⁷ There were some,

²⁵Ibid., p. 390.

²⁶David Y. Thomas, Arkansas in War and Reconstruction, 1861-1874, p. 417.

²⁷Debates and Proceedings, p. 441.

he said, who "proceed to say that I have no right to bring a case into the courts of the United States. How, in the name of God, am I to obtain justice, if I am denied that privilege?"²⁸

The Conservatives denied the charge, declared that the Negro received substantial justice, and characterized the Freedmen's Bureau as unconstitutional and the worse enemy the freedmen had. Bureau agents were charged with corruption. To meet these objections, a Negro delegate, James W. Mason, of Chicot, offered as an amendment that Congress be requested to instruct General Howard to officer the bureau with more honest and efficient men. On the final resolution, Mason at first voted in the negative because by rejection of his amendment he contended the convention had decided that it did not want any more honesty in the bureau, but he later changed his vote.²⁹

The Elective Franchise Committee, of which Grey was a member, drew up the qualifications for citizenship and laid out the restrictions for voting. Section two exempted from the vote

Those who during the late rebellion inflicted or caused to be inflicted, any cruel or unusual punishment upon any soldier, sailor, marine, employee, or citizen

²⁸Ibid., p. 441.

²⁹Staples, op. cit., pp. 234-235.

of the United States, or who in any other way violated the rules of civilized warfare, or engaged in . . . guerilla [activity]. . .³⁰

Section three likewise prohibited from holding office in the state those who were disqualified under the Fourteenth Amendment and those who were disqualified from registering to vote for delegates to the convention were likewise disfranchised.³¹

This part of the constitution met the greatest opposition from the Conservatives. This, along with the clause which enfranchised the Negroes, caused twenty-one of the members to reject the entire constitution. In their opposition they submitted the following protest: "We, the undersigned, delegates to the Constitutional Convention, do hereby protest against the above and foregoing Constitution, and decline to endorse it or sign it, as the same in our opinion, is anti-Republican, proscriptive, and destructive of the liberties, rights, and privileges of the State."³²

William Murphy, another of the colored delegates, had not said anything up to this point in the Convention; but a few days prior to its adjournment, during the debate on the adoption of the constitution, he echoed the sentiments of Grey with the following speech:

I had not intended to have anything to say in this convention; and I have waited long and patiently, in

³⁰Debates and Proceedings, p. 584.

³¹Ibid., p. 584.

³²Ibid., p. 756.

silence. But as some gentlemen upon the other side glory in flinging a fire brand upon the colored man, the Negro votes--and in boasting of their great intelligence, though they may have obtained the means of education by the black man's sweat, it is enough to fill any man with the inspiration to rise and express the sentiment of his mind. They are boasting, upon the other side of the house, about their great intelligence. Though I believe there are some good gentlemen there, they cannot find where the colored man has a right to vote. They have traced the histories of America; they have traced the histories of the nations of the world; and they cannot find where the colored man has the right of suffrage. They have traced back the history of the world for thousands of years; and in it all they cannot find where the colored man has the right of suffrage. He is represented as a brute; he is called everything except a human being. But if you will only fly to the supreme law of the nations, the supreme law of God, you will find that the colored man has not only the right of liberty, but to every privilege of an American citizen. When lifted up by the hand of an all-wise God and an overruling Providence,--when the late war resulted in the issuing of the Emancipation Proclamation by Abraham Lincoln,--four millions of our enslaved brethren were called to aid in the establishment of this Union of loyalty. For the colored troops have made full proof of their capabilities; they have marched to the field, and they have stood upon the field; they have protected the Union cause when the flag was insulted by the boast of South Carolina that she intended to make African slavery universal in the country; they have stood amidst the storms of iron hail, when thundering cannons roared around them, when thousands fell right and left--they still stood fast and protected the Union flag. So they stood; and while gentlemen have been compelled to surrender the sword at the same time they will rise here, now, under the flag of the Union, after they have dropped their swords and their bayonets, and seek to limit our privileges! I would never have spoken here, but to say this to the men that have been our masters, men whom we have brought to their very condition they are in, and have not only fed them, but have clothed them, have tied their shoes, and finally have fought until they were obliged to surrender. Yet, now that they have surrendered, they say we have no rights! Has not the man who conquers upon the field of battle gained any rights? Have we gained none by the sacrifice of our

brethren? And not only so, but we united with the Republican Party. I have longed to see the line of separation withdrawn and every time these gentlemen come to this hall, they represent the Negro as a goat-- a goat! They have forgotten that we have tied their shoes, that we have clothed them, that we have driven them in their carriages, and have reared them, in their castles. We have furnished them all the means they now possess in the world, and we have furnished them money to employ the overseers to drive us in the field, where they have driven us all the day and half the night and then again before the morning light. And now, when we are free they say we have no right! No right!³³

The Conservative argument was that no constitution could afford to disfranchise the intelligence of the country. They regarded the extent of disfranchisement of the whites and the enfranchisement of the colored as dangerous, and they feared that it would mean ultimate Negro supremacy. They argued that under the United States Constitution a citizen could not be disfranchised, and as to the citizenship of Negroes the Conservative argument was that the proclamation of President Lincoln that set the Negroes free was a war time measure and did not make them citizens. The constitution that was proposed would allow all Africa to be enfranchised tomorrow, if they should move to Arkansas, they asserted. "That instrument surrenders manhood suffrage. It takes the right from us, and confers it upon an ignorant class, not citizens of the United States under the constitution."³⁴

³³Ibid., pp. 629-631.

³⁴Ibid., p. 636.

If Negroes were citizens, they asked, then why had Congress proposed the Fourteenth Amendment which declares them to be citizens? "Sir, there is but one object in making them citizens, and giving them the right of suffrage, and that is, to propagate and maintain in power the Radical Party."³⁵

J. T. White, during the debate on the adoption of the constitution, reiterated the reasons for the Negro aligning himself with the Republican Party:

The colored people of these Southern States have cast their lot with the government, with the Great Republican Party that succeeded in putting down the Rebellion. They cast their lot with that party, fought with that party, and died with that party, and they have in consequence incurred the hatred of the entire Southern people, the Union men excepted. So the ballot is our only means of protection, friends. If you have brought us this far, if you have brought our wives and families this far, will you stop here? We are between the upper and lower millstone, and shall be crushed by the prejudice that we perceive exhibited in this hall. I remember that the gentleman from Bradley County said in this hall, "as loud as seven thunders," almost, that he was willing the Negro should be tried by a jury of his peers. And I hear him say tonight that he is not willing that the Negro shall have any rights! How are we to live unless we are to have a power that will shove these men from the offices of the State? I thank God, today, that I may cast my vote with a Convention willing to accord equal rights.³⁶

Thus, from the arguments presented, one sees the real motives of the Negro delegates to the constitutional convention. The machinery for the government was set in motion with the Republicans in control. The greatest strength of

³⁵Ibid., p. 637.

³⁶Ibid., p. 683.

the Radicals came from the Negro voters, who in many cases were misled as to the intentions of the Radicals. The Negro delegates supported the Radicals throughout the convention because of the attitude of the Democrats who had denied them equal political rights in the Constitution of 1864; the Republican Party promised to protect them in their rights. The Negroes wanted equal economic and social rights and equal opportunities with the white race. Their greatest desires were education and a chance to own land, and the constitution as drawn up granted these.

The constitution as adopted was submitted to the people on March 13, 1868, for ratification. It was ratified by a vote of 27,913 to 26,597, a majority of only 1,316 votes. At the same election Powell Clayton was elected governor; J. M. Johnson, lieutenant-governor.

The Louisiana convention met on November 3, 1867, in the hall of the Mechanics Institute in New Orleans. Judge J. G. Taliaferro was elected president. The convention was long and drawn out, lasting until March 9, 1868.³⁷

Many of the Negro delegates to the convention took a prominent and effective part in the proceedings. They were prominently represented on committees. The Committee of Thirteen on Rules and Regulations had four colored members.

³⁷John R. Ficklen, History of Reconstruction of Louisiana Through 1868, pp. 193-194.

The chairman of the Committee on the Militia and the chairman on the Bill of Rights were Negroes, P. B. S. Pinchback and James H. Ingraham, respectively. The Committee to draft a constitution had four colored members, James H. Ingraham, J. H. A. Roberts, P. F. Valfroit, and Charles Leroy, along with five white delegates.³⁸

Among the Negroes were many men of intelligence, character, and property. Perhaps the most able Negro delegate was Pinchback, who was the son of a white man and possessed many features of the white man. He was born in Georgia, educated in Cincinnati, and was a captain in the Union army. He was a practical politician and played well the politician's game.³⁹ He was not lacking in common sense or practical judgment, however, and his actions indicate that he put the state before his race. His sincerity was manifested during the convention when it was suggested that subordinate officers be equally divided between the races; he objected and declared that such a move was putting race above merit.⁴⁰ Other leading Negro delegates included C. C. Antoine, James Ingraham, L. B. Rodriguez, and O. C. Blanden.

³⁸W. E. B. DuBois, Black Reconstruction, p. 468; see also Official Journal of Ordinances and Resolutions at the Louisiana Constitutional Convention, 1868-1869, pp. 84-109.

³⁹DuBois, Black Reconstruction, p. 469.

⁴⁰Ibid., p. 468.

The Democratic Party platform in 1864 declared that Louisiana was "a government of white people made and to be perpetrated for the exclusive political benefit of the white race and in accordance with the constant adjudication of the United States Supreme Court, that the people of African descent cannot be considered as citizens of the United States, and that there can be in no event nor under any circumstances any equality between the whites and other races."⁴¹ This expressed the sentiments of the dominant whites of the state. Thus, the actions of the government and the mass of white people toward the Negroes played into the hands of the Republican Party. DuBois explained the state of affairs when he said:

The government now proceeded to oppress Negroes and Union men. Thousands were insulted and assaulted. Organized violence was common throughout the state. Negroes were whipped and killed, and no one was punished. Rebel sympathizers were rapidly replacing loyal officials and the public schools were reconstructed. One hundred and ten of the Northern or loyal teachers were dismissed and their places filled by intolerant Southerners. Union men of business began to give up and move out of the state.⁴²

The constitution of 1864 had made a definite distinction between the two races. Thus the Radical Republicans had a field day in organizing effective propaganda, much of it no doubt exaggerated, against the Democrats. But the Negro

⁴¹Ibid., p. 454.

⁴²Ibid., p. 455.

delegates to the constitutional convention, as in the Arkansas convention, had no party to turn to except the Radicals in getting equality before the law. Undoubtedly, many Republicans were not concerned about the welfare of the Negro, except to use him as a guarantee of their supremacy. Many of the abler Negro statesmen could recognize this and were moderate in their actions and their thinking but the Democrats left them no alternative. This moderate position was reflected in the Negro stand on the franchise. Pinchback, along with several other Negro delegates to the convention, voted against Article 99 of the constitution, which disfranchised many ex-Confederates. He did this because he believed two-thirds of the colored men of the state did not want disfranchisement to such a great extent and that they were and ever had been advocates of universal suffrage.⁴³

However, the spirit of revenge was more apparent in Louisiana than in Arkansas. The Negro newspaper, The New Orleans Tribune, expressed purely Radical views. There was even evidence that some of the Negro leaders would like to have had the Negroes in control of the government,⁴⁴ but those Negroes with broader foresight could see the danger of such a move, and extreme Negro Radicals seem to have been in the minority.

⁴³Constitutional Journal of Louisiana, 1868-1869, p. 259.

⁴⁴Henry Warmoth, War, Politics, and Reconstruction, p. 52.

The desires of the colored people were outlined in the Tribune on numerous occasions. For example, on January 17, 1865, this journal states:

At the present time when our state is entering into a new period of her social career, we must spare no means at our command to bring her under a truly democratic system of labor glancing at the attempt recently made in Europe to organize a plan of credit for the people, which is worthy of our studies and investigations. We, too, need credit for the laborers, we cannot expect complete and perfect freedom for the working men as long as they remain the tools of capital and are deprived of the legitimate product of the sweat of the brow.

We have denied time and time again that the right of suffrage was confined--among the whites--to those distinguished by a high degree of civilization. But we assert that the sons and grandsons of the colored men who were recognized French citizens, under the French rule and whose rights were reserved in the treaty of Assion--taken away from them since 1803--are now savages and uncivilized inhabitants of the wild swamps of Louisiana. We contend that the freedmen who proved intelligent enough to shed their blood in defense of freedom and the national flag are competent to cast their votes into the ballot box.⁴⁵

Distinguished Negro leaders believed that in order for them to have equality before the law they must be given the ballot. Realizing that the Louisiana whites would not accord them the rights which they felt was theirs under the United States constitution, they were forced to align themselves with the Republican Party. The same principle which guided the men in the convention of Arkansas thus guided those in Louisiana, and consequently the Radical Republican

⁴⁵DuBois, Black Reconstruction, p. 457.

Party which vowed to give the freedmen equality was the logical party of choice. This principle was stated in the Tribune on April 2, 1865, when it said:

. . . Louisiana and all the Southern states want an entire renovation of the political element, a renovation of the masses of voters.

This superior understanding places the future with the hand of the Radical party. The game that the Free State party has lost by its incompetency the Radicals will win by their understanding of the times.⁴⁶

Thus the Negroes in the convention were in a position to execute their desires. They voted solidly with the Radicals on almost every occasion.

Early in the convention, Pinchback offered a resolution for the convention to make a recommendation to Congress asking that the reconstruction laws be amended somewhat to make a majority of the votes cast the determining factor in whether or not the constitution should be accepted or rejected. Under the original act, a majority of voters registered were required to vote for it.⁴⁷ He pointed out that those who were unfriendly to the government wished to and intended to defeat the constitution. As a result of the wording of the reconstruction acts, they had an easy and decided advantage over the proponents of reconstruction.

As to the various clauses of the new constitution, the delegates differed, and a majority and a minority report

⁴⁶Ibid., p. 457.

⁴⁷Journal of Louisiana Convention, pp. 27-28.

was submitted. The white men wanted to deprive all Confederate leaders of the right to vote or hold office, while the colored men would allow them to vote but restrict their right to hold office. The white men wanted to prevent a law being passed regulating labor or fixed wages, while the colored delegates wanted no such restrictions. The white men made provisions for education, but the colored men were more specific and wanted at least one free public school in every parish with no distinction as to race and sex.⁴⁸

Ingraham in a resolution to invite Thomas W. Conway, the chief representative of the congressional committee in the Southern states, to deliver an address to the convention: said: "The Republican Party is now preparing itself for the last great struggle which shall forever determine the question of equal political and civil right for all citizens of the Republic."⁴⁹ Again one has evidence of the fact that the more able Negroes were Republicans because they believed that they could acquire the things they had longed for and not for vindictive purposes.

C. Antoine of Caddo Parish was mindful of the lack of justice for the Negroes and the importance of the Freedmen's

⁴⁸DuBois, Black Reconstruction, p. 468; also see Official Journal of Louisiana Constitutional Convention, 1868-1869, pp. 84-109.

⁴⁹Ordinances and Resolutions of Louisiana Constitution, loc. cit., p. 251.

Bureau, and he offered a resolution to petition Congress for the extension of the Bureau:

Whereas, The freedmen of the new reconstruction states are yet subject to much gross injustice and persecution at the hands of former rebel and slave holders and

Whereas, The freedmen in those states, with but few exceptions, fail to receive justice either under state laws or state courts or under the Civil Rights bill in the tribunals designated in the bill, and

Whereas, due to crop failures, violations of contracts, . . . great suffering must be endured during the present and coming winter by large numbers of both races, requiring the actions of the Freedman's Bureau,

Resolved, that the convention join other states in asking Congress to extend the Bureau.⁵⁰

He recognized, however, the incompetency of many Bureau agents. The resolution urged that Congress inquire "into the character and competency of its present officers and agents in this state, and the dismissal of such as are found to be incompetent and unfit to be intrusted with the grave and responsible duties devolving upon them, of whom, in the judgment of this convention, there are many in this state."⁵¹

Antoine was not blind to the abuses of many Bureau agents and he expressed an earnest desire to have them corrected.

Antoine, a member of the Militia Committee, offered a resolution on the ninth day of the convention that was referred to the Committee on the Bill of Rights which in effect was later adopted as a portion of the Bill of Rights to the

⁵⁰ Ibid., p. 115.

⁵¹ Ibid., p. 115.

constitution. It outlined the requirements of citizenship: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States, of the States in which they reside and shall be protected in their civil and political rights and public privileges."⁵² All the other provisions were in accordance with the Federal Constitution and no doubt the Committee on the Bill of Rights would have adopted these provisions, but this expression on the part of Antoine shows his keen interest and desire to insure the Negroes equality before the law.

The constitution as adopted abolished slavery and furnished the Negro that equality with the loyal whites which the constitution of 1864 had denied them. It declared that all persons should enjoy equal rights and privileges upon any conveyance of a public character without regard for race or color. It provided a public school system with no regard for color. It provided the Negroes with suffrage and prohibited many ex-Confederates from holding office or voting. The classes of disfranchised citizens were as follows:

(1) Those who had held any office for one year or more under the so-called Confederate States; (2) registered enemies of the United States; (3) leaders of guerilla bands during the rebellion; (4) those who in the advocacy of treason, wrote or published newspaper articles or preached sermons during

⁵²Ibid., p. 36.

the rebellion, and (5) those who voted for or signed the ordinance of secession in any state. The constitution further added that no one excepted should vote or hold office in the state until he signed a certificate acknowledging the rebellion to have been morally and politically wrong and that he regretted any aid or comfort given thereto.⁵³ The bill of rights contained therein was the first in Louisiana history.⁵⁴

Realizing the intellectual inadequacy of the masses of Negroes, the Negro delegates to the constitutional convention sought to remedy this situation by the establishment of public schools for all races. They sought to guarantee them justice in the courts of law and an equal opportunity economically and politically with all citizens.

The completed constitution was submitted to the registered voters on April 16-17, 1868, and was ratified by a vote of 51,737 to 39,076. At the same time H. C. Warmoth was elected governor; Oscar Dunn, lieutenant-governor; George E. Bovee, secretary of state; Simeon Bedlen, attorney-general; G. M. Wickliffe, auditor; Antoine Dubuclet, treasurer; Rev. T. W. Conway, superintendent of education.⁵⁵ Two of these new officials were Negroes, Oscar Dunn and Antoine Dubuclet.

⁵³ Ibid., pp. 293-310.

⁵⁴ Garnie William McGinty, A History of Louisiana, p. 214.

⁵⁵ Ficklen, op. cit., p. 201.

The Texas constitutional convention convened June 1, 1868, in Austin with E. J. Davis as president. Its work was not finished until February, 1869. Among the delegates were nine Negroes as follows: G. T. Ruby, W. Johnson, J. McWashington, Ben O. Watrous, B. F. Williams, C. W. Bruant, Stephen Curtis, Mitchell Kendall, and Half Long. Seven were young men whose average age was twenty-seven; the oldest one was sixty, and he was the only one over thirty. Several were educated and were assets to the convention.

G. T. Ruby was especially active and represented his district, Galveston, in a commendable manner. His common sense, as well as his training, caused added respect to be tendered his Negro colleagues.⁵⁶ The Dallas Herald thusly described Ruby: "He is an educated man and has a very neat and genteel appearance, seems to be quite a ready debator. . . . The manifestations are that he aspires to be a leader and not much doubt exists but that others of a much lighter complexion entertain jealousies that his aspirations may prove a success."⁵⁷

Ruby was a member of the Political and Legislative committees; McWashington, a member of the Finance Committee; Johnson, a member of the Public Debt Committee; Kendall, a

⁵⁶J. Mason Brewer, Negro Legislators of Texas, p. 20.

⁵⁷Dallas Herald, June 20, 1868.

member of the Public Lands Committee; Curtis, a member of the Committee on Immigration; and Watrous was appointed on the Committee of State Affairs. In addition to the membership in standing committees, Negro delegates served on special committees. The delegates were very alert on matters pertaining to the state, and they did not hesitate to let their ideas be known concerning matters which they deemed best for the state and for their race.⁵⁸

Their conduct in general was better than that of many of the whites, much to the surprise of many whites who expected some comedy. They showed in many respects more parliamentary courtesy, dignity, and honesty of purpose than their white associates. Two members, Williams and Ruby, resigned because they were disgusted with the manner in which the convention was conducting its business.⁵⁹

However, during the bitter controversies of the convention, Negroes as well as whites became involved in altercations. Long and Johnson had some difficulty outside the convention hall, in which a fight ensued. Upon their return to the convention, there was a motion to have them dismissed. Nevertheless, the Dallas Herald printed in an article telling of the affair that they were "much more genteel and modest

⁵⁸Brewer, op. cit., pp. 24-25. See also Reports and Proceedings of Texas Constitutional Convention, 1868-1869, for activities in this convention.

⁵⁹Ibid., pp. 25-26.

than their fellow members who claimed to wear the robe of the purest and most undefiled loyalty.⁶⁰ It further reported that such occurrences were common as the tempers of the delegates were sharp during most of the two sessions. It warned them to get down to business and quit trying to kill each other politically. At one time, Ruby and Dr. R. K. Smith, the white delegate from the same district were almost at the point of fighting and would have if their fellow delegates had not intervened.⁶¹

There was more animosity in the Texas convention than in the Louisiana and Arkansas conventions. The greatest cause of difficulty was the debate over the proposed division of the state, which consumed about one and one-half months. The Republicans were split over this issue and much wrangling resulted. This took up more time than any other one thing in the convention before being ultimately defeated. Johnson, McWashington, Watrous, and Williams voted against this move while the other colored delegates voted for it.⁶²

A majority of the Negroes were moderate in their thinking and actions. However, some believed that they could best achieve their aims by following the extreme Radical group.

⁶⁰Dallas Herald, August 22, 1868.

⁶¹Ibid., August 15, 1868.

⁶²Brewer, op. cit., p. 28.

This fact was evident when four of them, Ruby, Williams, Watrous, and Bryant followed the bolters of the Republican Party when they became dissatisfied with the moderate Republican platform.⁶³

The colored delegates, as in Louisiana and Arkansas, sought to use their influence in the convention to bring about the enactment of a constitution which would guarantee them equality before the law. A resolution was offered by Williams to the effect that all public places from which a license is demanded should be open to all citizens regardless of race or color.⁶⁴

Governor Pease, in his address to the convention when it convened, recommended; "You will temporarily disfranchise a number of those who participated in the rebellion, sufficient to place the political power of the state in the hands of those who are loyal to the United States government."⁶⁵ A great deal of heated argument ensued over enfranchisement, but a compromise was finally adopted.

The constitution as finally adopted contained a very liberal clause on the franchise in comparison with the other states. The suffrage law was as follows:

Every male citizen of the United States of the age of 21 years and upward, not laboring under the disabilities

⁶³Ibid., p. 29.

⁶⁴Dallas Herald, July 24, 1868.

⁶⁵John Henry Brown, History of Texas, II, 248.

named in this constitution, without distinction of race, color, or former condition, who shall be a resident of this state at the time of the adoption of this constitution; or who shall thereafter reside in this state one year and in the county in which he offers to vote 60 days next proceeding any election, shall be entitled to vote for all officers that are now or that thereafter may be elected by the people, and upon all questions submitted to the electors of any election. . . . No person shall be allowed to vote or hold office who is now or hereafter may be disqualified therefrom by the constitution of the United States, until such disqualification shall be removed by the Congress of the United States.⁶⁶

There was a very heated debate over the franchise, with the "ultra-Radical" element wanting a more stringent disfranchisement clause.

Ruby, Johnson, Williams, and Long, along with numerous white delegates, signed a protest against the enfranchisement of so many of the ex-Confederates. The protest stated in part that:

We do solemnly protest against that provision in the proposed constitution which extends the right of suffrage to all those who voluntarily became the public enemy of the United States, feeling assured that it was the aim of Congress to enable the loyal people of the State of Texas, without regard to any distinction of race or color, to organize and maintain a government in the place of that overthrown by the rebellion. . . . The majority of the convention have every safeguard for the protection of the loyal voter, white and black.⁶⁷

⁶⁶Dallas Herald, February 20, 1869.

⁶⁷Dudley G. Wooten, editor, A Comprehensive History of Texas, 1685-1897, II, 178-179.

Other Negro leaders adopted a more conciliatory position, however. A moderate tone was expressed early in the convention by McWashington when he offered a resolution which reads as follows: "Be it resolved by the people of Texas, in convention assembled, that no further disfranchisement shall exist in Texas without the consent of or by the authority of the Congress of the United States."⁶⁸

The Constitution prohibited slavery, nullified the Civil War debts, enfranchised the Negroes, and established a school system. But the constitution was never officially adopted by the convention. In the closing days, no quorum could be secured. Nevertheless, it was submitted to the people in November, 1869, and adopted. E. J. Davis was elected governor; J. W. Flanagan, lieutenant-governor; A. Bledsoe, comptroller; G. W. Haeny, treasurer; and Jacob Kuechler, commissioner of general land office. No Negroes were elected to high positions in the state, but a number were elected to the legislature.⁶⁹

With the conclusion of the constitutional conventions and the ratification of the constitutions, the Negroes had made much headway toward realizing their desires. A number

⁶⁸Brewer, op. cit., pp. 24-25.

⁶⁹Wooten, History of Texas, p. 379. See also B. B. Paddock, History of Texas, Ft. Worth and the Texas Northwest Edition, I, 144.

of notable leaders emerged as a result of the Reconstruction policies. These leaders did not hesitate to let their wishes be known. In order that their race might be elevated and gain recognition they used their influence effectively in the constitutional conventions. With their aid, the constitutions guaranteed the Negro political equality and justice before the law. They could now protect themselves with the ballot. An educational system was established for all races which was one of their greatest desires, since they realized the pitiful ignorance of the colored masses.

But the governments as set up were not to function unhampered. No sooner had the Reconstruction governments been inaugurated than the opposition sought its overthrow through intimidation of the Negroes by the Ku Klux Klan and other organizations. With the ultimate overthrow of the Reconstruction governments, much that was gained for the Negroes was lost.

CHAPTER IV

NEGRO LEGISLATORS AND OFFICE HOLDERS

The popular belief that reconstruction was the work of incompetent, criminal, and savage Negroes, who, under the protection of federal bayonets, imposed black domination upon the white South has been due to a misconstruction of facts. This point of view has resulted largely from partisan editorials and reports in Southern newspapers. Negroes were always in the minority in the state governments in the Southwest and elsewhere, with the exception of South Carolina.¹

Even though the Negroes were in the minority in offices of leadership, most of the ones who did hold it were notable. Those outstanding ones were not without education and training and sought to uplift their race toward equality with the whites.

A desire for education was universal among the Negroes. But the work of the Freedmen's Bureau and philanthropic organizations toward establishing schools for the Negroes met with great opposition from the Southern whites, especially the "poor whites." In many cases the schools were burned and the northern teachers driven out. Perhaps the Negroes' interest in acquiring an education led them to seek the

¹E. Franklin Frazier, The Negro in the United States, p. 138.

superintendency of public education in Louisiana and Arkansas. W. G. Brown, the colored Superintendent of Public Education in Louisiana from 1872 to 1876, "was a quiet, inoffensive man who did not obtrude himself into white schools where he was unwelcome."² An example of his integrity was the fact that he called attention to the way in which school funds were being stolen by his own party and gave accurate accounts: "Stolen in Carroll Parish in 1871, \$30,000; in East Baton Rouge, \$5,032; in St. Landry, \$5,700; in St. Martin, \$3,786,800; in Plaquemines, \$5,855; besides large amounts in St. Tammany, Concordia, Morehouse, and other parishes."³

In Arkansas, J. C. Corbin was appointed State Superintendent of Schools by a Democratic administration. He held this office for two years during the Reconstruction regime. Corbin was a graduate of Ohio University and had conducted a school for free Negroes in Louisville before the war. He had also served as chief clerk in the post office at Little Rock,⁴ was noted for his distinguished honesty, and, after the overthrow of the Republican Party in Arkansas, was appointed by a Democratic administration to the principalship of the state school for Negroes at Pine Bluff.⁵

²Ibid., p. 142.

³W. E. B. DuBois, Black Reconstruction, p. 477.

⁴Carter G. Woodson, A Century of Negro Migration, p. 126.

⁵Frazier, op. cit., pp. 142-143.

Negroes conspicuously held other administrative posts in the Southwest during the Reconstruction period. Three Negroes served as lieutenant-governor of Louisiana: Oscar J. Dunn, P. B. S. Pinchback, and C. C. Antoine.

Perhaps the most outstanding of the three was Dunn, who had run away from slavery and finally bought his freedom. He was the only one of the seven colored men who sat in the State Senate in 1868 who had been a slave. A man of commanding personality, fine native ability, courage, firmness, and great poise, he was of unusually high moral character, a man of "genuine polish," who spoke with excellent logic⁶ and managed to acquire a considerable education. Ella Lonn, in reference to Dunn, said: "He neither smoked nor drank nor gambled. He was regarded even by the Democrats as incorruptible." Dunn was the first Negro lieutenant-governor ever to be elected to that position in the United States. For several months during the absence of Warmoth, he was acting governor. Dunn was very active in the Republican Party of the State, and he was also nationally known. Furthermore, Clemenceau had this to say in a report to the French people: "A Negro, Mr. Dunn, lieutenant-governor of Louisiana, has many interviews with the president, who is said to have received him with great cordiality. It is confidently asserted

⁶A. E. Perkins, "James Henri Burch and Oscar James Dunn in Louisiana," Journal of Negro History, XXII. (July, 1937), 322.

that the Louisiana legislature is considering sending Mr. Dunn to the Senate."⁷ There was even some talk of nominating him for the vice-presidency of the United States on the Grant ticket in 1872. His sudden death in November, 1871, proved to be a great loss to his people.⁸

Pinchback was also very active in Louisiana politics. He was the son of a white man and was born in Georgia. A practical politician, educated, well-to-do, and congenial, he was elected, with the influence of Governor Warmoth, lieutenant-governor to succeed Dunn. After the death of Dunn, Pinchback was the most colorful Negro leader in Louisiana and was one of the leaders in the Radical Republican Party. Although elected lieutenant-governor with the aid of Warmoth, he later broke with him and joined the more Radical element, the Kellogg-Packard faction. As proof of his capabilities, Pinchback held offices in the state even after the Democrats came into power. In addition to serving in the constitutional convention and as lieutenant-governor, 1871-1872, he was state senator in 1868, Inspector of Customs, 1876-1880, and Surveyor of Customs, 1882-1886.⁹ He was an ardent supporter of education and led in the establishment of the old Southern University for Negroes.

⁷Georges Clemenceau, American Reconstruction, 1865-1870, p. 291.

⁸A. E. Perkins, op. cit., p. 327. There is weighty evidence to the effect that Dunn was poisoned.

⁹A. E. Perkins, "Some Negro Officers and Legislators in Louisiana," Journal of Negro History, XIV(October, 1929), 526.

The third Negro to serve as lieutenant-governor was C. C. Antoine, who was of pure African descent. He was possessed of considerable diplomacy and parliamentary ability. Besides serving as lieutenant-governor from 1872-1876, he was acting governor during the impeachment proceedings of Governor Kellogg. Antoine was a leader in the constitutional convention and served in the legislature, representing Caddo Parish.¹⁰

The Negro State-Treasurer of Louisiana from 1868-1879, Antoine Dubuclet, left office with a very creditable record. The Supreme Court, when it investigated Dubuclet in 1877, made a report to the effect that, although there were some irregularities and minor illegalities, "The Treasurer certainly by comparison deserves commendation for having accounted for all moneys coming into his hands, being in this particular a remarkable exception."¹¹ The investigation was made in hopes of finding some misuse of funds, so as to have grounds for impeachment proceedings against Dubuclet.

These colored leaders had a task of enormous difficulty. In no other state was there such a marked difference between the Negro participants in the government. Some looked white, some black; some were born free and rich, the recipients of good education; some were ex-slaves with no formal training. They were faced with an intricate social tangle among the whites,

¹⁰Ibid., p. 527.

¹¹Alice Dunbar-Nelson, "People of Color in Louisiana," Journal of Negro History, II (January, 1917), 74.

Economic and social differences were, in Louisiana, more complicated than in any other American state, and this makes the history of reconstruction more difficult to follow. In this connection the Journal of Negro History states that:

Government in Louisiana by the colored man was different from that in other Southern states. There the average man who was interested in politics had wealth and generations of education and culture back of him. He was actuated by sincere patriotism and while the more ignorant of the recently emancipated were too evidently under the control of the unscrupulous carpet-baggers, there were not wanting more conservative men to restrain them.¹²

In no place was this difference of origin and education more apparent than in the state legislature of Louisiana. Carter Woodson, in describing the colored members in general, wrote:

It is true that many of them were not prepared to vote and decidedly disqualified for the positions which they held. In some of the legislatures as in Louisiana, more than half of the Negro members could scarcely read or write and had, therefore, to vote according to emotions or dictates of the demagogues, as, of course, it has been true of legislatures composed entirely of whites. In the local and State administrative offices, however, where there were frequent chances for corruption, very few ignorant Negroes ever served.¹³

Most of these administrative officers were held by Southern white men and Northerners who came South, profiting by the political opportunities of the period.

When the state legislature met in New Orleans in 1868, more than half were colored men. Dunn was president of the

¹²Ibid., pp. 74-74.

¹³Woodson, The Negro in Our History, p. 252.

Senate, and R. H. Isabelle was temporary chairman of the House of Representatives. Isabelle was also a member of the constitutional convention of 1868. He and Dunn tried to enforce the test oath, to the great anger of the ex-Confederates.¹⁴

The first Reconstruction legislature of Louisiana, in which the Negroes played a dominant role, passed many laws which had in view the restoration of civil government. Among the first acts were the adoption of the Fourteenth Amendment and the election of William Kellogg and John S. Harris as United States Senators. The legislature attempted to establish a constabulary system throughout the state but failed. However, a bill was passed authorizing the governor to appoint a board of five police commissioners for the city and parish of New Orleans, Jefferson City, and St. Bernard Parish, with full powers to appoint and remove the police force. It authorized the Board of Commissioners to require aid from citizens and the militia and to appoint special policemen as needed. The Metropolitan Police Commission, as it was called, also had powers to estimate the sums required for carrying out this law and to assess them upon the various municipal corporations within the district, and to lease and purchase property necessary for its purposes. Among the appointees of Governor Warmoth to this Board were three Negroes.¹⁵

¹⁴Dunbar-Nelson, op. cit., p. 74.

¹⁵The American Annual Encyclopedia, VII (1868), 434-435.

Another subject which aroused considerable attention was "an act to protect all persons in their civil and public rights," and "the public equalities bill." It provided that "all persons, without regard to race, or previous condition, shall enjoy equal rights and privileges in their traveling and being entertained upon any conveyance, or place of public resort or any place of business where license is required in the state."¹⁶ It also prohibited any owner of a vessel to refuse accommodation or make any distinction on account of race or color and attached a penalty of not less than one hundred dollars for violation of the law. This bill passed both houses of the legislature but was vetoed by Governor Warmoth. It was passed later in a revised form but was again vetoed.¹⁷ Indeed, Governor Warmoth vetoed a number of bills that **dealt** with race because he believed the Negroes were not ready to assume such a comprehensive role as citizens, and he feared too much opposition would be shown on the part of white citizens. His extreme use of the veto caused him to lose much favor in the Republican Party, especially from such leading Negroes as Dunn, Pinchback, Antoine, and Burch.

The legislature also passed an act allowing an organization of the militia and an elaborate bill providing for a system of schools. The latter did not become a law, although

¹⁶Ibid., p. 435.

¹⁷Ibid., p. 435.

a system of education was later established. In the proposed bill there was to be no distinction between races and no separate schools. The clause which made no racial distinction met a great deal of opposition in the press and elsewhere.¹⁸

A colorful figure in the Louisiana legislature was James Henri Burch, an ardent supporter of Dunn. He came from Washington, D. C., and had never been a slave. Burch was elected on the Republican ticket from East Baton Rouge Parish in 1868, 1870, and 1872, became a member of the State Senate in 1872, and was reelected in 1874 and 1876. A contemporary describes him as logical in his thinking, well trained, independent, although affiliated with the Republicans, and a man of too deep convictions and independence to follow blindly the rule of the herd. Bitterly opposed to Governor Warmoth, he was one of the leaders in the impeachment proceedings against the governor, along with C. C. Antoine and J. H. Ingraham.¹⁹ His actions showed a great deal of bitterness toward the whites and gave little indication of moderating the Radical program. In a speech to the Reform Unification Convention, he said in effect: We Negroes congratulate you whites upon overcoming your silly prejudices; we will help

¹⁸Ibid., p. 435.

¹⁹Perkins, "James Henri Burch and Oscar J. Dunn in Louisiana," loc. cit., pp. 326-327.

and guide you upward on the path that leads to complete tolerance; and if you are sincere, we will cooperate with you politically.²⁰

Another Negro leader in the legislature was state senator T. T. Allain, born a slave and widely respected by whites. He was a leader of the Reform Unification movement, an attempt of the Liberal Republicans and Democrats to bring about better government with the inclusion of the Negroes. In a speech to this same convention, he said: "I maintain that all my race demands is pure and simple justice, and call upon you Louisianians to give it."²¹ He criticized those whites whose prejudices had prevented racial cooperation in the past. Another leader in the unification movement who had some standing as a Republican legislative leader was state senator Y. Delso.²²

Negro representation in the Louisiana legislature began to wane considerably after 1872. The legislature of 1870 repealed Article Ninety-nine of the constitution which had practically disfranchised all ex-Confederates. It removed all disabilities for voting except crime and mental disabilities.²³ This enabled more whites to vote; therefore, the

²⁰T. Harry Williams, "The Louisiana Unification Movement," Journal of Southern History, XI (August, 1945), 365.

²¹Ibid., p. 365.

²²Ibid., p. 358.

²³Henry C. Warmoth, War, Politics, and Reconstruction: Stormy Days in Louisiana, p. 105.

Negroes had less chance of being elected. At the same time, violence and intimidation against the Negroes prevented many of them from taking part in elections. There were some Negroes who served in the legislature until 1896, but their influence was practically unknown because they were looked upon as inferior.²⁴

No Negroes held important state offices in Texas, and this fact was resented by the Negroes in the Republican party.

Senator Matt Gains, in a speech in the Senate during August, 1871, asked for more consideration for the colored man in the matter of public office. He felt that the white Radicals were opposed to nominating a Negro for important offices, and he accused white men of trying to make a white man's party at the expense of the Negro.²⁵

However, there were some notable legislators of this period. The most colorful Negro legislator of the Twelfth Legislature, the first Reconstruction legislature, was G. T. Ruby of the Senate. He and his colleague, Matt Gaines,

²⁴Perkins, "Some Negro Officers and Legislators in Louisiana," loc. cit., pp. 525-527. Legislators who were colored starting with the year 1868 and ending with the year 1874 were as follows: Senators: nine, 1868-1870; five, 1870-1872; eight, 1872-1874; sixteen, 1874-1876; twelve, 1876-1878; Representatives: thirty-one, 1868-1870; fifty-one, 1870-1872; sixteen, 1872-1874; thirteen, 1874-1876; ten, 1876-1878.

²⁵J. Mason Brewer, Negro Legislators of Texas, p. 51.

were especially active in the state Senate, offering resolutions, presenting petitions, and introducing bills. Few of these bills and resolutions concerned race only but affected the state as a whole.

Gaines, who served as state senator from 1871-1874, was born in Alexandria, Louisiana, in 1842 and came to Texas as a slave. He became a minister after emancipation. Gaines was a great orator and spoke seven different languages. Keenly aware of the interests of his race, he was extremely alert in looking after them and was vehement in his denunciation of the law providing separate schools for whites and Negroes. He made numerous speeches in the legislature against this law.²⁶

The Twelfth Legislature, which served Texas from 1870-1872, had two Negro members in the Senate and nine in the House of Representatives.²⁷ Norris Wright Cuney, a young colored man, became sergeant-at-arms in the legislature and was an ardent supporter of Governor Davis. In 1871, Cuney became one of the school directors in Galveston County, and, in 1872, was Inspector of Customs for the state. He ran for mayor of Galveston in 1875, his successful opponent testifying to Cuney's interest in sound policy and honest government.

²⁶Ibid., p. 52.

²⁷Caleb Perry Patterson, Sam B. McAlister, and George C. Hester, State and Local Government in Texas, p. 10.

He was for many years an intelligent and incorruptible leader of the Negroes of his state.²⁸

Governor Davis and Senator Ruby were closely associated, probably because of Ruby's influence in the Republican ranks throughout the state. Most of the Negroes in the party followed Ruby. Some, however, in his own race, were his enemies, since, like many other Negro leaders, Ruby did not try to elevate his race too rapidly. He recommended to Governor Davis that whites be appointed to public offices, although his recommendations were usually from among the Radicals and the loyal Union League members.²⁹

Other Negroes worthy of mention in the Reconstruction legislatures of Texas included Jiles Cotton, an ex-slave, who had accumulated considerable property in the state; James H. Washington, born in Virginia, educated in Ohio, and onetime principal of the city school in Grimes County. In addition to serving in the legislature, Washington was elected to the City Council of Galveston, serving one term, and was also Inspector of Customs in the same city after serving in the legislature. He is described as a man of high moral integrity and one who so lived that he had the unquestioned respect of his fellow citizens.³⁰ S. B. Roberts, legislator for

²⁸DuBois, Black Reconstruction, p. 561.

²⁹Brewer, op. cit., pp. 55-56.

³⁰Ibid., pp. 59-64.

for three consecutive terms beginning in 1874, was also an ex-slave in Texas. He was very active in the legislature and was well liked by his associates. He had less training than some of the other Negroes but was so interesting that visitors from other states on many occasions sought to interview him. Some of these visitors described him as being very capable. A preacher by profession, Roberts demonstrated a desire to be of sincere service to his race and state.³¹

Negroes in Texas, as in Louisiana, continued to serve in the legislature until 1895, but the number grew less and the influence likewise waned. In the Thirteenth Legislature, in 1873, there were two colored senators and five colored representatives; in the legislature of 1874, one senator and six representatives.

In Arkansas, the Seventeenth Legislature, the first one during Reconstruction, met in November 23, 1868, in Little Rock. Among the Negro members were J. T. White, who had left Indiana to enter politics in Arkansas, becoming state senator and later Commissioner of Public Works and Internal Improvements in Arkansas, and William Grey, who was active in the Reconstruction constitutional convention. Both men had been leaders in the constitutional convention.

³¹Ibid., pp. 65-68.

The general assembly met with much criticism from the press and elsewhere. The Arkansas Gazette described it as follows:

The self styled senate of the General Assembly is in all respects the most remarkable one that ever assembled in Arkansas; indeed, we may truthfully say, in any state, at any time. Contemplate their deliberations. There is no dissenting voice. A committee is to be appointed; the president understands it; and follows the program. Twenty-three thousand negro voters look through 52 senatorial eyes, and many shining dollars for each member are distinctly seen in the cesspools of filth and rotteness to which they stoop to gather the rewards of cast off principles and abandoned honor. One negro, a large number of southern union men, and a few northern men compose the senate. The latter are the controlling spirits, who sheedle the rest into doing their bidding. The object of the whole present proceeding is to kill time while the Assembly waits for assurance of the backing of Congress.

In the speaker's stand of the house of representatives . . . sits a thin-visaged individual about whom the only remarkable thing is that he is there, despite the fact that so many bolder looking men sit beneath him. Among the members, the most striking feature is the negro element. Immediately in front of the clerks desk, and on the front seat, sit the two negroes from Phillips, strangely named Grey and White. Just behind them, in the center of the hall, sits the burly form of the sooty Dick Jett, now known as the Honorable Richard Samuels, of Hempstead County. He has always borne the name of a well disposed, good mannered negro. As a blacksmith in Washington, he was respected and patronized. But he has fallen into bad company. A copper-colored negro named Rush, is one of the representatives from this (Pulaski) District. He sits with the white skinned colleagues of his district.

The membership of the house is a congregation of a variety of characters, which reveals the material of which Arkansas radicalism is composed. Here, in the house, sits the ex-freedman's bureau agent, who has lived from fees extracted from the poor, simple, believing negro; the bureaucrat who has levied blackmail on white employees. Here are the registrars, who performed their share of fraud from the party by manipulating the vote so as to show a majority for the new constitution, and give them their seats as members of the legislature. Here are a few old residents of the state, who, having been badly treated at one time or other by poorly disciplined troops of the Confederacy, are now become union men with a poisoned bias. As martyrs, they now claim high positions,

That this assemblage is a representative body of the people of Arkansas, no one will think for a moment. Some of them had never seen the districts they now claim to represent a year ago; and inmates of but few homes in the districts they claim to represent would tolerate them as guests. The officers of the assemblage are in keeping with the quality of the congregation. One officer has not yet been in the state six months; the others have the advantage of him in this respect by but a few months; An assistant doorkeeper is a large negro who was the chief marshall of the procession which paraded the streets of Little Rock during the days of the election. The postmaster is a negro from Helena, of very light shade, and by all odds more respectable in appearance than four-fifths of the members, white or black. Of the pages, two are negroes and two are white. This latter instance is the only one in which the claims of the negro wing of the party, which really counts up to six-sevenths of it, have been to any fairly proportionate extent recognized.

If out of an assemblage such as this any good comes to the commonwealth, we shall be rejoiced to hear of it.³²

Nevertheless, some good did come from this assembly, Governor Clayton recommending that the disabilities of ex-Confederates be removed as quickly as possible. This was done quite soon.

The Assembly also established a school system and adopted a resolution asking Congress to appropriate aid to establish institutions of higher learning and high schools. In January, 1870, a large number of schools were organized. One state historian said of this move: "The establishment of public school system based upon taxation has been fruitful of good results."³³ The legislature took steps to establish the Arkansas Deaf and Mute Institute and an institution for the

³² Arkansas Gazette, November, 1868, cited by Dallas T. Herndon, Annals of Arkansas, I, 184-185.

³³ Dallas T. Herndon, Annals of Arkansas, p. 402.

blind. In this connection, it adopted a resolution "to request Congress to grant one hundred sections of land for the benefit of the Blind Institute of Arkansas."³⁴ State appropriations were also made for the blind institution.

Considerable attention was given to internal improvements in Arkansas. Republicans showed great interest in developing and making available the great natural resources of the state. Particular concern was voiced over agriculture and the establishment of railroads. Taxation was rather high, and this subject aroused much complaint. The Fifteenth Amendment was ratified by this legislature, thus indicating a concern with protecting the Negroes' franchise rights.³⁵

In addition to these officers, there were numerous minor officers in Southwestern communities, counties, and states which were held by Negroes. Among these were: Mifflin Wister Gibbs, a native of Philadelphia, who settled in Arkansas where he served as Municipal Judge in Little Rock and also as Register of United States Land Office;³⁶ T. Morris Chester, of Pittsburgh, who made his way to Louisiana, where he served with distinction as a lawyer and held the position of Brigadier-General in charge of the Louisiana State Guard under the

³⁴American Annual Encyclopedia, loc. cit., p. 28.

³⁵Ibid., p. 29.

³⁶Woodson, Negro Migration, p. 125.

Kellogg government;³⁷ Augustin G. Jones, chancery clerk of Assumption Parish in Louisiana, who was a direct descendant of John Paul Jones of Revolutionary War fame.³⁸

Thus it is evident that the Reconstruction period produced some notable Negro office holders in the Southwestern states, in spite of the negative opinion of most southern historians. Most of the state office holders were well educated, well mannered, and efficient. Many Negro legislators were very active in the General Assemblies of the states and were leaders in the Republican party. They introduced many bills and resolutions, most of which were for the good of the state and not for their race solely. In addition, there were numerous minor officers in the local, county, and state level, who left office with a creditable record.

³⁷Ibid., pp. 125-126.

³⁸DuBois, Black Reconstruction, p. 469.

CHAPTER V

THE END OF RECONSTRUCTION

The Southern resentment aroused by defeat in battle was by no means as deep or as bitter as that aroused by the social, economic, and political changes which followed the end of hostilities. The victorious Northerners had given the Negroes power, responsibility, and authority for which many of them were by no means prepared. Naturally, some of the Negroes had become drunk with power and had done foolish and unpleasant things. Consequently, when the white Southerners regained control they ignored significant contributions of the Negroes and made a point of restoring them as nearly as possible to their former unprivileged condition. The redemption of the South was not wholly the result of the legitimate political shifts, however. Various methods were employed to achieve the overthrow of the Reconstruction governments, and white leaders early realized that the Negro bloc vote represented a strategic political weakness in the Republican control.

Perhaps the most effective means of exploiting this Republican weakness were the secret organizations, the most notable being the Ku Klux Klan. The period 1869-1871 was the heyday of the Klan's activities. It greatly aided in the recovery of the states by the Democrats and also assisted

the whites in gaining control of county government. These successes were achieved by the use of intimidation, force, social and business ostracism, purchase of votes, discharged from employment, and forced resignations from office.¹

The Ku Klux Klan was originally started by six young men in Tennessee for the sake of entertainment. It was intended "to break the monotony" and to cheer up their mothers and girls.² Since the club was to be for amusement, they decided a ghost-like costume would deepen its mystery. To make it more exciting, they decided to ride horses. The name Ku Klux came from the Greek word, Kuklos, meaning a circle. The constitution of the organization provided for various mysterious officers: the Grand Cyclops or president; the Grand Magi, vice-president; the Grand Turk, marshall; the Grand Exchequer, treasurer; and two Lictors.³

Only men of good character were originally admitted to membership, for imprudent and rash persons could not be relied upon to keep a secret. The Klan eventually became lax in enforcing this requirement and its influence for good waned, but at first the organization was law abiding, engaging only in amusements that were legal and wholesome.⁴

¹Paul Lewinson, Race, Class, and Party, p. 54.

²Claude G. Bowers, The Tragic Era, p. 306.

³William G. Brown, The Lower South in American History, pp. 199-201.

⁴D. L. Wilson, "The Ku Klux Klan: Its Growth, Origin, and Disbandment," Century Magazine, LXXXVII (July, 1884), p. 405.

The organization spread rapidly to neighboring areas; then to other states. Seeing the effects the pranks had upon the superstitious Negroes, white Southerners conceived the idea of using it to their advantage in their disgust and anger at Negro and carpet-bagger rule. They saw in the Klan a means of frightening the Negroes, carpet-baggers, and scalawags, which would ultimately lead to their downfall and the rise of white supremacy. However, they went farther than playing upon the superstitions of the Negroes; some Negroes were threatened, whipped, and even murdered. Thus, the organization was led far afield into the ways of violence and outlawery.

The Knights of the White Camelia, a similar organization was founded in New Orleans in 1868 and spread into Texas and other parts of the South. It was founded from the beginning with the purpose of keeping the Negroes in a subordinate position. The members were sworn to secrecy and "to maintain and defend the social and political superiority of the white race on this continent."⁵ They were constrained to observe a marked distinction between the two races "and to restrain the African race to that condition of social and political inferiority for which God has destined it."⁶

The members were pledged to vote only for whites, to oppose Negro equality in all things, but to respect the legitimate

⁵Brown, op. cit., p. 43.

⁶Walter L. Fleming, The Sequel of Appomattox, p. 252.

rights of Negroes. There were smaller organizations similar to the Ku Klux Klan and the Knights of the White Camelia which were affiliated with or joined the large orders. An example of these would be an Italian organization in Louisiana called "The Innocents." White public opinion generally supported the movements so long as the Radicals made a serious attempt to carry out the Reconstruction policies.⁷

The original avowed purpose of the Klan, which was the protection of the weak and the preservation of law and order, was soon forgotten. Many white people, supposedly in the name of the secret organizations, perpetrated acts of violence. Many times they would appear at the cabins of Negroes during the night, break down the doors, force the occupants outside, whip the men, and, in some cases, the women, and warn them about voting their Radical ticket or insist that they move. **Resistance** could result in murder. The whites openly intimidated the Negroes, but the Democrats tried to minimize the chaos, charging that the Republicans had exaggerated the report of affairs in the hope of influencing the election in the North.⁸

By orders of Governor Clayton of Arkansas, the militia of that state was enrolled as a means of counteracting the violence. The militia law provided that loyal citizens were subject to call by the government for military service.

⁷Ibid., p. 252.

⁸See Report of Select Joint Committee on the Late Insurrectionary States, 1868-1872, for accounts of secret organizations.

A call was issued for volunteers, and mostly Negroes and poor whites responded. The Democrats again complained that the expense of maintaining the militia was unnecessary, since there was no real need for them.⁹ Disorder and violence became steadily worse; riots broke out in several counties in the state. In many cases, ex-Confederates were openly defying the state government, and county officials in some cases were murdered. The militia did a great deal toward bringing order to the state even though hampered in the beginning by lack of arms.¹⁰

The situation was similar in Texas and Louisiana. Following a killing by a disguised mob at Jefferson, Texas, General Reynolds, military commander of both states, ordered all civil officers in the state empowered by law to make arrests. Any person wearing a mask or otherwise disguised, was to be arrested and held in custody until the circumstances had been reported to headquarters for instructions.¹¹

Despite efforts of the federal government to prevent more or less open intimidation of Republican supporters in the South, the advocates of white supremacy were increasingly successful. When the enforcement acts limited organized

⁹Powell Clayton, The Aftermath of Reconstruction in Arkansas, pp. 110-111.

¹⁰Orvil Truman Driggs, Jr., "Issues of the Powell Clayton Regime," Arkansas Historical Quarterly, VIII (Spring, 1949), pp. 20-22.

¹¹Dallas Herald, November 7, 1868.

intimidation of the Klan variety, white Democrats increased their efforts through economic coercion and other informal means. With steady pressure being exerted, the Negro bloc of votes was gradually broken up. Political independence for the Negro was impossible without economic independence, and national Radical Republicans did little to achieve that end for the Negro.

Another matter of importance in the elimination of the Negro from politics was the split in the Republican party, especially in Louisiana and Arkansas. This served to weaken the party and its control over the state governments. There were two wings in the Arkansas Republican party, the Liberal element and the Pure Radicals. In 1871, Powell Clayton, Radical leader, was elected to the United States Senate but refused the position. Since Lieutenant-Governor Johnson was a Liberal Republican, the Democrats supported the election of Clayton to the Senate; but instead of Clayton turning the governor's office over to Johnson, he succeeded in getting him ousted, offering him another position in exchange for his resignation. Initially, however, Johnson refused to bargain, but Clayton continued to occupy the governor's office. Next an attempt was made to impeach Clayton, but that also failed. Finally, Johnson agreed to accept appointment as Secretary of State, and A. O. Hadly, a Claytonite, was elected president of the Senate, consequently being placed in line to succeed Clayton. Then Clayton again was

elected to the United States Senate, leaving the governor's office in the hands of his follower. Even after Clayton took his seat in the Senate, his influence was still felt in state affairs and he was still head of the party machine.¹² Nevertheless, although Clayton successfully dodged impeachment, his organization suffered after he left active control.

In the election of 1872, Judge Baxter, Clayton's candidate, was declared elected to the governorship. Joseph Brooks, who was supported by the Liberals and Democrats, contested the election and took control of the capitol by force. An appeal to President Grant went unheeded, but the federal forces prevented a fight between the two factions. Grant recognized Baxter because the legislature had. Baxter, however, did not adhere to Clayton's policies, causing an open break within the Radical wing. Senator Clayton, in a statement in 1874, said that Brooks was fairly elected in 1872 but was kept out of the office by fraud. The Conservatives hailed Baxter as a deliverer.¹³ The United States Attorney-General decided that Baxter was the legal governor, whereupon Clayton's influence ceased. A number of Claytonites were impeached and Clayton was not reelected to the Senate after his term expired. Baxter then called for a constitutional

¹²Driggs, op. cit., pp. 70-71.

¹³Ibid., p. 74.

convention to destroy the symbols of Radicalism.¹⁴ The Radical rule in Arkansas ended, and since the Negroes supported the Radical Republicans for the most part, effective Negro participation in politics ceased, although a few did continue to hold minor offices for a number of years.

The rift in the Republican party in Louisiana was equally violent. The opposition to the Warmoth government was first led by the Negro Lieutenant-Governor Dunn, who was unhappy with the Republican party leaders and members. The Republican convention met in August, 1870, and elected Dunn as chairman, passed over Governor Warmoth, and especially opposed a constitutional amendment which would make him eligible for reelection. The following year the Republican convention split, Dunn becoming head of one faction; Warmoth, of the other. While Dunn was temporarily discharging the duties of governor, a state convention was called and Dunn wrote to the leading colored Republicans: "We have a great work before us, and in order to be successful we need the aid and cooperation of every colored man in the State . . . I ask you to use your influence to elect good, honest men that will look out for the interests of the colored man."¹⁵

Animosity continued in January, 1872. Warmoth and several of his supporters in the legislature were arrested by United States officials on a charge of interfering with the organization and conduct of the House of Representatives.

¹⁵DuBois, Black Reconstruction, p. 478.

After the adjournment of this legislature, Warmoth issued a call for an extra session of the legislature to meet at once on the ground that a conspiracy had developed to overthrow the government by unlawful means. A quorum could not be had, but a number of resolutions were made nevertheless. The Speaker of the House, one of the leaders of the opposition to Warmoth, was not there, and thus his chair was declared vacant and another speaker elected. Meantime, the former Speaker of the House and his followers met in another place in New Orleans and styled themselves the "Legal House of Representatives." Governor Warmoth issued a proclamation declaring the meeting revolutionary, unconstitutional, and illegal, and he commanded all good citizens not to support or aid it.¹⁶ This group, the Carterites, were in the minority and ultimately most of them returned to the regular session, but Carter's ouster as Speaker of the House was confirmed.

In 1872 there were three factions of the Republican Party in Louisiana: one headed by Pinchback, one by Packard and Kellogg, and one by Warmoth. In a convention of the Pinchback Republicans, this group of partisans recognized the weakened condition of the Republican Party because of the split and resolved "that in order to save the state

¹⁶The American Annual Encyclopedia and Register of Important Events, XII, 1872, 472.

from Democratic rule and to perpetrate free government, it is highly important that all Republican elements in the state should be united upon a ticket to be composed of true and tried Republicans, and to secure this end, we recognize and tolerate the existing differences of opinion upon material affairs."¹⁷ They nominated Warmoth for governor and Pinchback for lieutenant-governor, but Warmoth declined the nomination.

In 1872, the Packard convention nominated William P. Kellogg for governor and C. C. Antoine lieutenant-governor. The Pinchback convention, after Warmoth's refusal, nominated Pinchback for governor and A. B. Harris for lieutenant-governor. However, a fusion between the Packards and the Pinchbacks resulted, and the following ticket was agreed upon: Kellogg, governor; C. C. Antoine, lieutenant-governor; W. G. Brown, superintendent of education; P. S. Deslonee, secretary of state; and Pinchback, congressman at large. All of the men were colored except Kellogg.¹⁸

The Democrats, Reformers, and Liberal Republicans united in one ticket headed by John McEnery in the same year. After the election, both sides accused the other of election frauds, but the Kellogg faction was declared elected by one Board of Electors on the grounds that many Negroes were prevented from

¹⁷Ibid., p. 477.

¹⁸Ibid., p. 481.

voting by the fusion party of Democrats, Reformers, and Liberals. Another Board of Electors appointed by Warmoth declared the McEnery candidates to be elected. As a result, two legislatures assembled in different places, each claiming to be duly elected.¹⁹ President Grant finally recognized the Kellogg government, and the state was on the verge of civil war for the next four years. A similar incident occurred again in the election of 1876 between the Radical governor Kellogg and his supporters and the Democrats and Liberals, headed by Nichols. The Democrats claimed an 8,000 popular majority, but the returning board certified a Republican majority of 1,000. Two governments established themselves and all but declared war on each other. But when the federal troops were withdrawn by President Hayes, the Radical organization disappeared and with it went Negro office holders.²⁰

In 1872, Governor Davis of Texas was dependent on Negro votes, but many Negroes did not vote because of intimidation, and some voted the Democratic ticket of their own accord. Davis was defeated by a vote of 85,549 to 42,663, and a majority of the legislators elected were Democrats. The Supreme Court held that the election was irregular and, consequently, Davis tried to prolong his term. The Negro

¹⁹Ibid., p. 483.

²⁰Lewison, op. cit., pp. 56-57.

militia was on hand to prevent the Democrats from taking possession of the capitol, and Governor Davis appealed to President Grant for military aid, but Grant refused and Davis conceded defeat. Thus, when Governor Coke was inaugurated in early 1874 and the legislature met, Reconstruction was at an end in Texas.²¹

Thus through legal means and by means of intimidation, the Republican governments toppled in the Southwestern states. By the removal of the franchise disabilities by the states and the federal government, most of the ex-Confederates were able to participate in the election of state and local officials. This decreased the chances for Negroes, "carpet-baggers," and scalawags" to be elected. Many Negroes were prevented from voting by intimidation by the secret organizations and by other whites not connected with these organizations. Republican party rifts in the states weakened the party and consequently were an important factor in their downfall.

With the downfall of the Republican state governments, the influence of the Negro in politics virtually disappeared. Indeed, most Southern writers of the Reconstruction find little commendable credit to be given to the Negro leaders of the time, this idea being expressed by a writer when he said over three decades ago:

From the point of view of most white men studying

²¹DuBois, Black Reconstruction, p. 56.

Reconstruction history, this effort to make the Negro a factor in politics was a failure, the elimination of the Negro from politics was just, and the rise of the Negro to political power even today is viewed with alarm. . . . Several writers refer to the Negro carpet-bag movement as an effort to found commonwealths upon the votes of an ignorant Negro electorate, as working an injustice both to the whites and the blacks in that it made the South solidly Democratic.²²

Many of the Negroes who held office were not as capable as some whites might have been, but the refusal of the Southern aristocracy to cooperate with Negroes caused them to elect such men as they were able to secure, and the best that were available were elected. Many, as has been pointed out, were very capable. Most of the corruption of office holders was from among the whites. However, some of the Negro office holders were just as corrupt as the whites. In some of this corruption, "the Negro was an apt scholar and freely participated." It is equally true, however, that governments were corrupt throughout the United States at this time,²³ corruption reaching almost to the office of President of the United States, President Grant's administrations being noted for their pollution.

However, the charges of extravagance, excessive taxes on property, theft, and incompetence were often exaggerated. DuBois said:

The charge that they threatened property and that they were inefficient is in part undoubtedly true, but

²²Norman P. Andrews, "The Negro in Politics," The Journal of Negro History, V (October, 1930), 421.

²³Ibid., p. 425.

often exaggerated. The South had been terribly impoverished and saddled with new social burdens. In other words, states with smaller resources were asked not only to do a work of restoration, but a larger social work. The property holders were aghast. They not only demurred, but predicting ruin and revolution, they appealed to secret societies to intimidation, force and murder. They refused to believe that these novices in government were ought but scamps and fools. Under the circumstances occurring directly after the war, the wisest statesman would have been compelled to resort to increased taxation and would have, in turn, been execrated as extravagant, dishonest, and incompetent. It is easy, therefore, to see that flaming and incredible stories of Reconstruction governments could gain wide currency and belief.²⁴

The extravagance was, although great, not universal; much of it was due to the ~~spend~~ thrift spirit invading the whole country in a day of inflated currency and speculation. The incompetence was in part real and in part, emphasized by the propertied whites. There is no serious charge that these governments threatened civilization or the foundations of its social order.²⁵

DuBois states that dishonesty was aided by the following: (1) former dishonesty in the political South, (2) the presence of many dishonest Northern politicians, and (3) the temptation of Southern politicians to profit by dishonesty and to discredit the Negro government.²⁶ Some of the lesser trained Negroes were misled on numerous occasions

²⁴W. E. B. DuBois, "Reconstruction and Its Benefits," The American Historical Review, XXV (July, 1919), 789.

²⁵Ibid., p. 789.

²⁶Ibid., p. 790.

and were prompted to vote on legislation which they were told was good. But, unfortunately, the thing that the white South feared more than Negro dishonesty, ignorance, and incompetency was Negro honesty, knowledge, and efficiency.²⁷

When the whites reclaimed the government, they were not only anxious to take over the offices and the public funds but to prevent the Negroes from participating thereafter in the government. They enacted measures which, by peculiar provisions in the laws of suffrage for the qualifications of voters, eliminated most Negroes from the electorate. They curtailed the privileges of the Negroes by segregation laws dealing with places of amusement, schools, and finally with farming and residential districts in most parts of the South.²⁸ The disfranchisement of Negroes in the South became nearly complete. In no other civilized and democratic land has so great a group of people, most of whom were able to read and write, been allowed so small a voice in their own government. In this way, at least eight million Negroes were left without effective voice in the government. However, Negroes did not surrender the ballot easily or immediately but continued to hold remnants of political power in Louisiana, Texas, and five other states. Black congressmen came out of the South until 1895 and black legislators served as late as 1896.

²⁷Ibid., p. 795.

²⁸Carter G. Woodson, The Negro in Our History, p. 259.

They fought a losing battle with public opinion, industry, wealth, and religion against them. Even their own leaders decried "politics" and preached submission.²⁹

The effect of the Reconstruction on the moral integrity of the Negro race was very pronounced and continues even until now. It is evident in servility and fawning, gross flattery of white folk and lying to appease and cajole them, together with failure to achieve dignity, self-respect, and moral self-assertion. Also, personal cowardliness and submission to insult and aggression are yet extant. There is, finally, a lack of faith of Negroes in themselves and in other Negroes and in all colored folk, laziness and indifference being exalted as successful as the industry and striving which invites taxation and oppression.³⁰

During the Reconstruction period, the Negroes placed their whole hope of full emancipation and economic security upon their vote.³¹ Immediately after the close of the Civil War, they had been encouraged to move into the states of Louisiana and Texas and many of them had done so. When their voting privileges were removed, however, there began a large exodus of the Negroes to the North. They considered it a land of promise and salvation for them and felt that they could no longer tolerate the humiliating conditions in the

²⁹DuBois, Black Reconstruction, pp. 692-694.

³⁰Ibid., p. 702.

³¹DuBois, "Social Planning for the Negro, Past and Present," Journal of Negro Education, V (January, 1936), 109.

South. They found, however, that the North was not sympathetic with their problems. It was busily engaged in an industrial revolution of its own and was too intent with its own problems to want to help them. Many Negroes had given up good jobs in the South to go North, only to find menial jobs awaiting them. They gradually came to the realization that they must work out their own problems where they were and they began to settle down.³²

Many historians describe the Reconstruction period as a tragic era. Frazier gives an interesting account of its tragic effect upon the Negro and his part in this section of history:

If the Reconstruction period may be called a "tragic era," it was the Negro who played the truly tragic role. He was the element in those fateful times who became the victim of social and economic forces which he did not understand and which, if he had understood, he would not have had the power to influence. He was the victim of racial prejudice, which only became the more violent when he attempted to realize the hopes that Emancipation had inspired. He was the victim of the clash of large economic and class interests. If he sided with the remnants of the old planter class, the only class that had a tradition, at least, of sentimental or paternalistic regard for him, he became the opponent of the interests of the rising merchant class and the democratic aspirations of the poor whites, he was spurned because of his race.³³

Radical reconstruction produced some positive benefits, however. Regarding these benefits, Simkins said:

State constitutions as drawn up by the carpet baggers were so harmonious with progressive tendencies

³²Woodson, The Negro in Our History, pp. 270-274.

³³E. Franklin Frazier, The Negro in the United States, p. 145.

that they have substantially survived to the present day. These constitutions achieved reforms in the organization of the courts, in the codes of judicial procedure, in the systems of county government and school administration, in the manner of electing public officials, and in the methods of taxation. Through them Southerners learned of the equality of men before the law, the right of all children to attend state supported schools, and--potentially at least--the privilege of all to enjoy political, civil, and social liberties. With the overthrow of the reconstruction regimes, the South trampled upon many features of the democratic concept envisioned by the radical experimentalists. But this ideal had been imbedded in the fundamental law of the land through the Fourteenth and Fifteenth Amendments and not forgotten by those in whose interest it had been created.³⁴

The Negro, as a factor in Reconstruction, helped institute education at the public's expense, education before this time having been for the most part confined to the aristocracy. The poor whites were, except for a minority, illiterate, and therefore they benefited as well as the Negroes.³⁵ The Southern states had made a start before the war toward establishing general school systems, but attendance had not been made compulsory, taxation had been inadequate, a charity aspect associated with public schools had handicapped the movement, and public opinion had been extremely conservative in regard to the State's duty of public education. The principle of direct taxation was undoubtedly the most important contribution of the Reconstruction regime to the public school movement in the South.³⁶

³⁴Francis Butler Simkins, A History of the South, p. 284.

³⁵Norman P. Andrews, "The Negro in Politics," loc. cit., p. 427.

³⁶Paul H. Buck, The Road to Reunion, pp. 162-163.

According to DuBois, "there is no doubt but that the thirst of the black man for knowledge--a thirst which has been too persistent and durable to be mere curiosity or whim--gave birth to the public school systems for all of the South. The State public school systems for all children were formed mainly by Negro Reconstruction governments."³⁷

The poor whites were, for the first time, allowed to participate fully in government and in some states were given a free and open door to office holding, which before had been restricted to aristocrats who had dominated the state government.³⁸ It is therefore safe to say that governments were more democratic. The poor whites and the planters joined forces to eliminate the Negro in politics, however, since the poor whites felt that their right to vote was the only superiority left them and the planters had lost their control over the states.

There were many achievements during this period which were not directly political. Among these were the agricultural reforms such as the tenant and sharecropper systems which placed them in an agricultural situation that was advantageous to their viewpoint. The establishment of independent Negro churches gave the black race opportunity for self expression which had been denied it in political and other

³⁷DuBois, "Reconstruction and Its Benefits," loc. cit., p. 797.

³⁸Andrews, op. cit., p. 426.

fields. A new commercial system of small trade, crossroad stores, commercial villages, and credit agencies gave the poor whites and the Negroes a greater sense of belonging.³⁹

Looking back at the period of Reconstruction from the vantage point of passing years, DuBois pointed out:

The unending tragedy of Reconstruction is the utter inability of the American mind to grasp its real significance, its national and worldwide implications. It was in vain for Sumner and Stevens to hammer in the ears of the people that this problem involved the very foundations of American democracy, both political and economic. . . . We were worried when the beginnings of this experiment cost Eighteen Millions of Dollars, and quite aghast when a debt of Two Hundred and Twenty-Five Millions was involved, including waste and theft . . . And it seems to America a proof of inherent race inferiority that four million slaves did not completely emancipate themselves in eighty years, in the midst of nine million bitter enemies, and indifferent public opinion of the whole nation. If the Reconstruction of the Southern states, from slavery to free labor, and from aristocracy to industrial democracy, had been conceived as a major national program of America, whose accomplishment at any price was well worth the effort, we should be living today in a different world.⁴⁰

Finally, one could draw the following conclusions from the Reconstruction period, the period in which the Negro played a large role in Southern politics: (1) It established a more democratic form of government in that it allowed all classes of society to vote and potentially to hold office; (2) it created a public school system in the South which was

³⁹Francis T. Simkins, "New Viewpoints of Southern Reconstruction," Journal of Southern History, V (February, 1939), 52-56.

⁴⁰DuBois, Black Reconstruction, p. 708.

long overdue and which was based on direct taxation; (3) it proved the capabilities of a race which had been suppressed; (4) it produced some notable Negro leaders; (5) it saw the passing of many laws which were for the uplifting of the states commercially, industrially, and socially, as well as politically; (6) it passed many laws which are in effect today; and (7) it was a tragic era for all parties involved in that they did not realize its true value and its great potentialities.

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