SLAVE STATE REPUBLICANS IN CONGRESS,
1861-1877

by

Philip Joseph Avillo, Jr.

A Dissertation Submitted to the Faculty of the
DEPARTMENT OF HISTORY
In Partial Fulfillment of the Requirements
For the Degree of
DOCTOR OF PHILOSOPHY
In the Graduate College
THE UNIVERSITY OF ARIZONA

1 9 7 5
I hereby recommend that this dissertation prepared under my direction by Philip Joseph Avillo, Jr. entitled SLAVE STATE REPUBLICANS IN CONGRESS, 1861-1877 be accepted as fulfilling the dissertation requirement of the degree of DOCTOR OF PHILOSOPHY.

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1975
For
LINDA
ACKNOWLEDGMENTS

In the process of writing this study, I received the invaluable assistance of many persons. I want to thank specifically Sue Spaulding and the Inter-library Loan Department at The University of Arizona, Nancy Prewitt of the Missouri State Historical Society, Rodney A. Pyles of the West Virginia University Library, and the staff of the Library of Congress Manuscripts Division. I am especially grateful to Mary Dale Palsson, government documents librarian at The University of Arizona, and her entire staff, for making accessible to me the many resources of their division. I also wish to thank my readers, Professors Edwin M. Gaines and James Donohoe, for their willing assistance and helpful criticisms. To Professor John V. Mering, who has served these many years as my teacher, critic, counselor, and friend, I shall be forever indebted. My wife, Linda, by providing me with the encouragement and gentle prodding which I so often needed, made the entire undertaking possible.
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ABSTRACT

At the outbreak of the Civil War in 1861, only one Republican from the slave states of the South served in the United States Congress, but, by the end of the war, twenty-three Republicans from the slave states sat in Congress. The readmission by 1868 of most of the seceded slave states, moreover, increased this number to sixty-six, and, in 1870, after the readmission of the last four seceded states, the number of slave state Republicans in Congress peaked at eighty. Overall, during the period 1861 to 1877, nearly three hundred and fifty slave state Republicans occupied seats in the Congress of the United States.

Rather than resulting from massive voter realignment, however, this complete political reversal of the Republican party's fortunes in the South developed from a two-pronged national Republican policy. On the one hand, the party successfully gained thousands of black votes through the enfranchisement of the freedmen in the seceded states. Simultaneously, state and national elements of the Republican party passed legislation, ostensibly only to disfranchise Confederate sympathizers, but which effectively barred many anti-Republicans from the polls,
Throughout this period of Republican ascendancy in the South, Congressional Democrats cried foul, accusing their Republican colleagues of sponsoring Reconstruction legislation merely for partisan purposes. Republicans countered that their policy of Confederate disfranchisement and black enfranchisement stemmed primarily from the party's desire to preserve the Union as well as to protect the political rights of black Americans.

Notwithstanding the intrinsic merit of the Republican party's quest to guarantee equal political rights to American blacks, southern Republican conduct in Congress appeared often to substantiate this Democratic criticism. For example, the slave state Republican presence in Congress gave the party the votes it needed to pass such legislation as the First Reconstruction Act, the Thirteenth and Fifteenth Amendments, and the First Enforcement Act. Equally important, Reconstruction legislation of this type equipped slave state Republican Congressional candidates with the legal machinery necessary to win election in the South, and thereby enabled the Republican party to maintain for nearly a decade a Congressional majority.

Surprisingly, historians have generally overlooked the importance of the slave state Republican Congressmen, attributing the Republican legislative successes primarily to the party's majority rather than the presence of slave state Republicans. When historians have discussed slave
state Republicans, moreover, they referred generally to those men representing the former states of the Confederacy. Many Republicans from the non-seceding slave states of the border served in Congress, however, and they too played a crucial role in the formation of the party's Reconstruction program.

Despite the beneficent returns which the slave state Republicans brought to their party, many northern Republicans became after 1868 disenchanted with Republican Reconstruction programs, and the northern and southern unity which had accounted for many Republican legislative successes began to disintegrate. Widespread Republican abandonment of the Republican party in the South paralleled the disunity. Not surprisingly, as this apathy toward the slave state Republicans swept through national Republican ranks, the party's southern wing weakened proportionately.

Created by northern Republican policy, the southern Republican Congressmen who served from 1861 to 1877 had often proved instrumental in enacting the Republican party's legislative program. Without continued external assistance, most Republican Congressional candidates in the slave states found it impossible to fend for themselves, and, after 1877, the number and influence of Republicans representing the slave states in Congress declined rapidly. The Republican party succeeded often after 1877 in passing party legislation, but, more than coincidentally, Republican legislative
successes in the post-Reconstruction era came without the assistance of southern Republican Congressmen.
CHAPTER 1

SLAVE STATE REPUBLICAN CONGRESSMEN:
PRODUCT OF THE OATH

On July 24, 1866, Tennessee representative William B. Stokes became the first Republican from a seceded slave state to take his seat in the Congress of the United States.¹ As Congress restored the former states of the Confederacy to representation in the Union, other slave state Republicans came to Washington, and during the eleven years following Stokes's arrival, over two hundred Republicans from the reconstructed states served in Congress.²

The appearance in Congress of slave state Republicans represented a complete political reversal, for at the beginning of the Civil War the Republican party possessed virtually no strength in the South. Rather than resulting from massive voter realignment, however, this political

¹, United States Congress, Congressional Globe, 39th Cong., 1st Sess., p. 4166 (July 24, 1866).

phenomenon developed from a two-pronged national Republican policy. On the one hand, the party successfully gained thousands of black votes through the enfranchisement of the freedmen in the seceded states. Simultaneously, state and national elements of the Republican party managed to pass legislation, ostensibly only to disfranchise Confederate sympathizers, but which effectively barred many anti-Republicans from the polls.

This latter policy proved most effective in the states of the border, the only slave states with Congressional representation as the war ended. Certainly, in these states, as well as those further south, the election returns of 1860, depicted in Table 1, revealed a pathetically weak Republican party.\(^3\) When the Thirty-seventh Congress convened in 1861, moreover, a single Missourian constituted the entire Republican portion of the non-seceding slave state delegation.\(^4\) Two years later, however, Missouri sent eight Republicans to Washington; Maryland sent five; and West Virginia sent an entire Republican delegation after its


\(^4\) The non-seceding slave states included Kentucky, Delaware, Maryland, and Missouri. West Virginia, admitted to the Union in 1863, became the fifth slave state represented in Congress during the Civil War. *Globe, 37th Cong., 1st Sess.*, p. 3 (July 4, 1861).
Table 1. Non-Seceding Slave State Votes for 1860 and 1864 Presidential Elections

<table>
<thead>
<tr>
<th>State</th>
<th>Year</th>
<th>Republican</th>
<th>Democrat</th>
<th>Breckenridge</th>
<th>Constitutional Unionists</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>1860</td>
<td>3,822</td>
<td>1,066</td>
<td>7,339</td>
<td>3,888</td>
<td>16,115</td>
</tr>
<tr>
<td></td>
<td>1864</td>
<td>8,155</td>
<td>8,767</td>
<td></td>
<td></td>
<td>16,922</td>
</tr>
<tr>
<td>Kentucky</td>
<td>1860</td>
<td>1,365</td>
<td>25,641</td>
<td>53,146</td>
<td>66,068</td>
<td>146,220</td>
</tr>
<tr>
<td></td>
<td>1864</td>
<td>26,786</td>
<td>63,301</td>
<td></td>
<td></td>
<td>90,081</td>
</tr>
<tr>
<td>Maryland</td>
<td>1860</td>
<td>2,294</td>
<td>5,966</td>
<td>42,482</td>
<td>41,760</td>
<td>92,502</td>
</tr>
<tr>
<td></td>
<td>1864</td>
<td>37,353</td>
<td>32,318</td>
<td></td>
<td></td>
<td>69,771</td>
</tr>
<tr>
<td>Missouri</td>
<td>1860</td>
<td>17,020</td>
<td>58,502</td>
<td>31,427</td>
<td>58,362</td>
<td>165,311</td>
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<tr>
<td></td>
<td>1864</td>
<td>72,736</td>
<td>31,099</td>
<td></td>
<td></td>
<td>103,862</td>
</tr>
<tr>
<td>West</td>
<td>1860</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Virginia</td>
<td>1864</td>
<td>23,152</td>
<td>10,438</td>
<td></td>
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<td>33,590</td>
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aCompiled from Burnham, Presidential Ballots.
June 1863 entry into the Union. In the Thirty-ninth Congress, twenty-three of the thirty-eight Congressmen from the non-seceding slave states were Republicans. Obviously, many border state voters had changed their attitudes toward the Republican party since the beginning of the war, but disfranchisement proved equally important in the Republican upsurge. Unlike future Republican Congressmen from the seceded slave states, whose election resulted chiefly from the enfranchisement of emancipated slaves within their constituencies, the border state Republican Congressmen won their political offices through the application of loyalty oaths restricting the political privileges of persons accused of Confederate sympathies. State and Federal authorities interpreted these oaths broadly, in many cases plainly equating Republicanism and national loyalty.

Charles D. Drake, Missouri's future Republican Senator who had abandoned the Democratic party soon after the outbreak of the Civil War, illustrated this point in an 1863 speech before a Republican party convention in Jefferson City. "We know," Drake proclaimed, "that throughout the


whole State there is not one single disloyal man in the Radical [Republican] ranks." Conversely, he added, "we know that every disloyal man in the State is a Conservative [Democrat]." West Virginia's Republican representative Chester D. Hubbard expressed similar sentiments while in Congress. An intense Unionism had drawn Hubbard to the Republican party during the Civil War, but he found himself at odds with it in the post-war period primarily because of his opposition to black suffrage. This growing dis­taste for the Republican party's policy notwithstanding, Hubbard harbored a stronger revulsion for the Democracy. If the time ever arrived when he felt unable to remain in the Republican fold, he wrote his son, "I will have nothing further to do with public life, for I cannot and will not strike hands with those [Democrats] who have been in rebellion." Not surprisingly, both Drake and Hubbard advocated legislation which disfranchised those whom they considered disloyal.


8. Chester D. Hubbard to William Hubbard, January 20, April 29, 1866, Chester D. Hubbard Papers, West Virginia Collection, West Virginia University Library, Morgantown.

9. See Drake's detailed disfranchisement article incorporated in the 1865 Missouri Constitution, State of Missouri, Journal of the Missouri State Convention Held at St. Louis, January 6-April 10, 1865 (St. Louis: Missouri
Such disfranchisement legislation in Missouri, where Confederate sympathies remained strong throughout the Civil War, profoundly affected the state's politics. Soon after the war began, Unionist elements within the state established a provisional government which, in 1861, approved an act requiring all government officials to swear to an oath denouncing the Confederacy and denying any past implication with the Confederate movement.  

Several months later, Major General Henry W. Halleck, commander of the Department of Missouri, at the request of Acting Provisional Governor Willard P. Hall, expanded the scope of the oath to include voters as well as officeholders. "At all future elections in the State, whether for State, municipal, county, or town officers," Halleck ordered, "every voter will be required to take the [Missouri] oath of allegiance . . . ." Failure of election officials to comply with this procedure, Halleck continued, constituted a military offense and would result in the offender's arrest and nullification of the election.  

Democrat, 1865), pp. 258-262; Hubbard to William Hubbard, April 29, 1866, Hubbard Papers.  


Strong application of the oath, as Halleck required, effected a drastic reversal in Missouri politics. As Table 1 illustrates, in the 1864 Presidential election less than 104,000 persons voted, compared to the 165,311 who went to the polls four years earlier. More significantly, Lincoln received 72,736 votes in 1864 compared to a paltry 17,020 in 1860. His opposition's combined majority of over 140,000 votes in 1860, on the other hand, dwindled to a 41,000 vote deficit for McClellan in 1864.\(^{12}\) Had the more than 61,000 voters of 1860 who were absent in 1864 participated, and had they chosen McClellan instead of Lincoln, Missouri would have yet remained a Democratic state.

The Congressional elections held in Missouri in 1862 and 1864 provide added evidence of the beneficent results Republicans experienced through strict enforcement of the Missouri test oath, which it appeared the provisional government designed specifically for Missouri's Democrats. In the 1862 elections for the House of Representatiyes, Republicans captured six of the state's nine seats, a loss of five seats for the Democrats. In 1864, Republicans again increased their strength, winning eight

of the nine possible seats in the Thirty-ninth Congress. The Democrats, who had controlled Missouri's delegation to the Thirty-seventh Congress in 1861, had virtually disappeared from the state's political arena as a result of Republican imposed disfranchisement. This same consideration spread Republican strength, once concentrated in the St. Louis area, throughout Missouri.

Although Lincoln's Republican party fell short of achieving a majority in Kentucky, the figures in Table 1 nevertheless reveal a sizeable increase in the Republican vote between 1860 and 1864. As in Missouri, the state legislature and military commanders contributed to Republican gains through the promulgation and enforcement of loyalty oaths. For example, Kentucky's Expatriation Act of 1862, which denied political privileges to any Kentucky citizen who supported the Confederacy, effectively disfranchised over 50,000 pro-secessionists for the next three years. Prior to the 1863 Congressional elections, Major-General Ambrose E. Burnside, commander of the Department of the Ohio, lent military weight to the Expatriation Act when


he ordered all voters to take a loyalty oath before going to the polls. Just before the 1865 Congressional elections, another military commander in Kentucky, John M. Palmer, issued a more stringent order disfranchising "rebel soldiers," "guerrillas," "all persons who by act or word, directly or indirectly, gave aid, comfort, or encouragement to persons in rebellion," "deserters," and Confederate political officials. That Republicans won their first three Congressional seats in Kentucky in 1863 suggests the effectiveness of Burnside's action. Loosely interpreting Palmer's sweeping proscriptive order, the military authorities in Kentucky removed in 1865 even more Democrats from the electorate, a factor undoubtedly instrumental in sending a fourth Kentucky Republican to Congress.

Loyalty oaths in the other non-seceding slave states also created an abundance of Republicans where once there were few. According to the state figures reported in


Table 1, Lincoln polled only 2,294 votes in Maryland's 1860 Presidential balloting. In 1864, he managed to increase his total to 37,353, and won the state by over 5,000 votes. In Delaware, where Lincoln received twenty per cent of the vote in 1860, almost fifty per cent of the voters cast ballots for him four years later. Union forces in West Virginia, a state formed under the auspices of Republican power, effectively employed a loyalty oath that gave Lincoln a large majority in 1864.\textsuperscript{19}

In the Congressional elections held in these states, loyalty oaths often influenced the outcome. Delaware, for example, scheduled in November, 1863, a special election to fill an unexpected vacancy caused by the death of Democratic representative William Temple. Several days prior to the election, Major-General Robert C. Schenck, military commander of the Middle Department and Republican Congressman-elect from Ohio, issued an ambiguously worded order requiring any voter "whose vote may be challenged on the ground that he is not loyal" to swear his allegiance to the United States.\textsuperscript{20} Such broad challenging power in


the hands of Republicans had the desired effect, for Republican Nathaniel B. Smithers defeated Democrat Charles Brown by the incredible vote of 8,220 to 13, \(^{21}\) a figure even more astonishing when compared to the 8,051 votes the Democrat Temple received less than a year ago. \(^{22}\)

In Maryland, Republican General Schenck again asserted his military authority when he issued in October 1863 an order which gave military authorities power to arrest arbitrarily suspicious persons at or about the polls and which required election officials to administer "... an oath of allegiance to the United States ... to anyone whose vote may be challenged on the ground that he is not loyal ... ." \(^{23}\) The following year, Maryland voters approved a constitution incorporating a provision which denied the elective franchise to persons unwilling to swear to past and future loyalty to the United States. \(^{24}\) Equipped with these political tools, Maryland Republicans experienced little difficulty in equating loyalty with Republicanism, Broad interpretation of the oaths, moreover, so weakened

\(^{21}\) Appleton, Annual Cyclopaedia, V. III, p. 337 (1863).

\(^{22}\) Ibid., II, p. 378 (1862).


Democratic strength that Republicans captured four of the state's five Congressional seats in the Thirty-eighth Congress and three in the Thirty-ninth.  

While loyalty oaths accounted directly for the appearance of slave state Republicans in the House of Representatives, they at least indirectly influenced the party affiliation of Congressional Senators. Still elected by state legislatures, Senators normally belonged to the same party as the one in power within their state. Disfranchising measures in Missouri, West Virginia, and Maryland brought Republican majorities to these state's assemblies throughout most of the Civil War period and the early days of Reconstruction. For the Thirty-eighth and Thirty-ninth Congresses, Republican majorities in Missouri and West Virginia chose Republicans for each of their Senate seats. When Republicans gained control of the Maryland legislature, they elected Republican Thomas H. Hicks to the Senate.

In Kentucky and Delaware, where Democrats continued to

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control the legislature, Republicans failed to obtain a seat in the Senate. 27

Perhaps the greatest testimony to the partisan power of the loyalty oaths emerged from the elections in states which repealed or ignored them in reaction to an increasing anti-black sentiment. After the war in Kentucky, for example, white racism replaced the unionism that had dominated the state's politics since 1861. "Abolitionism was too closely akin to negro suffrage and negro equality to suit Kentuckians," one student of Kentucky's Reconstruction has noted, and all three were obviously "too closely akin" to Republicanism. 28 Consequently, in spite of General Palmer's enforcement of the Expatriation Act and his own loyalty oath, Democrats won handily at the polls in August, 1865. Prior to the 1867 Congressional elections, moreover, the Democratic dominated Kentucky legislature repealed the Expatriation Act of 1862, and, as a result, Kentucky Democrats captured all nine of the state's seats in the Fortieth Congress. 29


29. Ibid., pp. 292, 323; Appleton, Annual Cyclopaedia, VII, p. 423 (1867).
A similar reaction occurred in Maryland. Republican Governor Thomas Schwann, sensing the resurrection of racial issues in his state, denounced publicly negro suffrage, and, simultaneously, he renounced his affiliation with the Republican party. "I am utterly opposed to universal negro suffrage," he declared, for it will result in the "virtual subordination of the white race to the ultimate control and domination of the negro in the State of Maryland." Only through the rejection of the party in power, Schwann concluded, could Maryland's white citizenry prevent such a disaster. In the subsequent 1866 elections, Maryland's Republicans lost all but one of the state's Congressional seats to the Democrats, suggesting that Schwann's decision to ignore his state's loyalty oath, combined with the federal government's refusal to employ troops on election day, played a major role in the rejuvenation of the Maryland Democracy and the preservation of white supremacy.

Several unsuccessful Democratic Congressional candidates from the seceded slave states, keenly aware of the partisan results which application of the various loyalty oaths produced, accused their victorious Republican opponents of permitting and encouraging fraudulent

application of the oaths in order to win office. Democrat John P. Bruce, for example, who had lost to Republican Benjamin F. Loan in Missouri's seventh Congressional district, claimed that elements of the Missouri militia and election officials had interfered, intimidated, and excluded from the polls hundreds of voters who had intended to cast ballots for him. In Missouri's fifth Congressional district, the defeated Democrat Thomas L. Price leveled similar charges against Joseph W. McClurg, his Republican opponent in the 1862 Congressional elections. The election, Price contended, "was in fact no election at all, . . . intimidation, force, and fraud were used by the [Republican] party . . . and persons were not permitted to hold tickets adverse" to the Republican candidate's. 31

Witnesses for Bruce and Price supported these accusations. Testifying on behalf of Bruce, Orton M. Loomis charged that the militia had harassed him and others at the polls on election day simply because they had planned to vote the Democratic ticket. "I understand this," Loomis declared, "that men who did not vote the unconditional Union [Republican] ticket were called rebels, as I saw it verified all day on the day of the election." When Buchanan

county sheriff James A. Matney took the witness stand, he bluntly testified that the militia had intimidated and prevented the administration of the oath to those voters "... who were opposed to emancipation and abolitionism in the State of Missouri, and are generally called democrats and old line whigs." Similarly, Price's witnesses also accused judges and election officials of applying test oath requirements on the basis of party instead of loyalty.\(^{32}\)

Democrats in the other border states complained with equal indignation that loyalty oaths and military force provided Republicans with the means of securing their continued political dominance. Kentucky Democrat John McHenry accused his Republican opponent, George H. Yeaman, of being "an accomplice in an unlawful scheme by which thousands of legal and lawful voters were illegally defrauded of their elective franchise, who would have voted for me." Of more serious consequence, McHenry charged, Yeaman, in alliance with a local military commander, had drafted and caused to be applied an unconstitutional military order designed to maintain "fraudulently and violently" Republican power in Kentucky's second Congressional district. The order's ambiguously phrased clause which empowered election officials to prohibit from voting

all persons other than those "known to them to be . . . undoubtedly loyal citizen[s]," McHenry insisted, resulted in the arbitrary denial of the franchise to many of his supporters.  

The Maryland loyalty oaths also received intense criticism from the state's Democrats. John M. Crisfield, the unsuccessful Democratic incumbent in the 1863 Congressional election, for instance, complained to Montgomery Blair of the procedural illegalities which resulted in his loss to Republican John A. J. Creswell. Hundreds of military personnel, he asserted, "fully armed, with carbines, swords, and pistols" controlled the polling places, harassing his supporters, while in many districts, he added, "... persons who offered to take the oath . . . and were legally qualified voters, were turned down."  

When in 1865 Maryland passed a registration law requiring all voters to swear to past and future loyalty, Montgomery Blair, a Republican recently turned Democrat, vigorously attacked the article. Speaking to the citizens of Howard County in August 1865, Blair denounced the oath as a law which empowers "three members of the dominant party . . . to


disfranchise whom they please in order to maintain their dominance."³⁵

Defending the oaths, the Republicans in effect admitted validity of the Democratic charge that the oaths sought to help the Republican party as well as protect the country. The Republican editor of the Kentucky Frankfort Commonwealth, for example, argued that to remove political disabilities from Confederates and Confederate sympathizers would allow them to "... elect their own men to the control of the state." "Failing to conquer the Union men with the bullet," he continued, "they will accomplish it with the ballot."³⁶ For the Baltimore American, too, keeping Maryland Republican and preventing wartime opponents of the Federal government from securing control of the state dictated the need for a strong loyalty oath.³⁷

President Lincoln himself acknowledged the value of oaths to the Republican cause in the border states. Although he wrote in 1864 of his dislike of "an oath which requires a man to swear he has not done wrong," Lincoln nevertheless accepted the principle of requiring a man to

³⁵. Appleton, Annual Cyclopaedia, V, p. 527 (1865). For a similar complaint from Delaware's Democrats, see, ibid., III, p. 337 (1863).

³⁶. Frankfort Commonwealth (Kentucky), May 28, 1865, in Coulter, Civil War and Readjustment, p. 291.

swear to future loyalty to the nation. In a public letter to Maryland's Governor Augustus W. Bradford, moreover, Lincoln supported General Schenck's application of the oath in Maryland. "Missouri," Lincoln wrote, "has, by law, provided a test for the voter, . . . while Maryland has not." Without such assurances as those provided by General Schenck, the President insisted, "Union voters will not attend [the polls] at all, or run a ticket . . .," and surely, he implied, the Republican party would lose its hold over Maryland.  

Republicans from the slave states who reached Congress also evidenced an appreciation for proscriptive legislation through their support in Congress of bills designed to disfranchise those whom they considered disloyal. For instance, during the debate surrounding adoption of the Fourteenth Amendment in the Thirty-ninth Congress, slave state Republican Congressmen paid little attention to the bill's provisions granting citizenship to black Americans and insuring some form of black suffrage in the seceded slave states. Instead, they displayed their greatest concern over the adoption of the disabilities clause which


restricted the political privileges of former Confederate officials. Anticipating Democratic opposition to adoption of the disfranchisement section,\textsuperscript{40} for example, Kentucky Republican Samuel McKee claimed "we are compelled . . . to adopt something of this kind to prohibit [Confederates] . . . from again seizing the offices of the Federal Government." Proscriptive legislation, he concluded, is "the only salvation for the Union and protection of Union men." Apparently most slave state Congressional Republicans shared McKee's views as all sixteen who voted approved the Amendment.\textsuperscript{41}

Again, when in the second session of the Thirty-ninth Congress the Senate removed the disabilities provision in a Reconstruction bill under consideration and substituted in its place a universal amnesty and suffrage clause, slave state Republicans became incensed. Horace Maynard, a representative from the recently readmitted seceded slave state Tennessee,\textsuperscript{42} objected to the Senate amendment. "Men

\textsuperscript{40} For slave state Democratic opposition to the Fourteenth Amendment, see, Globe, 39th Cong., 1st Sess., pp. 2897-2900 (May 30, 1866).

\textsuperscript{41} Globe, 39th Cong., 1st Sess., pp. 2504-2505 (May 19, 1866); Republican Senator Waitman T. Willey of West Virginia made similar remarks, ibid., p. 2918 (May 30, 1866). For the vote, see United States Congress, Journal of the Senate, 39th Cong., 1st Sess., pp. 504-505 (June 8, 1866); House Journal, 39th Cong., 1st Sess., pp. 834-835 (June 13, 1866).

\textsuperscript{42} Tennessee ratified the Fourteenth Amendment and rejoined the Union on July 24, 1866.
who have attempted the overthrow of the nation," he declared, "have no rights as citizens, no franchise whatever." Maynard's Republican colleague from Tennessee, echoed this complaint. In Tennessee, William B. Stokes declared, "we have disfranchised the rebels . . ., and now this enfranchises them." To pass this bill as it came from the Senate, Stokes warned, would bring ruin and destruction upon loyal Tennessee. Many of their fellow representatives agreed, for without a proscriptive clause, the House refused to accept the Senate amended Reconstruction bill, Clearly, as these slave state Republican Congressmen recognized, the disfranchisement of allegedly disloyal voters provided them means to obtain office. More importantly, however, the national Republican party realized increased strength in Congress through militarily enforced proscriptive legislation, enabling the party to implement its Reconstruction policy. An examination in the next chapter of the passage of the Thirteenth and Fourteenth Amendments, the Civil Rights bill, the Freedmen's Bureau bill, and the first Reconstruction Act reveals that the

43, Globe, 39th Cong., 2nd Sess., pp. 1316-1317 (February 18, 1867); for similar objections, see Tennessee's Republican representative Samuel B. Arnell's remarks, ibid., p. 1338.

slave state increment was crucial. Had Democrats sat in the seats held by these artificially created Republicans, Republican Reconstruction policy would have failed.
CHAPTER 2
SLAVE STATE REPUBLICANS AND THE ORIGINS OF RECONSTRUCTION

As the previous chapter illustrated, the broad application of loyalty oaths throughout the non-seceding slave states brought about the election of Republican Congressmen from these former Democratic strongholds. Seventeen slave state Republicans in the Thirty-eighth Congress' House of Representatives gave the Republicans 105 of the 181 available seats, accounting for the party's twenty-nine men majority over the Democrats, while in the lower house of the Thirty-ninth Congress, eighteen of them increased Republican membership to 143 out of a possible 182 seats.¹

From the national Republican party's viewpoint, these artificially created Republicans from the slave states represented the addition in Congress of important

¹ Eighty-eight free state Republicans, seventeen slave state Republicans, and seventy-six Democrats sat in the Thirty-eighth Congress' House of Representatives. Hypothetically, had the slave states elected Democrats rather than Republicans, the Republican party would have been the minority party. House Journal, 38th Cong., 1st Sess., pp, 9-11 (December 7, 1863); ibid.; 39th Cong., 1st Sess., pp, 7-8 (December 4, 1865); Edward McPherson, History of the Reconstruction (Washington: Solomon & Chapman, 1875), p, 125; Blaine, Twenty Years of Congress, I, pp, 500-501, II, pp. 118-121.
party votes. An examination of their voting record on key issues between 1863 and 1867 illuminates specifically the extent to which they enabled the Republican party's Reconstruction program to succeed. Ironically, important as slave state Republicans were to the success of this policy, several of them balked at supporting party measures which involved racial issues, and, on these occasions, they accounted for the bulk of conservative Republican opposition against their own party's plan for Reconstruction.

The essence of the Republican party line is of course a disputed issue. To Howard K. Beale, Republicanism revolved around certain economic positions, and the party leaders employed emotional or "claptrap" issues involving the status of blacks and Confederates to confuse northern voters or to manufacture southern Republican puppets who could aid northeastern Republican economic interests in maintaining high tariff protection.\(^2\) In recent years, however, a school critical of Beale has gained the historiographical ascendancy. Essentially, these critics argue that the Congressmen who acted together on southern issues, such as the Freedmen's Bureau bill, the Civil Rights bill, and the Reconstruction Acts, divided on the economic measures Beale considered important. Beale's

influential critic Stanley Coben, for instance, discovered great differences among northeastern Republicans over economic matters, differences reflected in the actions of northeastern Republican Congressmen.  

3. Glenn M. Linden reinforced Coben's contention through his analysis of over two hundred roll-call votes in Congress between 1861 and 1873, from which he determined that Republican "economic voting patterns followed geographical, not party lines."  

Oddly, neither Beale nor his challengers have used the slave state Republican Congressmen themselves to test the Beale thesis. Beale himself grouped the border slave states in either the northeastern or northwestern sections of the country, thereby failing to recognize the Republicans from the border states as a special category. Consequently, he omitted from his discussion the role of slave state


Republicans in the Thirty-ninth Congress. While Coben effectively undermined Beale's portrait of monolithic northeastern economic cohesion, he ignored the slave south and, as a result, he avoided Beale's argument that slave state Republican Congressmen sustained northeastern Republican protectionists. Linden, on the other hand, included the slave state Republicans in his analysis, but, like Beale, overlooked their distinctiveness.

When examined as a separate group, slave state Republicans in the Thirty-ninth Congress exhibited even greater independence on economic issues than that which Linden discovered. A roll-call study of ten votes in the Thirty-ninth Congress dealing with the tariff, currency contraction, and internal revenue does disclose that House Democrats generally voted as a bloc, and that some slave state Republicans supported bills which Democrats opposed. Nevertheless, as Table 2 indicates, Republicans from the slave states voted according to their state, and, at times, their district economic interests. Kentucky's Republicans and Democrats, for example, voted together on five separate measures. On the five votes where they split, the Kentucky


7. Linden, "Congressmen, 'Radicalism,' and Economic Issues, 1861-1873," *passim*. 
Table 2. Votes of Slave State Representatives on Economic Bills, Thirty-ninth Congress

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<tr>
<th>Name</th>
<th>Party</th>
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Table 2.—Continued Votes of Slave State Representatives on Economic Bills, Thirty-ninth Congress

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Explanation of Votes:

Bill
2. An amendment which authorized the Secretary of the Treasury to issue bonds and prohibited him from funding or withdrawing from circulation non-interest bearing legal tender notes. Ibid., pp. 416-417 (March 16, 1866).
3. A motion demanding the previous question for passage of the loan bill. Ibid., pp. 418-419 (March 16, 1866).
5. An amendment exempting reapers, mowers, threshing machines, corn-shellers and wooden ware from a 3% tax. Ibid., p. 762 (May 28, 1866).
6. An amendment to tax smoking tobacco ten cents per pound. Ibid., p. 763.
7. A motion to accept a conference committee report. Ibid., pp. 966-967 (July 6, 1866).
Table 2.--Continued  Votes of Slave State Representatives on Economic Bills,  
Thirty-ninth Congress

8. An amendment increasing the duty on coal from 50 cents per twenty-eight  
bushels to $1.50 per twenty-eight bushels.  Ibid., p. 990 (July 10, 1866).

9. An amendment to remove the tax on railroad iron from 70 cents to 50 cents per  
100 pounds.  Ibid., p. 991.

10. An amendment to remove the tax on cotton grown in the United States after  
September 1, 1867.  Ibid., 39th Cong., 2nd Sess., pp. 495-496 (February 25,  
1867),
representatives failed to vote along party lines. Missouri's Republican dominated delegation, meanwhile, split on seven of the votes listed in Table 2, emphasizing the impact local economic interests apparently had on this state's representatives.  

Furthermore, an analysis of three key tariff votes in the Thirty-ninth Congress which Beale examined discloses that, contrary to Beale's notion, these slave state Republican Congressmen proved unwilling to sustain northeastern Republican protectionism. On July 10, 1866, for example, the House passed a general tariff bill which raised the schedule of most import duties. This bill, the first which Beale discussed, received a vote of 95-52. As the vote recorded in Table 3 shows, free state Republican Congressmen voted four to one for the bill, while those from the slave states split their vote. Seven voted for the bill; five joined eleven Democrats in opposition.  

8. For further evidence of local economic influence upon slave state Congressmen, see the speeches of Maryland's Republican Senator John Creswell and Missouri's Democratic Representative John Hogan in which these party opposites both urged passage of high tariff legislation beneficial to their constituents, *Globe*, 39th Cong., 1st Sess., p. 3643 (July 6, 1866); 2nd Sess., p. 732 (January 25, 1866).  

Table 3. Slave State Republican Voting and the Tariff

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<tr>
<th>Measure</th>
<th>Total Vote</th>
<th>Needed to Pass</th>
<th>Slave State Vote</th>
<th>Slave State Republicans Absent</th>
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<tr>
<td></td>
<td></td>
<td></td>
<td>&quot;yea&quot;</td>
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<td></td>
<td></td>
<td>R</td>
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<tr>
<td>Tariff of 1866&lt;sup&gt;a&lt;/sup&gt;</td>
<td>94-53</td>
<td>74</td>
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<td>Tariff of 1866, amended&lt;sup&gt;b&lt;/sup&gt;</td>
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<td>Motion to suspend the rules&lt;sup&gt;c&lt;/sup&gt;</td>
<td>102-69</td>
<td>114</td>
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<sup>b</sup> Senate Journal, 39th Cong., 2nd Sess., p. 191 (January 31, 1867).

<sup>c</sup> House Journal, 39th Cong., 2nd Sess., p. 529 (February 28, 1867).
Significantly, with or without slave state Republican votes, the bill possessed enough strength in the House to pass.

After the Senate considered the House tariff, it approved an amended version which reduced slightly duties on certain raw materials and manufactured goods, but as one historian of the tariff has noted, the bill remained essentially protectionist despite these reductions. In the 27-10 Senate vote, slave state Republicans again split, while Democrats, as Table 3 indicates, proved equally divided.10

For the amended tariff bill to receive consideration in the lower chamber, House regulations required a two-thirds vote to suspend the rules for the purpose of changing the order of business. On two separate votes, protectionist interests in the House failed to achieve the mandatory totals. As a result, the bill never came before the House, and the Thirty-ninth Congress closed without passing a tariff bill.11

Of greater significance, however, is the reason behind the House's inability to suspend the rules. According to Beale, protectionists in the House "were willing to


accept the Wells [Senate] offer since even this provided high protection." Western anti-protectionists, he continued, "refused to support protection even under party pressure," as over twenty so-called Western Republicans voted against suspending the rules. Nevertheless, had the legislatively created Republicans from the slave states voted with the northeastern segment of their party, the way Beale contended they did in later Congresses, the House would have obtained the needed two-thirds majority. Instead, eleven slave state Republicans opposed suspension and four abstained from voting. As noted in Table 3, these fifteen Republicans prevented Congress from passing high tariff legislation in 1867, demonstrating further the absence of a specific Republican economic policy.

If disunity characterized Republican economic efforts during Reconstruction, a measure of Republican solidarity surfaced on issues pertaining to the freedmen and former Confederates. As W. R. Brock, Hans Trefousse, and LaWanda and John Cox have illustrated, this Republican cohesion rested upon a broad southern policy which sought to protect the rights of black Americans while, at the same time.

time, denying to the former Confederates a part in the
governing of the nation. 

Although the Republican party had a general outline
for Reconstruction, it still confronted the difficult task
of realizing its ambitions through Congressional legisla­
tion. Passage in the Thirty-eighth and Thirty-ninth
Congresses by large Republican majorities of the Thirteenth
and Fourteenth Amendments, the Civil Rights Act, the
Freedmen's Bureau Act, and the first Reconstruction Act,
suggests that the party achieved its stated goals. W. R.
Brock, impressed with this significant legislative achieve­
ment, labeled "abnormal" the Republican party's ability to
manage its program through Congress. An analysis of the
votes on the bills passed by these two Congresses, however,
demonstrates that if an abnormality contributed to these
Republican milestones, it came in the form of slave state
Republican Congressional votes.

Surely, the national party, conscious of this slave
state Republican aberration, viewed its membership from the
border South primarily as a source of votes. The absence

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67; Hans Trefousse, The Radical Republicans: Lincoln's
Vanguard for Racial Justice (New York: Alfred A. Knopf,
1969), pp. 310-311, 340-341; LaWanda Cox and John H. Cox,
Politics, Principle, and Prejudice, 1865-1866: Dilemma of
Reconstruction America (New York: Atheneum, 1969, originally

of slave state Republicans from significant Congressional committees testifies to this point. Only one slave state Republican, Missouri's Henry T. Blow, for example, sat on the Joint Committee on Reconstruction which Congress had entrusted with the monumental task of formulating Reconstruction legislation. In the House, moreover, slave state Republicans commanded but two seats on the powerful Judiciary, Freedmen, Elections, and Ways and Means Committees, while, in the Senate, the party awarded slave state Republicans only one of the twenty available seats on the important Judiciary, Finance, and Commerce Committees.  

The national party's indifference to them notwithstanding, slave state Republican Congressmen often provided the votes needed for passage of Republican Reconstruction bills. The Thirteenth Amendment abolishing slavery, for example, received full support from the slave state Republicans of the Thirty-eighth Congress. In fact, Missouri Republican Senator John B. Henderson, a Stephen Douglas supporter in 1860 and recent convert to Republicanism, introduced the bill in the Senate. Taking his cue from President Lincoln, who had on several occasions indicated his belief that emancipation in the border states


"would aid much to end the rebellion," Henderson argued before the Senate that preservation of the Union hinged upon the abolition of slavery. Believe me, Henderson declared, I act not from "... any sudden abhorrence of slavery ..., for I am a slaveholder today," but from dedication to the Union cause.\(^\text{18}\) His Republican colleagues in the Senate and House evidently agreed, and, with the assistance of sixteen House Democrats, all from non-slave states, both chambers obtained the two-thirds majority needed to pass the Amendment.\(^\text{19}\) As a glance at Table 4 reveals, this Democratic assistance aside, the seventeen slave state Republicans in the House who voted for passage of the Amendment brought the total "yea" vote to 119, only one more than the required two-thirds majority of 118. The national Republican party had begun to reap practical results from its concern for loyal Republican government along the border.

Beneficent votes from slave state Republicans also provided in the Thirty-ninth Congress the margin of success for the Republican sponsored Civil Rights bill. Designed


\(^{19}\) *Globe*, 38th Cong., 1st Sess., p. 1490 (April 8, 1864), 2nd Sess., p. 531 (January 31, 1865). For an analysis of the political maneuvering which allied these Democrats with the Republican party, see Cox and Cox, *Politics, Principle, and Prejudice*, Chapter 1.
Table 4. Bills Dependent upon Slave State Republican Votes for Passage

<table>
<thead>
<tr>
<th>Bill</th>
<th>Total Vote</th>
<th>Slave State Republican Vote</th>
<th>Possible Slave State Vote with Democrats Instead of Republicans</th>
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<tr>
<td></td>
<td>Y  N</td>
<td>Y   N</td>
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<td>13th Amendment</td>
<td>119 59</td>
<td>118 .17</td>
<td>102</td>
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<td>74 66</td>
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<td>Civil Rights Bill</td>
<td>33 15</td>
<td>32 3</td>
<td>30</td>
<td>18 1</td>
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<td>103 33</td>
<td>92 12</td>
<td>91</td>
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<td>Reconstruction Bill</td>
<td>138 51</td>
<td>126 14</td>
<td>124</td>
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<td>Freedmen's Bureau</td>
<td>30 18</td>
<td>32 3</td>
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cSenate Journal, 39th Cong., 1st Sess., p. 317 (April 6, 1866).

dHouse Journal, 39th Cong., 1st Sess., p. 528 (April 9, 1866).

eSenate Journal, 39th Cong., 1st Sess., p. 661 (July 16, 1866).

fHouse Journal, 39th Cong., 1st Sess., p. 1027 (July 16, 1866).

gIbid., 2nd Sess., pp. 574-474 (March 2, 1867).
Table 4.—Continued

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*Senate Journal, 39th Cong., 1st Sess., p. 179 (February 20, 1866). This bill failed to obtain the needed two-thirds vote.*

*Constitutional Amendment requiring a two-thirds majority vote to pass.*

**Vetoed bill requiring a two-thirds majority vote to pass.
to provide legislative teeth for the Thirteenth Amendment, this proposed law declared blacks citizens of the United States, thus overruling the Supreme Court's 1857 Dred Scott decision; and it obligated the Federal government to protect the rights of freedmen throughout the nation. Initially, the bill passed both Congressional houses with little difficulty. President Johnson, however, rejected the measure, and it took 122 Congressional Republicans in the House and forty in the Senate to override the veto.

Historians who have analyzed this vote have often taken for granted the Republican unity necessary to marshal a two-thirds majority vote. Although he acknowledged that in the Senate the bill "scraped through by a bare two-thirds," W. R. Brock claimed that in the House, "... the bill was easily repassed." LaWanda and John Cox, who in their study, Politics, Principle, and Prejudice, also considered the Senate vote "dramatically close," chose to emphasize the contemporary Republican mood currently demanding a Civil Rights bill rather than the source of the Republican vote.

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Preoccupied with the conflict developing between Congress and the President, Brock and the Coxes inadvertently ignored the critical role which slave state Republicans played in overruling President Johnson's veto. As seen in Table 4, the three slave state Republican votes in the Senate enabled the Civil Rights bill to "scrape through by a bare two-thirds."²³ Had Democrats occupied these Senate seats, they more than likely would have sustained President Johnson's veto, and the bill would have received only thirty votes, or two short of the required two-thirds majority. The figures in Table 4 also reveal that without the nine slave state Republicans in the House who voted to repass the bill and the two who abstained from voting, the 122-41 vote in favor of the bill might easily have been 111-52, and the comfortable margin House Republicans enjoyed would have dwindled to but two votes.

During this same session of the Thirty-ninth Congress, slave state Republicans accounted for the successful passage over President Johnson's veto of a new Freedmen's Bureau bill which extended the Bureau's life for two years. The bill originally passed both Houses of Congress with little debate or difficulty,²⁴ but when

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²³ Brock, An American Crisis, p. 114.
President Johnson received the measure, he promptly vetoed it. In the House, the veto message created a tremendous furor. "Members sprung to their feet on all sides and demanded immediate action," one correspondent reported. "Vote on the bill. Never mind the message," they shouted. A burst of applause greeted the final tally of 103 to 33 in favor of overruling the President. The Senate reacted similarly, and, on the same day, voted to override the veto.

Commenting upon this vote, Eric L. McKitrick wrote in *Andrew Johnson and Reconstruction* that Congress experienced "no difficulty in repassing" the Freedmen's Bureau bill. McKitrick's analysis notwithstanding, both Houses needed the slave state Republican votes to nullify the veto. The figures in Table 4 substantiate this point. Although free state Republicans had achieved virtual solidarity on this measure, and only two of the border state Republicans in the House opposed it, without the twelve slave state Republican representatives who voted to override


the veto, the bill would have lacked one vote for the required two-thirds. Four Republican slave state votes in the Senate, moreover, accounted for the three vote margin in that chamber.

Slave state Republican votes proved of equal importance in passing the first Reconstruction Act over President Johnson's veto. This bill, which originally passed Congress after a brief impasse over the disabilities clause, included a provision disfranchising the same ex-Confederates named in the Fourteenth Amendment. In addition, the Reconstruction Act divided the seceded South into five military districts and required the Confederate states to form new governments guaranteeing some form of black suffrage as a prerequisite for readmission to the Union.

On March 2, 1867, the last day of the Thirty-ninth Congress, President Johnson vetoed the Reconstruction bill, House Republicans quickly overruled the President's decision. Although four free state and six slave state Republicans voted to sustain the President, fourteen slave state Republicans voted with 119 of the free state

29. For a discussion of this debate, see Chapter 1 of this work, pp. 20-21,

30. United States Congress, United States Statutes at Large, XIV (1869), pp. 428-429.

Republican representatives, providing the margin necessary for surpassing the required two-thirds. Had these fourteen Republicans not held seats usually occupied by Democrats, the Reconstruction bill would have received only 124 votes, or two short of the 126 needed to override the veto. That same evening, the Senate passed the Reconstruction Act over the President's objections. Slave state Republicans had again salvaged national Republican Congressional policy.

While these Republican Congressmen from the slave states promoted both the party's disfranchisement legislation and its pro-black policy, several Republican Congressmen from the slave states viewed negatively that portion of the party's southern program designed to protect the rights of black Americans. When confronted with such legislation, moreover, they often represented the major source of Republican dissension. This aversion to blacks surfaced during the first session of the Thirty-eighth Congress when Maryland's Republican representative Henry Winter Davis sponsored a bill which sought to establish Congressional supremacy over the entire Reconstruction process. Davis, a Know-Nothing Congressman in the Thirty-fifth and Thirty-sixth Congresses and an ardent Unionist before the Civil War, allied himself with the Republican party during the secession crises which erupted in the Thirty-sixth

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Congress. 33 Himself a recent beneficiary of General Robert C. Schenck's 1863 loyalty oath in Maryland, 34 Davis proposed to create loyal governments in the seceded Confederate states. His measure, known as the Wade-Davis bill, required fifty per cent of the white males in each Confederate state to swear their past and future fidelity to the Union as a condition for the state's restoration, and, at the same time, the bill denied political privileges to all former Confederate officials and volunteer combatants. In addition, and of greater importance to slave state Republicans, the Wade-Davis bill abolished slavery. 35

The reaction of slave state Republicans to this bill illustrates, on the one hand, their value to the party, while, on the other, it accents their distinctiveness. As the roll-call tabulation in Table 4 makes clear, the Wade-Davis bill passed in the House only because it received seven slave state Republican votes. The figures in this table also show, however, that eight slave state Republicans


34. Henig, Henry Winter Davis, p. 186; see Chapter 1 of this work, p 11.

opposed the bill and three of them abstained from voting.\textsuperscript{36}
While Hans Trefousse's conclusion that "almost the entire Republican party endorsed the Wade-Davis bill" is correct,\textsuperscript{37} it is equally correct to note that of the nine Republicans who voted against the measure, eight came from the slave states. In other words, over fifty per cent of the slave state Republicans compared to only one per cent of the free state Republicans opposed the Wade-Davis bill.

Few slave state Republicans participated in the debate over the Wade-Davis bill, but one who did objected to the measure primarily because of its abolitionist provision. Once emancipated, blacks would begin to compete with whites, Kentucky's Republican representative George H. Yeaman told his Congressional colleagues. This would result in a race war, he added, for the white man "loves land, loves money, loves power, and despises inferiors, especially Indians and negroes." Conquer the Confederacy; restore the Union; but leave slavery intact, he urged. Finally, Yeaman warned, "let those who would use the war to destroy anything but the military power of the rebellion beware that they do

\textsuperscript{36} House Journal, 38th Cong., 1st Sess., pp. 625-626 (May 4, 1864).

not destroy the government as well." Representing a state which opposed compensated emancipation in 1862 and which failed to ratify the Thirteenth Amendment, Yeaman and the two other Kentucky Republican representatives casting negative ballots against the Wade-Davis bill apparently followed their own anti-black sentiments and not the dictates of their party.

West Virginia's Republican representatives confronted a similar situation. No doubt conscious of the strong negrophobia which existed in their state, these slave state Republican Congressmen also recognized that the abolition clause of the Wade-Davis bill conflicted with West Virginia's 1863 constitutional provision for the gradual abolition of slavery. That all three rejected the Wade-Davis bill suggests that West Virginians, who


40. The two were William Randall and Green Smith. Kentucky Democrats Brutus Clay, Henry Grider, and Aaron Harding also voted against the bill.

41. In a letter to his son, Chester Hubbard discussed West Virginia negrophobia. Concerning a pending Reconstruction bill in Congress, Hubbard wrote, "I do not think it will be objectionable to the loyal men of our state especially as it disfranchises rebels, . . . and does not compel negro suffrage." Hubbard to William Hubbard, April 29, 1866 (Hubbard Papers); Curry, A House Divided, p. 92.

42. Curry, A House Divided, pp. 94-95, 126, 129.
disapproved of immediate emancipation in 1863, objected just as strongly to it in 1864.  

In the succeeding Thirty-ninth Congress, anti-black considerations continued to influence the voting of some slave state Republicans. For instance, in the Senate balloting to override the Presidential veto of Illinois Republican Senator Lyman Trumbull's bill to extend the 1865 Freedmen's Bureau Act, the racial prejudice of two slave state Republican Senators contributed to the party's inability to achieve a two-thirds majority vote. Originally, this Freedmen's Bureau bill had passed easily through both Congressional houses, for many Republicans besides Trumbull considered the need for such legislation in the former slave states obvious. Carl Schurz had created serious concern among Republicans for the freedmen with his report of the South detailing the violence, cruelty, and discrimination to which former Confederates subjected the blacks.  

Several southern states had increased Republican anxiety for the freedmen when they passed the


black codes, legislation which many Republicans believed literally re-enslaved the blacks of the South. 45

Even a few slave state Republicans themselves insisted that conditions for blacks in the border South resembled the plight of those in the seceded states. Maryland Republican Senator John A. J. Creswell reported that in his state bands of former Confederate soldiers "have been formed for the express purpose of persecuting, beating . . . , and in some cases murdering the returned colored soldiers of the Republic." Prevention of these criminal acts had proved impossible, Creswell added, and Maryland needed the authority of the Freedmen's Bureau bill to suppress such anti-black atrocities. 46

In the House, Kentucky's Samuel McKee sounded a similar cry. In none of the former slave states, he insisted, "has the black man a law to protect him in his rights, either of person or property." Even his own state of Kentucky, McKee remarked, prohibited blacks from testifying in courts of law. "We have one code for the white man, another for the black," he concluded, and only


this Freedmen's Bureau bill could erase such an unjust situation.\footnote{47}

Other Republicans from the slave states, however, exhibited less enthusiasm for black welfare. In a speech on the same Freedmen's Bureau bill, Republican Senator Waitman T. Willey of West Virginia claimed he knew ". . . of no higher obligation than to make all necessary provision for the protection and elevation of this race." Conditioning this support, Willey argued that the bill invested unconstitutional authority to both the executive and the Congress. Willey, who had pledged himself to the preservation of slavery early in the Civil War and had urged a black exclusion policy for West Virginia before her admission to statehood, acted within character when he also objected that the bill made a "distinction on account of color between the two races" and permitted discrimination in reverse.\footnote{48}

In the subsequent balloting, three slave state Republican representatives voted against the measure, although no Republican senators from the slave states and not one free state Republican in either House voted against the bill. Indeed, both Houses approved this version of the

\footnote{47. Ibid, pp. 652-654 (February 5, 1866).}

\footnote{48. Ibid., p. 396 (January 24, 1866); Willey to Harrison Hagans, May 7, 1862, in Waitman T. Willey Papers, West Virginia Collection, West Virginia University Library, Morgantown; Curry, A House Divided, p. 94,}
Freedmen's Bureau bill with large majorities. Republicans cast 135 of the 137 votes the bill received in the House. In the Senate, they accounted for 36 of the 37 "yea" votes. This Republican unity notwithstanding, slave state Republicans had accounted for all of the Republican opposition to the bill.

President Johnson vetoed the bill, and when it came before the Senate for its reconsideration, the importance of border state Republican Congressional loyalty to party became apparent. Two Republicans from the slave states cast crucial negative votes in the balloting. West Virginia Republican Peter Van Winkle, a reluctant emancipationist in his own state during the war, had voted in favor of the Freedmen's Bureau bill less than two months earlier. On this ballot he reversed his position and joined the Democrats in support of President Johnson's veto. Waitman T. Willey, who had conveniently absented himself during the initial balloting for the bill, voted this time to sustain the President's rejection. Had Van Winkle and Willey voted against the veto, the Senate would have obtained the two-thirds majority of thirty-two votes.


50. Ibid., p. 179 (February 20, 1866). The final vote was 30-18.
Granted, six free state Republicans also sustained Johnson's veto, but they accounted for less than twenty per cent of the free state Republican Senate vote. Willey and Van Winkle, on the other hand, represented forty per cent of the slave state Republican Senators, accenting the uniqueness of this faction of the party. Stated differently, from the ranks of slave state Republican Senators, who comprised only thirteen per cent of Senate Republican strength, came twenty-five per cent of the negative ballots against the party vote.

During the debate over the Civil Rights bill, racial factors again occupied center stage as slave state Democrats led the attack. Civil rights, they all agreed, belonged only to white men. For instance, Delaware Democratic Senator Willard Saulsbury, a constant critic of Republican wartime and reconstruction legislation, declared the bill "the most dangerous that was ever introduced into the Senate of the United States." In a later speech, Saulsbury warned his fellow whites that the Civil Rights bill would lead to the appointment of black commissioners with "the power to send free negro agents to execute their commands." The white citizens of the United States would never stand for such a state of affairs, he exclaimed. Instead, Saulsbury predicted, "they would sooner see every foot of their soil drenched in blood than to submit" to black
authority. Similarly, Maryland's Democratic Senator complained that the bill placed black and white on equal footing, while Garret Davis of Kentucky harangued his Senate colleagues that "this is a white man's government. It was made so at the beginning . . . . [It] did not include Indians. [It] did not include negroes."

Evidently, several slave state Republican Congressmen shared these sentiments. In the Senate, Peter Van Winkle voiced similar opposition to the measure, and, on the votes before and after the Presidential veto of the Civil Rights bill, he was the lone slave state Republican senator to vote "nay." That slave state Republicans in the House; all of whom are listed in Table 5, accounted for four of the five Republican votes cast against the Civil Rights bill in the initial balloting, and five of the six in the vote to sustain the Presidential veto, suggests further the influence racial factors held over these Congressmen from the South.

51. Ibid., p. 476 (January 29, 1866), p. 1809 (April 6, 1866).

52. Ibid., p. 505 (January 30, 1866).

53. Ibid., p. 528 (January 31, 1866); see also p. 575 (February 1, 1866).

54. Ibid., pp. 497-498 (January 30, 1866). For the votes, see Senate Journal, 39th Cong., 1st Sess., pp. 132, 317 (February 2, April 6, 1866).

Table 5. Slave State Republican Votes on House Bills Relating to the Freedmen

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*aBirth site included in present day West Virginia.

Explanation of Votes:
2. Second Freedmen's Bureau Bill (Ibid., p. 1027, July 16, 1866).
3. First Freedmen's Bureau Bill (Ibid., pp. 239-240, February 6, 1866).
5. Civil Rights Bill over Veto (Ibid., p. 522, April 9, 1866).
7. Bingham's referral motion—vote supporting Bingham on right hand side of table; supporting Stevens, on the left (Ibid., p. 282, January 28, 1867).
On other occasions, slave state Republican Congressmen left little doubt that personal antipathy toward the freedmen accounted for their legislative conduct. Kentucky Republican Andrew H. Ward, for example, objected to Pennsylvania Republican Thaddeus Stevens' Reconstruction bill which included a strong section designed to protect black political rights. "Now look at it," Ward complained, "Congress controls the Freedmen's Bureau, the Freedmen's Bureau governs the negro, and the negro with the United States Army at his back, governs the white man." Pausing long enough for the laughter which had erupted on both sides of the House to subside, Ward concluded that this "is what the gentleman is pleased to call a perfect Republic." 56

Missouri representative Thomas E. Noell, an early dissenter from the Republican ranks 57 and, as Table 5 illustrates, one opposed virtually to the entire Republican Reconstruction program, considered equally distasteful the measure which eventually became the Reconstruction Act of March 2, 1867. Insisting that the bill proposed placing the South "into the hands of the black sans-culottes," Noell moaned that a greater tragedy could not befall


57. Speech of Thomas E. Noell, May 9, 1866, in Lexington Weekly Caucasian (Missouri), May 16, 1866.
southern civilization. With a constituency nearly twenty per cent black, larger than that of any other Missouri Republican's, Noell's concern for the future of the white South clearly originated close to home.

Both Congressmen apparently spoke for many of their slave state Republican colleagues. On the vote to send the Stevens proposal to the Joint Committee on Reconstruction, where its opponents hoped it would die, seven of the fifteen border state Republicans who voted favored the referral. The majority of the Republicans in the House, however, had opposed such action. Six slave state Republicans, none of whom had supported the Stevens proposal, followed Noell two months later in an unsuccessful attempt to sustain the Presidential veto of the first Reconstruction Act. Significantly, of the 133 Republicans who participated in


61. Issac Hawkins (Tennessee), Noell, and Ward opposed both measures. George Latham (West Virginia), Lovell H. Rousseau (Kentucky), and Charles Phelps (Maryland) abstained from voting on the Stevens proposal, but voted to sustain Johnson's veto of the first Reconstruction Act. Ibid., pp. 574-575 (March 2, 1867). Noell, Phelps, and Rousseau also voted against the Civil Rights bill, ibid., 1st Sess., p. 528 (April 9, 1866).
this roll-call vote, only ten supported Johnson, and six of those represented the slave states of the border.

Perhaps this hostility toward blacks on the part of some slave state Republicans reached its most extreme example in the conduct of Kentucky's Republican representative Lovell H. Rousseau. A Union general during the Civil War, Rousseau, as Table 5 illustrates, joined Thomas E. Noell in opposition to the bulk of the Republican party's Reconstruction program. When the House debated the Freedmen's Bureau bill, moreover, Rousseau divulged the racial antagonism which prompted his Congressional behavior. Should an official of the Freedmen's Bureau ever arrest him "... on the ex parte statements of negroes," then try, fine, and imprison him on this same evidence, the Kentuckian declared, he would kill unhesitatingly that official at the first opportunity.\(^{62}\) This intense hatred of blacks climaxed five months later when Rousseau physically assaulted outside the capitol building Iowa's Republican representative Josiah B. Grinnell who earlier had publicly denounced Rousseau's violent words.\(^{63}\)

\(^{62}\) Globe, 39th Cong., 1st Sess., "Appendix," p. 70 (February 3, 1866). Rousseau also opposed black suffrage, ibid., p. 588 (February 1, 1866).

\(^{63}\) The House of Representatives publicly reprimanded Rousseau for his attack on Grinnell. Ibid., p. 4016 (July 21, 1866). For Grinnell's remarks, see, ibid., pp. 650-652 (February 5, 1866). For the investigating committee report, see House Reports No. 90, 39th Cong., 1st Sess., pp. 1-47 (July 2, 1866).
While it is not surprising to discover racism among slave state Republican Congressmen, it is surprising to note that many of them transcended the prevailing anti-black sentiment. As the votes tabulated in Table 5 indicate, slave state Republican representatives split almost evenly over party measures related to the freedmen, suggesting the existence of an equilibrium between party loyalty and racism among these Congressmen. Table 5 also discloses that seven of the nine slave state Republican Congressmen who consistently supported Republican sponsored legislation affecting black Americans were born in states other than those which they represented. Granted, half of them came from free states, but all eight had lived in the states they represented for ten years or more. Conversely, of the eight slave state Republican Congressmen who generally accounted for the opposition to the party's reconstruction policy involving southern blacks, seven represented their native states. 64

In spite of this factionalism, slave state Republicans had enabled the Republican party to pass during the Thirty-eighth and Thirty-ninth Congresses significant legislation pertaining to the freedmen and the reconstruction of the seceded South. The Republicans from the non-seceded slave states who sat in the Thirty-ninth Congress,  

64. Biographical Directory of the American Congress, passim.
moreover, helped pass legislation which brought about the development of Republican parties in the states of the former Confederacy and resulted in the appearance of more slave state Republicans in the Fortieth Congress. Ironically, as the Republicans from the non-seceding slave states worked to strengthen Republicanism in the seceded South, Delaware, Kentucky, and Maryland abandoned the disfranchisement legislation which had brought them to power. Not only would this state legislative action reduce the number of Congressional Republicans from the non-seceding slave states in future Congresses, but, as further examination will show, it would also force the national party to rely upon Republicans from the Confederate states for votes necessary to implement its Reconstruction program.
SLAVE STATE REPUBLICANS IN THE FORTIETH CONGRESS:
SUSTAINED THROUGH PROSCRIPTION

The November 1866 Congressional elections brought apparent great success to the Republican party as many Republicans swept their districts with large majorities. Although free state Republican strength in the House of Representatives remained stationary at 125 of a possible 164 seats, Republican dominated state legislatures elected 39 Republicans to the Senate, for a net gain of seven seats over their number in the Thirty-ninth Congress. Republicans in the non-seceding slave states, however, lost seven seats from the Thirty-ninth Congress' House of Representatives, and they now could claim only sixteen in the Fortieth, well under half the thirty-seven allotted.¹ This significant decline in party fortunes within the non-seceding slave states created concern among Congressional Republicans, and

¹. Party affiliation for all representatives is based on their votes in the Fortieth Congress' speakership contest, House Journal, 40th Cong., 1st Sess., pp. 6-7 (March 4, 1867). Party affiliation of those who failed to vote for Speaker of the House was derived from information contained in Biographical Directory of the American Congress, passim., and Blaine, Twenty Years of Congress, V. 2, pp. 284-286. In the absence of an election for president pro tempore of the Senate in the Fortieth Congress, the Biographical Directory and Blaine's autobiography were used to determine party membership of Senators.
throughout the Fortieth Congress they would actively seek to reinstate the artificially created slave state Republican Congressmen to their legislative posts.

Initially, these slave state Republican losses had little impact on the party's legislation designed for reconstructing the South. For example, when President Johnson vetoed the first Supplementary (Second) Reconstruction Act detailing the procedure for readmitting the seceded slave states to the Union, both Houses repassed it with large Republican majorities. After President Johnson vetoed the second Supplementary (Third) Reconstruction Act establishing Congressional supremacy over reconstruction, Republicans easily obtained the necessary two-thirds vote to overrule the Chief Executive.

Throughout the Fortieth Congress this pattern continued. In June 1868, House and Senate Republicans voted overwhelmingly to readmit Arkansas to representation in the Union over the President's objections. Several days later,


Republicans in both Houses again defied the President, casting 34 ballots in the Senate and 103 in the House to enact into law the Omnibus bill restoring Alabama, Florida, Georgia, Louisiana, North Carolina, and South Carolina to the Union.5

Because of this legislative success enjoyed by the Republicans, historians have often assumed that the Republican leadership in the Fortieth Congress could dictate its terms whenever it desired. For example, in their widely read study of the Reconstruction period, James G. Randall and David Donald wrote that "opposition to the 'directory' [Republican leadership] in Washington was ineffective."6 William R. Brock and LaWanda and John Cox have agreed with Randall and Donald on this point, while Eric L. McKitrick, reflecting upon the Republican party's decision to impeach President Johnson, considered the action unnecessary since Republicans, in other ways, successfully bound "Johnson hand and foot" throughout the Congress.7


Notwithstanding the apparent ease with which Republicans passed the bulk of their southern legislation, close analysis of several key measures reveals that a substantial portion of those overwhelming two-thirds majority votes came from slave state Republicans. Although House Republicans mustered twenty votes beyond the required 94 to overrule the Presidential veto of the first Supplementary Reconstruction Act, the margin would have dwindled to eight votes without twelve slave state Republicans who voted with the party. Similarly, had Democrats represented the slave states of the border, Senate Republicans would have had only four votes to spare instead of eight beyond the necessary 32.  

8. Again, in order to override President Johnson's veto of the second Supplementary Reconstruction Act, House Republicans needed 90 votes. They obtained 99, but only because ten slave state Republicans supported the measure. Senate Republicans from the slave states increased what might have been merely a two vote cushion to a more comfortable six vote margin.  

9. Also, when attempting to override President Johnson's veto the Arkansas readmission bill, House Republicans needed 96 votes. With the


assistance of fourteen slave state Republican votes in the House, the bill received a 15 vote margin of 111 votes.\textsuperscript{10}

Although slave state Republican votes were not crucial in the passage of these two supplementary Reconstruction Acts, they determined the outcome of the Omnibus bill which restored six of the seceded states to representation. When that bill became another casualty of the Presidential veto, fifteen slave state Republicans in the House voted with eighty-seven of their free state Republican colleagues, enabling the bill to receive eight votes beyond the required 94.\textsuperscript{11}

One key factor accounted for the added weight of slave state Republican votes in the passage of these latter two bills. In the voting for Arkansas' readmission and the Omnibus bill, several free state Republicans shifted their positions from those they held on previous measures pertaining to the South. Although these Republicans avoided open alignment with the Democrats, they nevertheless abstained from voting, making more difficult their party's efforts to obtain two-thirds Congressional majorities. Only 94 voted for Arkansas' readmission, seven less than voted for the first Supplementary Reconstruction Act. The Omnibus

\textsuperscript{10} House Journal, 40th Cong., 2nd Sess., pp. 898, 902-903 (June 20, 1868).

\textsuperscript{11} Ibid., pp. 931-932 (June 25, 1868).
bill received fourteen less free state Republican votes (87) than the earlier Reconstruction Act. 12

Most Congressional Republicans recognized this potential value of the Republican Congressmen from the border states, and, as mentioned earlier, they labored diligently throughout the Fortieth Congress to retain them in the national legislature. Significantly, these Republican efforts both in and out of Congress effectively neutralized the five member majority which original election returns indicated slave state Democrats in the House would hold over their Republican counterparts in the Fortieth Congress, and, in the Senate, Republicans reduced temporarily from seven to six the number of slave state Democrats in that chamber.

While Democrats criticized as opportunistic the Republican efforts to maintain party strength in Congress, many Congressional Republicans rationalized their actions on the grounds that Republicanism and justice were synonymous. In his inaugural address, House Speaker Schuyler Colfax accented this theme, declaring that the Republican party had a duty to write on its "banner those words that will shine brighter than the stars that gem the

12. Ibid., pp. 902-903 (June 20, 1868), for the Arkansas vote; pp. 931-932 (June 25, 1868), for the Omnibus Act vote.
firmament—liberty, equality, and law."\textsuperscript{13} Republican representative Ebon C. Ingersoll of Illinois declared with some validity that only through the maintenance of the Republican party could Congress expect to establish firmly "the principles of justice and universal liberty, the triumph of right and the downfall of wrong."\textsuperscript{14} This rhetorical idealism notwithstanding, few Republicans overlooked the practical advantages inherent in the maintenance of a strong Republican party in the slave states. The decline of party fortunes within the non-seceding slave states after elections for the Fortieth Congress prompted Congressional Republican activity which reflected this appreciation for the slave state Republican Congressmen.

The plight of Kentucky's Republican party precipitated the most drastic response in this direction from Congressional Republicans. As discussed in Chapter 1, Union supporting Democrats in this state who had maintained a majority in the Kentucky legislature throughout the Civil War repealed in 1865 the disfranchising expatriation Act of 1862 which had inadvertently accounted for wartime Republican successes.\textsuperscript{15} Relieved from this proscriptive

\textsuperscript{13} Ibid., 1st Sess., p. 4 (March 4, 1867). See also, the remarks of Thaddeus Stevens, ibid., 2nd Sess., p. 2464.

\textsuperscript{14} Ibid., 1st Sess., p. 475 (July 3, 1867).

\textsuperscript{15} Coulter, Civil War and Readjustment, p. 292.
legislation, previously disqualified persons and thousands of returning Confederate soldiers flocked to the polls as registered Democrats in the statewide elections of 1866, sweeping away all vestiges of Kentucky Republicanism. The following May, Republicans lost their four seats in Congress as Democrats won all nine of Kentucky's Congressional seats in the Fortieth Congress. For all practical purposes, the Republican party in Kentucky had disappeared.

Congressional Republicans doggedly resisted this result. Accusing each of Kentucky's Democratic representatives-elect of collaboration with the Confederacy during the war, House Republicans refused to recognize their credentials until the Committee of Elections investigated the charges. Although the House Republicans eventually permitted seven of the Kentucky Democrats to take their seats, they deprived the Democratic party of nine allies for most of the Fortieth Congress' first session. Based on the Committee of Election's report


18. Congress excluded all of Kentucky's representatives until December 3, 1867, when five took their seats. The other two followed on December 5, 1867, and January 10, 1868. Globe, 40th Cong., 2nd Sess., pp. 13, 61, 452.
that Democrat John Young Brown had aided the Confederate
cause, the House invalidated his election, weakening
further Democratic Congressional strength. 19

Republican incumbent Samuel McKee of Kentucky's
ninth Congressional district, meanwhile, contested Democrat
John D. Young's election victory. In its review of this
case, the Committee of Elections determined that Young
received at least 1,458 illegal votes. In several precincts,
a total of 625 former Confederate soldiers had voted for
Young, while, in several other precincts, the Committee
reported, the election officers themselves had served in
the Confederate Army. This latter factor invalidated 833
votes, the report concluded, because "... it has long been
held that if the officers of election are not capable of
holding the office, the election has no ... validity." 20
Although subtracting these votes still gave Young a majority,
the Republican dominated Committee ruled in favor of McKee,
for, the Committee explained, sufficient evidence existed
substantiating that many "legal voters were prevented from
voting [for McKee] by threats and intimidation." 20 The

19. Ibid., pp. 1161, 1200 (February 13, 15, 1868).
20. United States Congress, "Contested Election:
Samuel McKee v. John D. Young," House Reports No. 59, 40th
Cong., 2nd Sess., p. 3 (June 17, 1868).
House accepted the Committee's report and awarded the seat to McKee. After the 1866 elections, the future for Maryland's Republican party appeared as grim as Kentucky's. During the war years, an appeal to Union had served as the foundation for a coalition in the Republican party between emancipationists, unconditional Unionists, and anti-secessionist Democrats known as conservative Unionists. With the Union saved, the thin bond holding these three groups together snapped, and the conservative Unionists moved quickly to re-establish their pre-war affiliation with the Democracy.

As mentioned in Chapter 2, Maryland's Governor Thomas Swann spearheaded this conservative drive toward the Democratic party, pandering to white Maryland's deep-seated negrophobia for much of his support. On a more specific level, Swann replaced election registrars with conservative associates who quietly ignored the restrictive registry law. The resulting increased Democratic registration, coupled with the absence of federal troops to prevent intimidation of


Republicans at the polls in November, enabled the Democrats to capture over two-thirds of the seats in the state assembly. In addition, they won four of Maryland's five Congressional seats.  

Soon after assembling in 1867, the Democratic dominated state legislature consolidated its victory, repealing the disfranchisement provisions of the existing registry law and modifying the test oath. The legislature's election of pro-secessionist Philip F. Thomas to the United States Senate reflected the extent to which political power had shifted in Maryland.  

This disintegration of their political power alarmed Maryland's Republicans. Warning his House colleagues that the Democracy, a "minority of the people from the lower counties," has seized power, Maryland Republican representative Francis Thomas urged the Committee on the Judiciary to "inquire whether the people of Maryland have


a State government republican in form." In a similar message to Congress, Maryland's Republican sponsored Union League complained that Governor Swann had opened the ballot box "for the traitors," while the Democratic dominated state legislature had already "... annulled the loyal provisions of the constitution and restored to citizenship" all the "traitors" within Maryland. Convinced of their inability to remedy the situation alone, the Union League implored Congress to include Maryland under the jurisdiction of the first Reconstruction Act in order to return Republicanism and "loyalty" to a favored position in Maryland.

Apparently these pleas from Maryland Republicans impressed their party colleagues in Congress, for House Republicans approved a resolution instructing the Committee on the Judiciary to "inquire and report" whether Maryland had a government "republican in form." Senate Republicans, meanwhile, challenged the credentials of Maryland Senator-elect Philip F. Thomas. Senator Jacob M. Howard of Michigan, claiming that Thomas' pro-Confederate sympathies were common knowledge, moved that the Committee of Elections


27, Ibid., p. 321 (March 25, 1867). For a similar resolution from the Republican state convention, see Ibid., pp. 398, 415 (March 28, 1867).

28, Ibid., pp. 656-657 (July 15, 1867).
investigate these charges. Nearly a year later, the Committee announced it had found valid Howard's charges, and the Senate promptly denied Thomas his seat. Republicans, unable to override Thomas' apparently legal election, ruled the candidate himself disqualified, and dealt Maryland's Democracy a calculated reversal.

Republicans in Missouri experienced problems similar to those in Kentucky and Maryland, but to a lesser degree because wartime disfranchisement had created in Missouri a strong Republican majority which in turn incorporated in the state's 1865 constitution more widespread proscriptive provisions. This constitutional reinforcement notwithstanding, Republicans elected in 1866 only seven of their nine nominees for the House of Representatives. In the third Congressional district located in the southeastern portion of the state, former Republicans Thomas E. Noell, now openly allied with the Democrats, defeated his Republican opponent, William F. Switzler, Democratic candidate for the House from a Missouri district with the second largest black

29. Ibid., p. 171 (March 18, 1867).

30. Ibid., 2nd Sess., p. 1271 (February 19, 1868).

population in the state, polled the majority of votes in his contest with Republican incumbent George W. Anderson. Still in control of the major portion of the state, however, Missouri Republicans managed successfully to improve their political situation. For instance, after Democratic candidate William F. Switzler defeated Anderson for Missouri's ninth Congressional district seat, the state's Republican Secretary of State, Francis Rodman, claimed that disfranchised Confederates in Callaway county had illegally cast over two thousand ballots. Invalidating the county's returns, Rodman converted Switzler's 1,121 vote majority into a 176 vote majority for Anderson. Switzler's exhaustive efforts to have Congress legitimatize the Callaway county returns proved futile, and Anderson retained his seat.


Not surprisingly, Democrats decried these Republican political machinations. Incensed over the House's refusal to seat its representatives, the Democratic dominated Kentucky legislature adopted a series of resolutions protesting that Congress' action made a "mockery" of the Kentucky election. Obviously, the legislature charged, the Republicans had enacted a test oath in order to apply it to discriminate against persons of different political persuasion, serving only "to perpetuate" Republicans in power,\textsuperscript{34}

Congressional Democrats, with those from the slave states leading the attack, also questioned throughout the Fortieth Congress the motives of their Republican colleagues. For instance, Kentucky's George M. Adams accused House Republicans of ignoring charges of disloyalty leveled against slave state Congressmen who "... were known to agree politically ..." with them.\textsuperscript{35} Commenting upon the Omnibus bill, Delaware's Democratic Senator Willard P. Saulsbury belittled the notion that the Republican party sought to institute loyal government throughout the South. A man may have committed murder; he may have urged secession; "he may have carried a war against the Government

\textsuperscript{34} United States Congress, "Resolution on Admission of the Kentucky Representatives," March 9, 1868, in Senate Miscellaneous Documents, No. 63, 40th Cong., 2nd Sess., (March 26, 1868).

until the cause became helpless," Saulsbury caustically said to the Senate, and yet, all he need do is "come and vote the Republican ticket" in order to receive Republican absolution for his sins of disloyalty.\(^{36}\) Seething over the pending House resolution to award representative-elect John D. Young's seat to Republican Samuel McKee, Kentucky Democrat James B. Beck bitterly declared that Republicans converted for "party purposes . . . a war avowedly prosecuted to perpetuate the Union and the Constitution . . . into a war of conquest and subjugation." For Republicans to deprive Kentucky of a legally elected Congressional representative, Beck added, constituted merely another step in the accomplishment of that goal.\(^{37}\)

In many instances, Republican conduct in Congress appeared to justify such charges. When Tennessee's Republican representative-elect Roderick R. Butler presented his credentials before the House of Representatives, his unsuccessful Democratic opponent challenged his right to the seat, charging Butler himself with disloyalty. In its review of Butler's case, the Committee of Elections confirmed that Butler had served in Tennessee's secession legislature. Butler's inability, therefore, to subscribe to the Iron-Clad Test Oath, which required all Congressmen

\(^{36}\) Ibid., 2nd Sess., p. 3013 (June 10, 1868).
\(^{37}\) Ibid., pp. 3268-3269 (June 22, 1868).
to swear that they "... have never sought nor accepted, nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States," disqualified him from serving in Congress. 38 Nevertheless, the Committee argued, Butler had opposed secession, remaining in Tennessee's secession legislature only in order to aid the Union cause. Butler's subsequent service in the Union army, the Committee concluded, attested further to his loyal sentiments. In view of these extenuating circumstances, the Committee recommended that Congress award Butler his seat. To enable Butler to subscribe legitimately to the Iron-Clad Test Oath, the Committee also urged Congress to remove for Butler that section of the oath requiring him to swear past loyalty. 39 Both the House and Senate complied with the Committee's recommendations, and, on June 26, 1868, Butler became the first former high-ranking Confederate official to take a seat in Congress. 40

Congress proved equally flexible in its evaluation of the Missouri contested election between the apparent

38. Ibid., p. 1426 (February 25, 1868).


victor, William F. Switzler, and the defeated Republican incumbent, George W. Anderson. Although the majority report of the Committee of Elections ruled in favor of Switzler, House Republicans accepted the Committee's minority report and awarded the seat to Anderson. In a subsequent ballot during the third session of the Fortieth Congress to declare Anderson's seat vacant, Republicans in the House opposed such action. Significantly, artificially created slave state Republicans from the seceded slave states now sat in the national legislature. Their votes, combined with those of Republicans from non-seceding slave states, gave Anderson 34 votes in his favor, without which he would have lost his Congressional seat.

The seating of Anderson equalized at eighteen the number of Republicans and Democrats from the border South in the House of Representatives. While attempting to restore their strength in the border states, however, Congressional Republicans passed during the first two sessions of the Fortieth Congress legislation designed to create through black suffrage strong Republican parties in the seceded slave states. By enfranchising southern blacks, the


party would realize its ambition, and, as a result, the number of slave state Republicans serving in Congress at the close of the Fortieth Congress would have more than doubled.
CHAPTER 4

SLAVE STATE REPUBLICANS AND SOUTHERN BLACK ENFRANCHISEMENT

As the previous chapter illustrated, Republicans enforced in the border states existing disfranchisement legislation in an effort to regain their early post-Civil War strength. In the seceded slave states, they abandoned proscriptive legislation as a major method for obtaining party support. Instead, Congressional Republicans turned to enfranchising the recently emancipated freedmen in anticipation that a black vote would be a Republican vote. This strategy proved successful, for it brought to Washington during the course of the Fortieth Congress' second session an additional forty-one Republican Congressmen, twenty-nine representatives and twelve senators, which increased to 115 the Republican majority in the House and to 48 its majority in the Senate.¹

Reflecting on these gains which so greatly enhanced Republican power in Congress and throughout the South, William A. Dunning, James G. Randall, David H. Donald, and

¹. House Journal, 40th Cong., 1st Sess., pp. 6-7 (March 4, 1867); Blaine, Twenty Years of Congress, V. II, pp. 284-286; Biographical Directory of the American Congress, passim.
James E. Sefton have labeled the party's southern policy which instituted black suffrage both opportunistic and partisan.\(^2\) More recently, one student of the Fortieth Congress discovered a de-emphasis of southern related issues by the end of the Congress. From this observation, he concluded that while some Republican "legislative goals [in the Fortieth Congress]--such as Negro suffrage--remained superficially the same, the predominant aim of such legislation was not so much to protect Negro rights as to shore up Republican hegemony."\(^3\)

Other historians have disagreed. In their studies of Reconstruction politics, for example, LaWanda and John Cox, W. R. Brock, Hans L. Trefousse, and William Gillette have argued persuasively that genuine concern for the freedmen, coupled with a determination to render powerless the party of secession, molded the Republican party's policy for the South.\(^4\) Michael Benedict re-emphasized this

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thesis in his recent study of President Johnson's impeachment, claiming that all Republicans shared the humanitarian goals of justice and equality for America's blacks.\textsuperscript{5}

Republican rhetoric in Congress seemed to confirm this thesis. In remarks to the House of Representatives, Republican Thaddeus Stevens of Pennsylvania claimed that members of his party desired "... that every man in this Republic, whether he be black or white or mixed ... [be] as free and as much his own governor" as everyone else.\textsuperscript{6}

Republican Senator William M. Stewart of Nevada concurred, informing his Senate colleagues that the Republican party would continue its efforts to "... protect the rights of all; ... [and to] make every man equal before the law."\textsuperscript{7}

Most Congressional Republicans nevertheless recognized the value black suffrage would have for the creation and maintenance of a strong Republican party in the slave states. For instance, Republican Senator Henry Wilson of

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\textsuperscript{6} \textit{Globe}, 40th Cong., 2nd Sess., pp. 2464-2465 (May 14, 1868).

\textsuperscript{7} Ibid., 1st Sess., p. 98 (March 14, 1867). See also Schuyler Colfax's inaugural address as Speaker of the House of Representatives, \textit{ibid.}, p. 4 (March 4, 1867), and Missouri Republican Senator Charles D. Drake's remarks in \textit{ibid.}, p. 99 (March 14, 1867).
Massachusetts argued that ninety-nine out of every hundred eligible black voters would be Republicans. "Enfranchise-ment of seven hundred thousand freedmen--seven-sixteenths of all their [southern] voters," Wilson concluded, "changes the face of affairs, makes these [seceded] States friends of the country, of liberty, and of the Republican party." 8

Slave state Republicans already in Congress offered similar reasons for giving the ballot to southern blacks. Missouri's Republican Senator Charles D. Drake, whom the Lexington Weekly Caucasian labeled "Cur-Dog Drake" because of his endorsement of black suffrage, expressed his view that the votes of freedmen, combined with loyal white votes and the protection of a secret ballot, held the key to Republican survival in the seceded states. 9 Addressing the Senate, Tennessee Republican Senator Joseph S. Fowler agreed, asserting that blacks possessed the intelligence to avoid Democratic deception. True, some blacks "will be deceived; . . . some of them will vote wrong [Democratic]," Fowler acknowledged, but the vast majority will nevertheless support the Republican party, thereby justifying their enfranchisement. 10

8. Ibid., p. 144 (March 16, 1867); see also, his remarks of May 30, 1868, ibid., 2nd Sess., p. 2691.


Fowler spoke with authority. In his state, disfranchisement legislation had created Republican majorities in the immediate postwar period which resulted in Tennessee's ratification of the Fourteenth Amendment and subsequent readmission to the Union. In state and local elections held in March 1866, however, Tennessee Republicans suffered serious losses despite widespread disfranchisement. To overcome these Democratic gains, the Republican majority in the state legislature, which had opposed black suffrage as recently as January 1867, passed the following month a universal suffrage bill. In the first elections following black enfranchisement, in which one student of Tennessee Reconstruction estimated that approximately 40,000 blacks voted, or nearly one-half the eligible voters, Tennessee Republicans realized an impressive victory. They elected the governor; they won an overwhelming majority in the state legislature; and they captured all eight of Tennessee's Congressional seats.\footnote{11}

That Republicans, who in 1865 had opposed black suffrage, and, who continued in 1867 to oppose suffrage in their own states, now endorsed it for the seceded states attests further to the practicality of their ambition.

\footnote{11. Thomas B. Alexander, Political Reconstruction in Tennessee (Nashville: Vanderbilt University Press, 1950), pp. 104-105, 146, 159-160. See also, Cincinnati Daily Gazette, July 24, August 6, 1867, for a contemporary's estimate of the impact blacks had on the voting results in two Tennessee counties,
Without black suffrage, southern Democrats under President Johnson's plan for reconstruction had strengthened their hold over the South. As several historians have discovered, this fact, combined with the increasing determination of President Johnson to sustain the southern Democracy, convinced many Republicans that only through black suffrage could they restore the South on Republican terms.\textsuperscript{12}

Congressional Republicans in the Thirty-ninth Congress, as noted in Chapter 2, initiated the move for black suffrage when they passed the First Reconstruction Act requiring each seceded state to ratify the Fourteenth Amendment as well as to provide for some form of black suffrage in their new governments.\textsuperscript{13} In the Fortieth Congress, Republicans provided through the Second and Third Reconstruction Acts specific instructions for executing the previous Congress' law, ensuring further that blacks would receive the vote.

The Second Act authorized district military commanders to supervise registration, conduct elections for a constitutional convention, and, after the convention


\textsuperscript{13} House Journal, 39th Cong., 2nd Sess., pp. 574-575 (March 2, 1867; Senate Journal, 39th Cong., 2nd Sess., p. 424. See Chapter 2 of this work, p.
drafted a constitution, hold elections for its ratification. It passed easily through the House. In the Senate, however, the bill experienced greater difficulty.

Ironically, all Senate Republicans appeared to want the benefits of black suffrage, but they disagreed over the means of achieving that end. Anxious to take immediate advantage of potential black Republican strength in the seceded states, Missouri's former Republican governor Charles D. Drake proposed an amendment to the bill which required only a simple majority of the voters to approve a constitutional convention. Senator George F. Edmunds of Vermont, who introduced an amendment which permitted a constitutional convention only if a majority of the registered voters approved the proposal, hoped his measure would discourage southern white intimidation of blacks and simultaneously penalize white abstentions. Edmunds' amendment passed, but the vote was a close 21-18. All three slave state Republicans who voted opposed the amendment, and, in this instance, they found themselves in a strange alliance with Congressional Democrats.


Upon receipt of the Senate amended reconstruction bill the House promptly attached an additional amendment which included a provision requiring the majority of registered voters to approve the constitution in order for it to be ratified. West Virginia Republican Senator Waitman T. Willey opposed the House's Amendment, apparently because he thought it would nullify the gains of black suffrage. "Under this proposition," Willey argued, "the secession element in the South, those who want no reconstruction, those who want to keep the Union element in the South still under the ban and under the foot of their oppression, can accomplish it simply by non-action [abstention], and they will do it."17

Heeding Willey's admonition, the Senate rejected, 21-24, the House's amended bill. Free state Republicans split, 19-19, while their slave state Republican counterparts divided also, two voting for the measure, and three against it.18 The following day, a conference committee from both Houses recommended allowing ratification of the constitution by a simple majority, provided that at least one-half of the registered voters cast ballots. Undoubtedly satisfied that this compromise tapped


advantageously the black southern vote, Congressional Republicans agreed to the committee's recommendation.\textsuperscript{19} Convinced that black suffrage would have disastrous consequences for southern Democratic strength, however, President Johnson promptly vetoed the bill. When Congress quickly overrode his veto, the President employed another tack. In orders to the district military commanders, he retracted from the registration boards the power which the Reconstruction Acts granted them to challenge a voter's loyalty. These orders allowed disfranchisement only of high-ranking Confederate officials, and they also stripped military commanders of their control over the local and state political machinery. Johnson had in effect restored power to the native white southerners.\textsuperscript{20}

Confronted with this latest attempt of the President to grasp the reins of the reconstruction process, Republicans in Congress passed the Third Reconstruction Act, which made military commanders responsible only to Congress, thereby establishing legally Congressional supremacy. In the House, where little debate ensued, the measure received a vote of 122-34. Slave state Republicans supported the

\textsuperscript{19} Globe, 40th Cong., 1st Sess., pp. 200, 215 (March 19, 1867).

\textsuperscript{20} United States Congress, "Interpretation of the Reconstruction Acts," House Executive Documents No. 34, 40th Cong., 1st Sess., pp. 1-8 (July 20, 1867); McKitrick, Andrew Johnson and Reconstruction, p. 493.
bill, 11-0, while the unanimous opposition of slave state Democrats accented the partisan nature of the act. While the Senate considered the measure, Massachusetts Republican Charles Sumner introduced an amendment to the bill which prohibited disqualifying any person from serving on boards of registration because of race. Sumner's initial attempt failed, but shortly afterwards he reintroduced the proposal. This time it passed, 21-8. Free state Republicans, who voted originally 16-10, now favored the measure, 19-1. Slave state Republicans split on both votes, however, as West Virginia's Peter Van Winkle and Waitman T. Willey proved reluctant to oppose discrimination on the registration boards. Nevertheless, in the final voting for the bill, even Van Winkle and Willey rallied behind their party, and the Third Reconstruction Act passed in the Senate, 32-6. Initially, the House and Senate had approved different versions of the Second and Third Reconstruction bills, and not until conference committees smoothed the differences


did each measure pass successfully through both Houses. Although President Johnson vetoed both bills, Congressional Republicans quickly overruled his decision. Black suffrage in the South, it appeared, had become a political reality.

Although complete registration figures or election returns are unavailable, several historians, using existing registration totals and census materials, have estimated the extent to which Republicans succeeded through black suffrage in creating strong Republican parties in the seceded South. For instance, David Donald, Allen W. Trelease, and Warren A. Ellem, in their studies of white Republican (scalawag) strength in the South, discovered a high correlation between black population densities and Republican election success. While the three still disagree about the source and numbers of scalawags, they nevertheless concur that most, if not all, blacks who registered joined the Republican party.


during Reconstruction, after examining non-official sources such as newspapers, have also concluded that blacks registered *en masse* in the Republican party. 26

Assuming, then, that nearly all the registered black voters considered themselves Republicans, the magnitude of the black contribution to southern Republican strength becomes clear. Based on this assumption, the registration figures compiled by election officials and listed in Table 6 illustrate that in Alabama, Florida, Louisiana, Mississippi, and South Carolina blacks alone accounted for a majority of the registered voters, and, consequently, the Republicans enjoyed a majority in these states without needing a single white vote. Assuming further that the total "yea" vote in the elections for holding a constitutional convention represented a Republican vote, then the Republican parties in Georgia, North Carolina, Texas, and Virginia, as the registration and voting figures recorded in Table 6 also disclose, owed their substantial majorities to registered black voters. 27

---


27. Registration and voting figures for the balloting on the state constitutional convention are located
Table 6. Registration Under the Reconstruction Acts\(^a\)

<table>
<thead>
<tr>
<th>State</th>
<th>Total Registered</th>
<th>Blacks Registered</th>
<th>Whites Registered</th>
<th>For a Constitutional Convention</th>
<th>Against a Constitutional Convention</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Blacks</td>
<td>Whites</td>
</tr>
<tr>
<td>Alabama</td>
<td>165,813</td>
<td>104,518</td>
<td>61,295</td>
<td>71,730</td>
<td>18,553</td>
</tr>
<tr>
<td>Florida</td>
<td>28,003</td>
<td>16,089</td>
<td>11,914</td>
<td>13,080</td>
<td>1,220</td>
</tr>
<tr>
<td>Louisiana</td>
<td>129,654</td>
<td>84,436</td>
<td>45,218</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Mississippi</td>
<td>106,803</td>
<td>60,167</td>
<td>46,636</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>South Carolina</td>
<td>127,432</td>
<td>80,550</td>
<td>46,882</td>
<td>66,418</td>
<td>2,350</td>
</tr>
<tr>
<td>Georgia</td>
<td>191,501</td>
<td>95,168</td>
<td>96,333</td>
<td>70,283</td>
<td>32,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>179,653</td>
<td>72,932</td>
<td>106,721</td>
<td>61,722</td>
<td>31,284</td>
</tr>
<tr>
<td>Texas</td>
<td>109,130</td>
<td>49,497</td>
<td>59,633</td>
<td>36,932</td>
<td>7,757</td>
</tr>
<tr>
<td>Virginia</td>
<td>225,933</td>
<td>105,832</td>
<td>120,101</td>
<td>92,507</td>
<td>14,835</td>
</tr>
<tr>
<td>Arkansas</td>
<td>66,831</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

\(^a\)Registration figures are taken from United States Congress, Senate Executive Documents, No. 53, 40th Cong., 2nd Sess., pp. 2-12.

\(^b\)Alvan C. Gillem, commander of the Fourth Military District which included Mississippi and Arkansas, prohibited registration according to race. Ibid., p. 10. Figures for Mississippi are cited in ibid., p. 10, and Wharton, The Negro in Mississippi, p. 146.
Separate election results for state and federal offices are equally convincing. For instance, in Alabama, South Carolina, Arkansas, Florida, Georgia, Louisiana, and North Carolina, Republicans won the gubernatorial contests, while gaining simultaneously clear control of six of seven state legislatures. The contests for Congress produced similar results as Republicans, backed by a large black electorate in these seven states, elected to the Fortieth Congress' second and third sessions twenty-nine of their thirty-one Congressional nominees.\(^{28}\)

Bolstered by these pleasing election results, Congressional Republicans readily overlooked several election irregularities in their desire to readmit quickly the seceded states to representation. In the Arkansas election held in March 1868, the state's newly drafted constitution received a slight majority of 1,316 votes, 27,913 for ratification, compared to 26,597 against. That 1,195

\[\text{in Senate Executive Documents, No. 53, 40th Cong., 2nd Sess., pp. 2-12. These figures, the most official and the most complete available for the convention elections, are listed according to race for both the registration and the voting. Officials in Arkansas, however, failed to register voters according to race, while, in Louisiana, they registered them according to race, but neglected to record the votes by race.}\]

\(^{28}\) Georgia provided the exceptions. In the House of Representatives, historians continue to debate whether Democrats or Republicans had control. Democrats won two of Georgia's six Congressional seats. Nathans, Losing the Peace, p. 93; Blaine, Twenty Years of Congress, pp. 284-286; Biographical Directory of the American Congress, passim.
persons beyond the total number of registered voters in Pulaski county cast ballots, however, raised some questions about the election's validity.  

In his report to General Grant, General Alvan C. Gillem explained that the 1,195 vote excess in Pulaski county occurred because registrars "permitted persons registered in other counties to vote on the presentation of their certificates of registration." Neither they, nor the officers at the polling places, he added, recorded the names of these transient voters, rendering it impossible to determine the legitimacy of the Pulaski county returns.

When the Arkansas readmission bill came before Congress, Republicans tactfully ignored the question surrounding the Pulaski county returns. Simple arithmetic told them that to invalidate these votes which gave the constitution 4,919 ballots for ratification to 997 against meant that the constitution would have received too few votes for legal ratification. Although Kentucky Democrat James Beck objected strongly to accepting the results of Arkansas' "pretended election," Republicans in both Houses


30. Ibid.
approved with little debate the state's readmission.\textsuperscript{31} Indeed, Republicans assumed the legitimacy of the state's constitution, debating instead substantive matters such as franchise guarantees introduced by Senator Drake rather than the document's validity.\textsuperscript{32}

Republicans also side-stepped the thorny problem which arose when more than one-half of Alabama's registered voters boycotted the election for the state constitution. Aware that the Second Reconstruction Act required a majority of the registered voters to participate in an election before a state constitution could be ratified, Alabama Democrats registered in force, and, on the day of the election, they remained away from the polls. Their strategy proved successful. Out of a total of 156,945 registered voters, only 71,817 cast ballots in the ratification election. Although voters approved the constitution 70,812 to


\textsuperscript{32} Drake's proposal passed, 26-14, \textit{Senate Journal}, 40th Cong., 2nd Sess., pp. 438-439 (June 1, 1868). For the debate, see \textit{Globe}, 40th Cong., 2nd Sess., pp. 2736-2748.
1,005, the total number of votes fell far short of the 78,473 required to validate the election. Perhaps anticipating the obstructionist tactics of the Alabamians, Republican representative James M. Ashley of Ohio introduced in Congress months before the seceded states held constitutional elections a fourth Reconstruction bill which declared only a simple majority of votes in favor of a constitution sufficient for its ratification. Confronted with Alabama's successful effort to circumvent the Second Reconstruction Act, Congressional Republicans quickly approved the bill. That the Fourth Reconstruction Act passed Congress weeks after Alabama's Democrats rejected the constitution concerned few Republicans, for they voted soon afterward to include Alabama in the pending Omnibus bill readmitting six seceded states. Although the bill passed easily through the House, the three slave state Republican Senators who supported including Alabama in the Omnibus bill made the difference. Had they voted "nay" through the House, the three slave state Republican Senators who supported including Alabama in the Omnibus bill made the difference. Had they voted "nay"


34. Globe, 40th Cong., 2nd Sess., p. 53 (December 5, 1867). This bill, which required only a simple majority, passed in the Senate, 28-6; in the House the bill received a vote of 104-37. Slave state Republicans voted 14 to 0 in the House and 2 to 3 in the Senate. House Journal, 40th Cong., 2nd Sess., pp. 119-120 (December 18, 1867); Senate Journal, 40th Cong., 2nd Sess., p. 219 (February 25, 1868).
along with their five slave state Democratic colleagues, the Alabama addition would have failed, 19-24.\textsuperscript{35}

Though Congressional Democrats cried foul, Republicans countered that they had acted in the best interests of Alabama, the South, and the country.\textsuperscript{36} If Alabama Republican Congressman-elect Charles W. Buckley's argument that readmission of Alabama would strengthen Republican power throughout the South did not reflect accurately the sentiments of most Congressional Republicans, it mirrored clearly the political reality.\textsuperscript{37} For, not only did Alabama Republicans ratify a new constitution in the March election, they also swept the state legislative offices, and, as Republicans in Congress were well aware, Alabama's voters elected six Republicans to the House of Representatives that same election day.\textsuperscript{38}

\textsuperscript{35} The three senators were Charles D. Drake (Missouri), Peter Van Winkle and Waitman T. Willey, both of West Virginia. Senate Journal, 40th Cong., 2nd Sess., p. 467 (June 9, 1868); House Journal, 40th Cong., 2nd Sess., pp. 842-844 (June 12, 1868).

\textsuperscript{36} See, for example, representative James Beck's remarks, House Journal, 40th Cong., 2nd Sess., pp. 1821-1827 (March 11, 1868), for an example of Democratic criticism. Republican defenders included West Virginia's Waitman T. Willey, ibid., "Appendix," pp. 334-338 (June 9, 1868); Thaddeus Stevens, ibid., p. 2465 (May 14, 1868); and John Sherman of Ohio, ibid., p. 2609 (May 27, 1868).


\textsuperscript{38} Blaine, Twenty Years of Congress, pp. 284-286.
Democrats, on the other hand, opposed the supplementary Reconstruction Acts, Arkansas' readmission, and the Omnibus bill for the same reasons Republicans supported them. Representative Charles A. Elredge of Wisconsin objected to the first supplementary Reconstruction Act because it created a Republican party in the South, a party he insisted, "that will support the measure and policy of this fanatical Congress." Obviously, Elredge asserted, Republicans enfranchised southern blacks only to exploit them for "party purposes." Ohio Democrat William Mungen reiterated this theme. Republicans, he informed the House membership, have "clearly indicated that party success is their paramount object." Worse, he snapped, the Republicans have selected black enfranchisement as the vehicle "upon which to ride successfully to the goal of their ambition." 39

Republicans argued that their party had saved the Union, and, if enfranchisement of blacks perpetuated that Unionism, they eagerly embraced this action. Senator Oliver P. Morton of Indiana, for one, proclaimed himself "a true Republican" who believed that "the salvation of this country depends upon the maintenance of that party in power." Pass this second Reconstruction Act protecting black voters, he urged, for that will ensure "the continued

39. Globe, 40th Cong., 1st Sess., p. 66 (March 11, 1867); p. 518 (July 8, 1867). See also, speech of James Brooks of New York, ibid., p. 537 (July 9, 1867).
power of the Republican party."\textsuperscript{40} Their party, Republicans such as Morton declared, sought to preserve the Union; it sought political justice for the freedmen. Perpetuation of the party's power through black enfranchisement offered them a logical and moral means of achieving both ambitions.\textsuperscript{41}

This idealism and fairness of which Republicans spoke may account in part for their Congressional conduct toward the Reconstruction of the South. Certainly, there is no intent here to suggest that propriety demanded Republicans to continue withholding the franchise from blacks, or necessarily to restore it to disfranchised whites. Nevertheless, party expediency defined as insuring large Republican majorities in Congress coincided conveniently with morality; Republicans were conscious of expediency, and, for a little while at least, the expedient side succeeded.

Perhaps nothing exemplifies better the expedient side of Republican motives than the Congressional Republicans' unsuccessful attempt to impeach President Andrew Johnson. Throughout the Thirty-ninth and into the Fortieth Congresses, Johnson used every means possible to obstruct Republican reconstruction policy. In the process, he

\textsuperscript{40} Ibid., p. 148 (March 16, 1867). For a similar speech, see New Hampshire Senator Aaron H. Cragin's comments in \textit{ibid.}, p. 157 (March 16, 1867).

\textsuperscript{41} For a discussion of these related Republican goals, see Trefousse, \textit{Radical Republicans}, pp. 333, 344.
incurred the wrath of most Congressional Republicans; and, early in the Fortieth Congress, House Republicans retaliated, resolving that the President be impeached of "high crimes and misdemeanor." That same day, the House appointed two committees charged with preparing the articles of impeachment. 42

Congressional Democrats, of course, again accused their Republican colleagues of partisanship. Maryland's Democratic representative Charles Phelps, for example, minced few words. A wartime Republican who, along with others such as Maryland Governor Thomas Swann, reverted quickly to the Democracy after the war, Phelps painted the impeachment proceedings as a "... case of a political prosecution for political purposes and for a partisan purpose." At the crux of the issue, Phelps insisted, lay the question of black suffrage, or "whether white men or negroes shall control ten States, and through them the nation." 43

While recent scholarship supports these Democratic accusations, Congressional Republicans from the Fortieth


Congress have left more specific testimony. For instance, Tennessee Republican William B. Stokes, a product of Republican reconstruction policy in his state, accented the practical need for impeachment. The Republican party, Stokes informed his House colleagues, "... is striving by every means to bring those States lately in rebellion back in the Union with loyal [Republican] State governments." By attempting to thwart these Republican plans, Stokes argued, President Johnson had become "... the worst tyrant and usurper that history was ever called upon to record." Protection of black suffrage, the preservation of the Union, and the maintenance of a "loyal" Republican party in the South, the Tennessee Republican concluded, rested with the impeachment of the President.

Stoke's remarks apparently had some impact, for, in the House, the impeachment resolution passed easily with a 128-48 vote. Although far from being the decisive element in the outcome, slave state Republicans approved unanimously the resolution. In the Senate, scene of the actual impeachment trial, the party met with less success. Seven Republicans, joining twelve Democrats, voted "not guilty,"

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44. Benedict, The Impeachment and Trial of Andrew Johnson, p. 139; Trefousse, Radical Republicans, pp. 379-381.
45. Globe, 40th Cong., 2nd Sess., p. 1396 (February 24, 1868).
46. They voted 14-0 for the resolution. House Journal, 40th Cong., 2nd Sess., pp. 392-393 (February 24, 1868).
and, as a result, the Senate fell one vote short of achieving the two-thirds necessary to convict the President. 47

Significantly, three of the five slave state Republican Senators, Peter Van Winkle of West Virginia, John B. Henderson of Missouri, and Joseph S. Fowler of Tennessee, cast three of the seven "not guilty" votes. 48 Although each justified his vote on constitutional grounds, all three appeared to have more mundane political reasons for opposing conviction. John Henderson, a pre-Civil War Democrat, still maintained through patronage strong ties with his former comrades. In addition, Henderson received these political blessings from President Johnson, and he undoubtedly considered the President a political benefactor. 49 Fowler, whom Tennessee's former governor, President Johnson, had appointed state comptroller in 1862, sided in this instance with his long-time ally. Furthermore, Fowler's loyalty to the Republican party had been in doubt since his arrival in Congress, and, by the end of the Fortieth Congress, he had abandoned Republicanism


48. The two who voted "guilty" were Charles D. Drake of Missouri and Waitman T. Willey of West Virginia. Ibid.

altogether. Van Winkle, who had balked often at supporting the party's so-called radical civil rights legislation, voted against his party's apparently radical effort to impeach the President.

Despite the failure of Republicans to impeach the President, they nevertheless realized impressive numerical gains with the arrival by the end of the Fortieth Congress' second session of forty-one Republican Congressmen from the seceded slave states. Their majority in the House, for example, increased from 86 to 115; in the Senate, from 36 to 48. Significantly, slave state Republicans on hand at the opening of the Fortieth Congress played instrumental roles in bringing to Congress these southern Republicans. Bolstered by its additional numbers, the Republican party would attempt in the next Congressional session to strengthen further its position nationally through passage of a constitutional amendment guaranteeing black Americans impartial suffrage.


51. See, for example, Van Winkle's negative votes on the Civil Rights bill, Senate Journal, 39th Cong., 1st Sess., p. 179 (February 21, 1866), and on the second Supplementary Reconstruction Act's anti-discrimination clause. Ibid., 40th Cong., 1st Sess., pp. 147-148 (July 11, 1867).
CHAPTER 5

SLAVE STATE REPUBLICANS AND THE FIFTEENTH AMENDMENT

When the third session of the Fortieth Congress assembled in December 1868, sixty-six slave state Republicans took their seats. In the House, Republicans from the slave states claimed forty-nine of sixty-five possible slave state Congressional seats, while in the Senate, slave state Republicans sat in seventeen of twenty-four seats allocated in that chamber to the states of the slave South. Because of the large number of slave state Republicans sitting in this session, the Republican party enjoyed in the House a majority of one hundred and fifteen seats over the fifty-two House Democrats, and, in the Senate, they held fifty-seven seats, forty-eight more than the Democrats.¹

In elections held a month earlier, however, the Republican party had suffered serious setbacks throughout the slave states. Of the eight states Democratic presidential candidate Horatio Seymour carried in 1868, five were former slave states. Although Republicans had never controlled two of these, Kentucky or Delaware, they had won Maryland in 1864.2 Georgia and Louisiana, two slave states in which the Republicans had realized impressive election victories as recently as the spring of 1868, supported Seymour that November.3 In many other southern localities, the Republican majority dropped to its lowest level since the end of the Civil War. For example, large 1864 Republican majorities of nearly 42,000 and 13,000 votes in Missouri and West Virginia dwindled in 1868 to less than 26,000 and 9,000 votes respectively.4 Tennessee Republicans also lost thousands of votes in several areas where Republican Governor William G. Brownlow had received large majorities in 1867.5

3. Senate Executive Documents, No. 53, 40th Cong., 2nd Sess., pp. 7-8, 11 (May 13, 1868); Appleton, Annual Cyclopaedia, V. 8 (1868), pp. 311-312, 433, 429.
In Congress, Republicans from the slave states surrendered thirteen seats to Democrats during the November 1868 elections for the Forty-first Congress. Democratic candidates in the non-seceding slave states captured all sixteen of the seats allotted to Kentucky (9), Maryland (5), and Delaware (1), for a net Republican loss of two seats. By electing four of their nine Congressional candidates, Missouri Democrats took three seats away from the Republicans. In the seceded slave states, Republicans lost eight of the seats they held in the Fortieth Congress, reducing to thirty-six the total number of slave state Republicans elected to the Forty-first Congress' House of Representatives.

Clearly, the results of the November 1868 elections in the former slave states gave the Republican party cause for concern. Although Republican presidential candidate Ulysses S. Grant had won with an overwhelming electoral majority, he owed his success to the fact that the Republican party had created through legislative methods strong


8. House Journal, 41st Cong., 1st Sess., pp. 8-9 (March 4, 1869). Not all the Democrats receiving apparent majorities in these elections took their seats as several Republicans challenged successfully the validity of the returns.
state parties throughout the slave South and that three states remained out of the Union in November 1868. Had Democrats controlled these states as they did before 1860 and as they would after 1880, Grant's victory would have been impossible.\textsuperscript{9} Furthermore, Congressional Republicans realized, continued loss of slave state Republican Congressmen jeopardized the party's future control over Congress.

Reports from the South indicated plainly the root of the Republican problem. In the months preceding the election, hostile whites instituted a reign of intimidation, destruction, and violence against black Republican voters.\textsuperscript{10} The subsequent election returns testified not only to the success of these methods, but also to the inability of state laws in the former slave states to protect black suffrage. For instance, white South Carolinians, witnesses informed one Congressional committee, openly prevented black Republicans from going to the polls, resulting in Democratic victories in two South Carolina Congressional districts.

\begin{itemize}
\item \textsuperscript{9} Martin E. Mantell, "The Election of 1868: The Response to Congressional Reconstruction" (Unpublished Ph.D. dissertation, Columbia University, 1969), pp. 241-242. The states still out of the Union were Virginia, Texas, and Mississippi.
\end{itemize}
which Republicans currently represented.\textsuperscript{11} The Ku Klux Klan controlled much of Georgia in 1868, Congressional investigators discovered, and, prior to the presidential election, its members swept violently through the state, threatening and attacking Republicans in a successful effort to win Georgia for Seymour.\textsuperscript{12} In Tennessee, where Republicans managed to carry the state in 1868, terrorism perpetrated by the Ku Klux Klan also accounted for the drastic decline in Republican strength.\textsuperscript{13}

Republican Congressmen from the slave states recognized the serious implications of these election returns. If their political careers were to survive, federally protected enfranchisement of blacks appeared a prerequisite. Throughout the third session of the Fortieth Congress, the conduct of the slave state Republican Congressmen reflected this awareness, for they joined their free state Republican colleagues in an effort to reverse the Democratic resurgence through a constitutional amendment enfranchising the nation's blacks. While all slave state


Republicans accepted the need for a suffrage amendment, they nevertheless disagreed among themselves, reflecting a larger split among the entire Republican party, over just what form the amendment should take. Some advocated adoption of an impartial amendment which would prohibit discrimination at the polls only on the grounds of race, color, or prior enslavement. Others demanded a further reaching measure which would provide for universal suffrage and, in some instances, the unrestricted right to hold office as well.

Curiously, although the Republican party split played an important role in shaping the final form of what came to be the Fifteenth Amendment guaranteeing some protection for the right to vote, historians have often overlooked the controversy surrounding its passage through Congress. Instead, they have viewed the Amendment as the product of a universal design. For William A. Dunning, Republican partisanship produced the Amendment. LaWanda and John Cox, discovering that the Republican party lost more than it gained after passage of the Fifteenth Amendment, concluded that "principle," and not "party advantage," prompted Republicans in Congress to risk enacting a suffrage amendment.

14. Dunning, Reconstruction, p. 135,

In his detailed study of the Fifteenth Amendment, *The Right to Vote*, William Gillette recognized clearly the split in Republican ranks, but he nevertheless viewed the measure as a successful combination of both principle and partisanship. Republicans, he wrote, designed the Amendment to give blacks the ballot and power to themselves. Concluding that the Republicans aimed their measure at enfranchising "northern" blacks in order to help win key states in the next Presidential election, and secondarily at maintaining black voters in the South, Gillette applauded the Fifteenth Amendment as "one conceived in realism, born in compromise, and raised in partisanship."  

That the Amendment possessed these characteristics emerges from Gillette's analysis of its passage in Congress. The slave state Republican split, however, suggests that the Amendment in its final form represented far less than what Gillette described as "a fusion of power and justice." Indeed, power dominated justice throughout the formation of the Fifteenth Amendment, causing the dissenting slave state Republicans, as well as their northern counterparts, to close ranks behind their party in order to approve a weakened suffrage bill rather than continuing to insist upon a stronger suffrage amendment.


17. Ibid., p. 165.
The division which characterized slave state Republican attitudes toward a suffrage amendment surfaced early in the Fortieth Congress' third session. When the House considered Ohio Republican Samuel Shellabarger's two-pronged proposal which granted universal suffrage while disfranchising all former Confederates, twenty slave state Republicans, or nearly fifty per cent of those who voted, supported the usually regarded radical bill. Apparently unwilling to relinquish all control over black voting, twenty-three Republicans from the slave states, as the votes recorded in Table 7 indicate, opposed the measure.  

In the Senate, a similar situation developed. When Republican Senator Henry Wilson of Massachusetts introduced his comprehensive suffrage amendment which prohibited discrimination either in voting or in "the qualifications for office in any State, on account of race, color, nativity, property, education, or religious belief," five southern Republicans voted for the measure. For six slave state Republican Senators, however, this bill proved far too extreme, and their votes against the amendment accented the sharp cleavage which existed among the Republicans from the slave states.

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Table 7. Selected Suffrage Amendment Votes in the House Fortieth Congress, Third Session

<table>
<thead>
<tr>
<th>Vote</th>
<th>Vote Result</th>
<th>Free State Republican Vote</th>
<th>Slave State Republican Vote</th>
<th>Slave State Democratic Vote</th>
<th>Vote had Democrats Occupied SSR Seats&lt;sup&gt;c&lt;/sup&gt;</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>yea</td>
<td>nay</td>
<td>nv&lt;sup&gt;a&lt;/sup&gt;</td>
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<td>nay</td>
</tr>
<tr>
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<td>37</td>
<td>133</td>
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</tr>
<tr>
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<td>59</td>
<td>55</td>
<td>49</td>
</tr>
<tr>
<td>5&lt;sup&gt;d&lt;/sup&gt;</td>
<td>144</td>
<td>44</td>
<td>35</td>
<td>105</td>
<td>2</td>
</tr>
<tr>
<td>6&lt;sup&gt;d&lt;/sup&gt;</td>
<td>150</td>
<td>42</td>
<td>31</td>
<td>106</td>
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<tr>
<td>7</td>
<td>24</td>
<td>160</td>
<td>38</td>
<td>7</td>
<td>99</td>
</tr>
</tbody>
</table>

<sup>a</sup> nv = not voting.

<sup>b</sup> SSR = slave state Republican.

<sup>c</sup> Where applicable.

<sup>d</sup> Votes which required a two-thirds majority.

Vote:
1. Senator Henry Wilson's second amendment, House Journal, pp. 353-354 (February 15, 1869). Forbid discrimination against the rights to hold office and vote on account of "race, color, nativity, property, education, or religious belief."
2. Samuel Shellabarger's amendment, ibid., p. 234 (January 30, 1869). Proposal closest to requiring universal suffrage. Bill also disfranchised former Confederates,
3. John Logan's proposal to remove officeholding protection clause from Senator Stewart's amendment (Vote 5, Table 1). Ibid., pp. 408-409 (February 20, 1869).


   Forbid discrimination in officeholding or voting for any reason except education.

5. Conference committee's amendment, ibid., pp. 449-450 (February 25, 1869).

   Forbid the denial or abridgment of the right to vote "on account of race, color, or previous condition of servitude." The Fifteenth Amendment.


7. John A. Bingham's first amendment, ibid., p. 235 (January 30, 1869). Permitted states to establish any qualifications for the suffrage which they desired.
As the comprehensive voting figures in Tables 7 and 8 reveal, these slave state Republican divisions reflected an almost identical discord among free state Republican Congressmen. With Republicans in both Houses so divided, neither the Shellabarger nor Wilson amendments obtained even a simple majority of the votes. Shellabarger's bill lost 62-125; Wilson's fared as poorly, losing by a vote of 19-24.

Viewed from a different perspective, the voting figures in Tables 7 and 8 suggest that the dissenting slave state Republican Congressmen constituted an important element in what historians have labeled the Republican party's radical wing. The twenty slave state Republicans who voted for Shellabarger's proposal accounted for over thirty-five per cent of all the Republicans who cast ballots in favor of one of the strongest suffrage amendments to come before the House. Similarly, in the voting for the unsuccessful Wilson proposal, the five Senate Republicans from the slave states who voted in favor of the bill represented over twenty-five per cent of the bill's total Senate support.

Stated differently Shellabarger's bill received over


21. Ibid.

Table 8. Selected Suffrage Amendment Votes in the Senate Fortieth Congress, Third Session

<table>
<thead>
<tr>
<th>Vote</th>
<th>Vote Result</th>
<th>Free State Republican Vote</th>
<th>Slave State Republican Vote</th>
<th>Slave State Democratic Vote</th>
<th>Vote had Democrats Occupied SSR\textsuperscript{a} Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>yea  nay  abs</td>
<td>yea  nay  abs</td>
<td>yea  nay  abs</td>
<td>yea  nay  abs</td>
<td>yea  nay  abs</td>
</tr>
<tr>
<td>1\textsuperscript{b}</td>
<td>19  24  23</td>
<td>14  15  11</td>
<td>5  6  6</td>
<td>0  4  3</td>
<td>14  29  8</td>
</tr>
<tr>
<td>2</td>
<td>31  27  8</td>
<td>18  19  3</td>
<td>12  2  3</td>
<td>0  5  2</td>
<td>19  39  8</td>
</tr>
<tr>
<td>3\textsuperscript{b}</td>
<td>39  16  11</td>
<td>23  8  9</td>
<td>15  1  1</td>
<td>0  7  0</td>
<td>24  31  11</td>
</tr>
<tr>
<td>4\textsuperscript{b}</td>
<td>31  27  8</td>
<td>24  10  6</td>
<td>1  14  2</td>
<td>6  1  0</td>
<td>45  13  8</td>
</tr>
<tr>
<td>5\textsuperscript{b}</td>
<td>35  11  20</td>
<td>20  1  19</td>
<td>15  1  1</td>
<td>0  7  0</td>
<td>20  26  20</td>
</tr>
<tr>
<td>6\textsuperscript{b}</td>
<td>39  13  14</td>
<td>28  3  9</td>
<td>11  2  4</td>
<td>0  5  2</td>
<td>28  24  14</td>
</tr>
</tbody>
</table>

\textsuperscript{a}SSR = slave state Republican.

\textsuperscript{b}Votes which required a two-thirds majority to pass.

Vote:
2. Henry Wilson's second amendment, ibid., pp. 227-228 (February 9, 1869). Differed from above in that it permitted states to establish officeholding qualifications.
3. Vote to send Wilson amendment to states for ratification, ibid., p. 232 (February 10, 1869).
4. Representative George S. Boutwell's amendment, ibid., p. 287 (February 17, 1869). Prohibited discrimination against voting "by reason of race, color, or previous condition of slavery."
5. William M. Stewart's amendment, ibid., p. 293 (February 17, 1869). Differed from Boutwell's proposal in that it also prohibited discrimination for office-holding.

6. Conference Committee amendment, ibid., p. 361 (February 26, 1869). Forbid the denial or abridgement of the right to vote "on account of race, color, or previous condition of servitude. The Fifteenth Amendment."
thirty-five per cent of its support from approximately twenty-eight per cent of the Republicans in the House. In the Senate, where southern Republicans were twenty-five per cent of the party's membership, Wilson's bill obtained a proportionate amount of assistance from that Republican group.

Despite the failure of the Shellabarger and Wilson amendments, many slave state Republicans maintained their radical pose throughout the Fortieth Congress' third session. For instance, when the House considered a modified version of Senator Wilson's amendment, which lacked the ban on officeholding qualification tests, but retained a clause protecting the right to hold office, eleven of the thirty-four Republican votes this slightly less radical measure received came from slave state Republicans.  

Several days later, the House passed Ohio Republican John A. Bingham's suffrage amendment, similar to Wilson's altered version except that it failed to prohibit education tests. According to the votes recorded in Tables 7 and 9, thirteen of the thirty-two Republicans from the slave states who voted, or over forty per cent, supported this proposal.  

23. House Journal, 40th Cong., 3rd Sess., pp. 353-354 (February 15, 1869). It is significant, however, that only one slave state Republican in the House, Robert T. Van Horn of Missouri, voted for both the Shellabarger amendment and Senator Wilson's second amendment proposal. See Table 3. 

24. Ibid., pp. 409-410 (February 20, 1869).
Table 9. Slave State Republican Votes in the House Relating to the Fifteenth Amendment

<table>
<thead>
<tr>
<th>Name</th>
<th>Born</th>
<th>Representing</th>
<th>Radical Vote</th>
<th>Non-Radical Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>B. F. Whittemore</td>
<td>Massachusetts</td>
<td>South Carolina</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>John Stover</td>
<td>Pennsylvania</td>
<td>Missouri</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>C. M, Hamilton</td>
<td>Pennsylvania</td>
<td>Florida</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>Joseph Gravely</td>
<td>Virginia</td>
<td>Missouri</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>Joseph Cliff</td>
<td>Massachusetts</td>
<td>Georgia</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>John French</td>
<td>New Hampshire</td>
<td>North Carolina</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>David Heaton</td>
<td>Ohio</td>
<td>North Carolina</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>Thomas Haughey</td>
<td>Scotland</td>
<td>Alabama</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>Chris, Bowen</td>
<td>Rhode Island</td>
<td>South Carolina</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>John Callis</td>
<td>North Carolina</td>
<td>Alabama</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>James Elliot</td>
<td>Georgia</td>
<td>Arkansas</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>Chester Hubbard</td>
<td>Connecticut</td>
<td>West Virginia</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>Alex, Jones</td>
<td>North Carolina</td>
<td>North Carolina</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>David Nunn</td>
<td>Tennessee</td>
<td>Tennessee</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>William Stokes</td>
<td>North Carolina</td>
<td>Tennessee</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>Francis Thomas</td>
<td>Maryland</td>
<td>Maryland</td>
<td>x x x x x x x</td>
<td>x</td>
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<tr>
<td>Robert Van Horn</td>
<td>Pennsylvania</td>
<td>Missouri</td>
<td>x x x x x x x</td>
<td>x</td>
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<tr>
<td>Bethuel Kitchen</td>
<td>Virginia</td>
<td>West Virginia</td>
<td>x x x x x x x</td>
<td>x</td>
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<tr>
<td>James Mullins</td>
<td>Tennessee</td>
<td>Tennessee</td>
<td>x x x x x x x</td>
<td>x</td>
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<tr>
<td>Francis Kellog</td>
<td>Massachusetts</td>
<td>Alabama</td>
<td>x x x x x x x</td>
<td>x</td>
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<tr>
<td>Joseph Newsham</td>
<td>England</td>
<td>Louisiana</td>
<td>x x x x x x x</td>
<td>x</td>
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<tr>
<td>Benjamin Norris</td>
<td>Maine</td>
<td>Alabama</td>
<td>x x x x x x x</td>
<td>x</td>
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<tr>
<td>John Benjamin</td>
<td>New York</td>
<td>Missouri</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>Charles Buckley</td>
<td>New York</td>
<td>Alabama</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>James Goss</td>
<td>South Carolina</td>
<td>South Carolina</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
<tr>
<td>Horace Maynard</td>
<td>Massachusetts</td>
<td>Tennessee</td>
<td>x x x x x x x</td>
<td>x</td>
</tr>
</tbody>
</table>
Table 9.—Continued Slave State Republican Votes in the House Relating to the Fifteenth Amendment

<table>
<thead>
<tr>
<th>Name</th>
<th>Born</th>
<th>Representing</th>
<th>Radical Vote</th>
<th>Non-Radical Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carman Newcomb</td>
<td>Pennsylvania</td>
<td>Missouri</td>
<td>x x x x x</td>
<td>x x</td>
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<tr>
<td>Henry Prince</td>
<td>Maine</td>
<td>Georgia</td>
<td>x x x x x</td>
<td>x x</td>
</tr>
<tr>
<td>John Trimble</td>
<td>Tennessee</td>
<td>Tennessee</td>
<td>x x x x x</td>
<td>x x</td>
</tr>
<tr>
<td>Samuel Gove</td>
<td>Massachusetts</td>
<td>Georgia</td>
<td>x x x x x</td>
<td>x x</td>
</tr>
<tr>
<td>Samuel McKee</td>
<td>Kentucky</td>
<td>Kentucky</td>
<td>x x x x x</td>
<td>x x</td>
</tr>
<tr>
<td>Israel Lash</td>
<td>North Carolina</td>
<td>North Carolina</td>
<td>x x x x x</td>
<td>x x</td>
</tr>
<tr>
<td>Logan Roots</td>
<td>Illinois</td>
<td>Arkansas</td>
<td>x x x x x</td>
<td>x x</td>
</tr>
<tr>
<td>Manuel Corley</td>
<td>South Carolina</td>
<td>South Carolina</td>
<td>x x x x x</td>
<td>x x</td>
</tr>
<tr>
<td>Thomas Boles</td>
<td>Arkansas</td>
<td>Arkansas</td>
<td>x x</td>
<td></td>
</tr>
<tr>
<td>Samuel Arnell</td>
<td>Tennessee</td>
<td>Tennessee</td>
<td>x x x</td>
<td></td>
</tr>
<tr>
<td>Benjamin Loan</td>
<td>Kentucky</td>
<td>Missouri</td>
<td>x x x</td>
<td></td>
</tr>
<tr>
<td>Jacob Sypher</td>
<td>Pennsylvania</td>
<td>Lluisiana</td>
<td>x x</td>
<td></td>
</tr>
<tr>
<td>Nathaniel Boyden</td>
<td>Massachusetts</td>
<td>North Carolina</td>
<td>x x x x x</td>
<td></td>
</tr>
<tr>
<td>Oliver Dockery</td>
<td>North Carolina</td>
<td>North Carolina</td>
<td>x x x</td>
<td></td>
</tr>
<tr>
<td>Charles Pierce</td>
<td>New York</td>
<td>Alabama</td>
<td>x x x</td>
<td></td>
</tr>
<tr>
<td>William Pile</td>
<td>Indiana</td>
<td>Missouri</td>
<td>x x x</td>
<td></td>
</tr>
<tr>
<td>Roderick Butler</td>
<td>Virginia</td>
<td>Tennessee</td>
<td>x x x</td>
<td></td>
</tr>
<tr>
<td>Daniel Polsley</td>
<td>Virginia</td>
<td>West Virginia</td>
<td>x x x</td>
<td></td>
</tr>
<tr>
<td>John Dewees</td>
<td>Arkansas</td>
<td>North Carolina</td>
<td>x x x</td>
<td></td>
</tr>
<tr>
<td>Issac Hawkins</td>
<td>Tennessee</td>
<td>Tennessee</td>
<td>x x x</td>
<td></td>
</tr>
<tr>
<td>William Blackburn</td>
<td>Arkansas</td>
<td>Louisiana</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>George Anderson</td>
<td>Tennessee</td>
<td>Missouri</td>
<td>x x</td>
<td></td>
</tr>
<tr>
<td>William Edwards</td>
<td>Georgia</td>
<td>Georgia</td>
<td>x x</td>
<td></td>
</tr>
</tbody>
</table>

All votes from the Fortieth Congress, Third Session.
Table 9.—Continued Slave State Republican Votes in the House Relating to the Fifteenth Amendment

\*\textsuperscript{b}Moved South during the ante-bellum period.

\textsuperscript{c}Birth site included in present day West Virginia.

Vote:
Slave state Republican Senators acted similarly. When Henry Wilson's modified amendment came to a vote in the Senate, for example, Republicans from the slave South provided twelve of the thirty Republican votes this strong suffrage amendment received. In other words, slave state Republicans accounted for forty per cent of the total Republican vote for the Wilson amendment.

Gillette found this last example of slave state Republican radicalism suspect. Six southern Republicans who voted affirmatively on this second Wilson amendment permitting states to establish qualifications for office-holding, Gillette observed, either voted against Wilson's earlier proposal or abstained from voting. These six shifting southern Republican votes prompted Gillette to conclude that Republicans from the slave states "seemed to care more about Negro voters electing whites to public office than about Negro voters electing Negro officials." Granting the validity of Gillette's evaluation, the final vote reflected in Table 8 nevertheless suggests that slave state Republicans apparently cared more about blacks voting and holding office than did the majority of their free state Republican colleagues. Republicans from the South voted 12-2 in favor of Wilson's modified measure while the free


state Republican Congressmen rejected with an 18-19 vote this attempt at obtaining officeholding and voting protection for black Americans.

Southern Republican Congressmen had ample reason for demanding an officeholding clause in the suffrage amendment. In Georgia the previous October a white legislative majority had ousted the state's black legislators from their elected posts.27 Anxious to prevent similar occurrences from undermining further black Republican leadership in the South, Republicans from the slave states sought to attach an officeholding guarantee to the enfranchisement amendment.

Analysis of several other Congressional votes on the suffrage amendment substantiates the existence of a strong

27. Elizabeth S. Nathans claimed that Georgia Republicans won in the spring 1868 elections a majority of the seats in the state's General Assembly. Of the six votes which Nathans analyzed to reach her conclusion, three are of dubious value. One, the July 21, 1868, vote on ratification of the Fourteenth Amendment, she described afterward as one vote which could "in no sense . . . be considered a test of party strength." In the July 28 vote for U. S. Senator, moreover, Democrats elected their candidate Alexander Stephens suggesting the Democratic affiliation of many of Nathans' so-called Republicans. Finally, Nathans' assertion that Republicans joined Democrats to expel black Republican legislators, thereby relinquishing their legislative majority, makes little political or historical sense. Nathans' earlier remark that "the exact party composition of the house can probably never be known" appears more accurate. If a party majority is accepted, Nathans' evidence supports Mildred Thompson's findings of half a century ago that the Democracy had it. Nathans, Losing the Peace, pp. 105-122; C. Mildred Thompson, Reconstruction in Georgia: Economic, Social, Political, 1867-1872 (Freeport, N. Y.: Books for Libraries Press, 1971, originally published, 1915), p. 208.
determination among slave state Republicans in Congress to protect not only the right of blacks to vote, but also their right to hold office. For instance, after the House had rejected on February 15 Wilson's modified proposal, the Senate turned to Massachusetts Republican George S. Boutwell's measure which had passed the House on January 30. Boutwell's amendment was weak, for besides allowing the states to impose suffrage restrictions for reasons other than race or color, the Boutwell bill lacked any guarantees for the right to hold office. In the ensuing vote, recorded in Table 8, slave state Republicans voted overwhelmingly against the proposal, and, as a result, the amendment failed to obtain the required two-thirds vote.\(^2\)

Several free state Republicans, who gave Boutwell's amendment a 24-10 majority, accused their slave state Republican colleagues of defeating the suffrage amendment because of their inflexible adherence to principle. Addressing these Senate critics, Florida Republican Adonijah Welch denied that Republicans from the slave states opposed Boutwell's bill "from mere caprice." Rather, Welch explained, the Boutwell amendment "by implication deprives [blacks] of the right to hold office" simply because of the color of their skin. Acceptance of this proposal, he

\(^{28}\) Senate Journal, 40th Cong., 3rd Sess., p. 287 (February 17, 1869).
concluded, would lead to injustices similar to those that had occurred recently in Georgia's legislature. 29

Shortly after Welch's admonition, the Senate approved, 35-11, Nevada Senator William M. Stewart's suffrage amendment which protected the right to hold office from discrimination based on race, color, or prior enslavement. The measure succeeded, however, only because slave state Republicans, presumably satisfied with the bill's officeholding guarantee, voted 15-1 in favor of the amendment. 30 As the figures in Table 8 demonstrate, had Democrats instead of Republicans sat in these slave state Senate seats, the Stewart amendment would have fallen short of receiving the required two-thirds vote.

Slave state Republicans in the House also rallied behind the principle of protection for the officeholding right. After the Senate rejected the House approved Boutwell amendment, for example, Republicans in the House began deliberation on Senator Stewart's proposal. Unhappy with the officeholding provision in Stewart's bill, Illinois Republican John Logan, a pre-Civil War Democrat who represented a highly anti-black constituency in southern Illinois, motioned to remove from it the words "and to hold office."


30. Senate Journal, 40th Cong., 3rd Sess., p. 293 (February 17, 1869).
House Republicans opposed Logan's proposal with a decisive 37-92 vote.\footnote{House Journal, 40th Cong., 3rd Sess., pp. 408-409 (February 20, 1869).} As the vote, recorded in Tables 7 and 9 discloses, slave state Republicans objected almost unanimously to the Logan measure, voting 3-31 against it. From a different perspective, nearly ninety-five per cent of the southern Republicans considered officeholding rights significant enough to retain. In comparison, sixty-one of ninety-five free state Republicans, or less than two-thirds of those voting, shared slave state Republican sentiments.

Immediately following the failure of Logan's proposal, Ohio Republican John A. Bingham offered a substitute for the Stewart amendment, which, in addition to tests of race and color, prohibited restrictions of voting and officeholding on account of nativity, property, and religion. Bingham's proposal passed the House with a vote of 92-71.\footnote{House Journal, 40th Cong., 3rd Sess., pp. 409-410 (February 20, 1869).} As previously mentioned, thirteen slave state Republicans supported this measure, and their persistent efforts to secure some form of protection for both officeholding and voting rights had met with apparent success.\footnote{For additional discussion of the Bingham amendment, see page 115.}
In his analysis of this vote, however, William Gillette noted the illusory radicalism of Bingham's amendment. The bill lacked any bans on educational testing, Gillette wrote, and House Democrats, "with the sweetener that education tests which would bar southern Negroes would not be banned," supported Bingham's proposal in order to aggravate the existing split among Republicans in both Houses.  

To a large extent their plan succeeded. As the voting results listed in Table 7 illustrate, free state and slave state Republican votes in the House fell short of giving a majority to Bingham's amendment proposal, and, without Democratic votes, the measure would have failed. More importantly, as Democrats undoubtedly understood, passage of Bingham's bill meant that the House and Senate had approved different versions of a suffrage amendment, signaling once again the inability of Congressional Republicans to forge an amendment suitable to the membership of both Houses.

In order to resolve their continued differences, both Houses selected members for a conference committee. Significantly, neither House appointed a slave state Republican to the committee, but, instead, they chose


Representatives John Bingham, George Boutwell, and John Logan, and Senators William Stewart, Roscoe Conkling, and George Edmunds, persons whom William Gillette described as inclined "to favor a moderate measure."\^36 Desiring a more comprehensive amendment than appeared likely to emerge from this conference committee, Republicans from the slave states protested in a caucus meeting against this compromising maneuver. The result of the committee's deliberations justified slave state Republican fears, for, with little difficulty, its members agreed to an amendment which eliminated protection of the right to hold office and which banned only those suffrage tests pertaining to race, color, or prior slavery.\^37

Dissatisfied with the conference committee's compromise proposal, several slave state Republicans objected to adoption of the amendment. "If we are to run a risk in this matter of losing this amendment because there are some States which will not adopt the proposition to hold office," South Carolina Republican Frederick A. Sawyer harangued his Senate Republican colleagues, "it is better to run the risk in the direction of the right."\^38

\^36. Gillette, The Right to Vote, p. 70.


Republican Senator Willard Warner of Alabama agreed. Without the additional protection of educational and property restrictions, this former Union army general insisted, blacks of the South possessed little opportunity to retain their legal and political rights. Since both Houses had accepted stronger proposals than this one, Warner questioned Congress' satisfaction with such a substitute. 39

In the final vote, however, party loyalty among slave state Republicans carried the bill. Even those outspoken critics of the measure, Sawyer and Warner expressed their willingness to vote for the amendment in deference to party unity. 40 Thirty-seven southern Republicans joined one hundred and seven free state Republicans in the House to pass the measure 144-44. As the figures in Table 7 demonstrate, without these slave state Republican votes, the conference committee amendment would have lacked the necessary two-thirds majority of 126 votes. Similar results occurred in the Senate where eleven slave state Republican votes coupled with twenty-eight votes from free state Republicans gave the bill a slim three vote margin beyond

39. Ibid., p. 1641

40. Ibid., pp. 1629, 1641. Warner did vote for the measure, but Sawyer abstained.
the required thirty-six. Again, had Democrats sat in these slave state Republican seats, Congress would have failed to pass the right to vote amendment.

By supporting the conference committee bill, slave state Republicans succumbed to party expediency. Throughout the debate and voting, however, most Republican Congressmen from the slave states had leaned in that direction, often invoking principle, but more often than not emphasizing party advantage. Republican representative Benjamin Whittemore of South Carolina made this point during debate over Massachusetts Republican George S. Boutwell's proposed amendment which prohibited denial of the right to vote "by reason of race, color, or previous condition." Insisting incorrectly that Boutwell's impartial amendment would award "equal political privileges to all men everywhere, all over the wide extent of our country," this former Union Army chaplain nevertheless urged adoption of the bill because it would probably "encourage and protect loyalty [Republicanism]" throughout the South. Republican representative Manuel S. Corley, a native South Carolinian, declared during this same debate that black suffrage demanded federal


protection, for without it, the Republican party could neither expect nor demand black support in the South.\textsuperscript{43}

Republican Congressmen from the non-seceding slave states, aware that in their states lived over 111,000 of the potential "northern" black voters who would be enfranchised by a suffrage amendment, also recognized early the beneficent political results which black suffrage had to offer them.\textsuperscript{44} For example, as Kentucky's lone Republican representative Samuel McKee noted, his state "strips utterly two hundred and fifty thousand citizens of every right." In the "unreconstructed South," the non-seceded slave states, he declared, state governments deprived blacks of the right to vote, and, consequently, former Confederates occupied positions of political power throughout these states. Thankful that the proposed suffrage amendment promised to bring to Kentucky's 250,000 blacks the political rights which the state's Democrats continued to deny them, McKee also relished the thought that the "disloyal" persons in Kentucky and the other states might lose their political offices to Republicans should Congress approve the amendment.\textsuperscript{45}

\textsuperscript{43} Ibid., "Appendix," p. 94.

\textsuperscript{44} The estimated potential black vote for each of the non-seceding slave states and the free states appears in Gillette, \textit{The Right to Vote}, p. 82.

\textsuperscript{45} \textit{Globe}, 40th Cong., 3rd Sess., p. 694 (January 28, 1869).
This is not to imply that all slave state Republican Congressmen acted solely for partisan purposes. Some, such as Senator Frederick A. Sawyer of South Carolina, adhered to political principle. Labeling humanity the common denominator for political rights, the Massachusetts-born Sawyer insisted that the manhood of blacks alone entitled them to the right to vote. When the Boutwell version of the suffrage amendment came before the Senate, Sawyer, who considered it far too weak, believed little reason existed for him to approve an amendment "... under which any state may pass a law which shall disfranchise four-fifths of the colored population without mentioning the word color." Sawyer objected also to the conference committee's proposal, and, on the ballot for that bill, he abstained from endorsing the measure.46

Generally, however, the conduct of slave state Republican Congressmen fell far short of their rhetoric. Representative Charles Hamilton, who served with the Union Army before moving to Florida in 1865, claimed in an address to the House that "justice, right, necessary, [and] duty" demanded universal suffrage.47 North Carolina Republican John French invoked a similar higher law, rejoicing that this Congress possessed the noble opportunity to bring

46. Ibid., p. 997 (February 8, 1869).
47. Ibid., "Appendix," p. 102 (January 29, 1869).
political equality to black Americans. Similarly, during the debate in the House over Massachusetts Republican George S. Boutwell's proposed amendment which prohibited franchise discrimination on account of race or color, but which failed to ban the use of educational and property restrictions, South Carolina's Manuel S. Corley objected specifically to both these omissions. Suffrage is "a natural and inherent right," Corley declared sanctimoniously, which should be protected from education and property qualification tests. Yet, both French and Hamilton felt that "justice" for blacks meant only suffrage, and they voted against Wilson's officeholding-suffrage amendment. Corley, undisturbed by his own Congressional oratory, opposed both the Wilson and Shellabarger amendment proposals which granted blacks more "natural and inherent" rights than he was willing to concede.

While it is far from surprising to discover signs of racial prejudice among slave state Republican Congressmen, it is surprising that many overcame sufficiently their deep-seated hostility toward blacks to support either the Shellabarger or Wilson amendments. David H. Donald, in his study The Politics of Reconstruction, attempted to explain

48. Ibid., "Appendix," p. 146 (February 9, 1869).
49. Ibid., "Appendix," p. 94 (January 28, 1869).
this aspect of Congressional conduct for all Republicans. After comparing the margin of victory which Republicans enjoyed in their election to Congress with their voting records in Congress, Donald concluded that Republican representatives who won office with large electoral majorities voted along so-called radical lines. Conversely, those Republican representatives who experienced narrow election victories tended to vote more conservatively.51

Because the third session of the Fortieth Congress was a lame duck Congress, Donald's thesis would seem to have special applicability for all Republican Congressmen, but for the purposes of this study, for southern Republicans in particular. Those who lost their seats, or for other reasons were not returning to office, should have voted with those incumbents receiving large electoral majorities to the Forty-first Congress. The incumbents who experienced close election results, according to Donald's theory, should have tended to vote along more conservative lines.

Correlation of most slave state Republican Congressmen's election results and their voting records on two key measures proposed in the House during the Fortieth Congress' third session reveals the inadequacy of Donald's thesis to explain fully the votes of these southern Republicans. Although seventeen of the twenty slave state Republicans

who voted for Samuel Shellabarger's universal suffrage amendment had either won reelection to the Forty-first Congress with a large margin or were ending their Congressional term, sixteen of the twenty-three negative southern Republican votes came from men falling into the same category. Similarly, Senator Henry Wilson's comparatively strong second suffrage amendment received eight of its eleven positive slave state Republican votes from large electoral victors or lame-duck Congressmen. At the same time, Republicans in this group accounted for twenty-three of the bill's twenty-nine negative southern votes.\(^{52}\)

Stated differently, Donald's categories indicate perhaps the reason a slave state Republican representing a safe election district voted for stronger suffrage proposals, but they fail to explain negative votes from similarly classified men.\(^{53}\)


\(^{53}\) McCarthy recorded a similar observation in his study of the early Reconstruction Congresses. "Reconstruction Legislation and Voting Alignments in the House of Representatives, 1863-1869," p. 209. McCarthy also noted that "many of those in the radical wing were elected by narrow margins." Ibid. Robert T. Van Horn, the only representative to support the Shellabarger and Wilson amendments, won with only 55 per cent of the votes in 1868
Nor does the division of slave state Republican representatives into seceded and non-seceded categories offer insight into their voting behavior. On the Shellabarger amendment, Republican representatives from the seceded states split 14 to 17; those from the non-seceded states voted 5 to 6 against it. They divided proportionately over the Wilson amendment. From seceded slave state Republicans, the bill received six votes in favor of passage and twenty-one against. Non-seceding slave state Republicans opposed it 8 to 4.\(^{54}\)

Closer analysis of slave state Republican voting in the House on the Shellabarger and Wilson amendments suggests that widespread negrophobia strongly influenced the outcome of those ballots. That only ten slave state Republican Congressmen voted for the Wilson amendment which forbid education and property tests for suffrage or officeholding indicates the reluctance of thirty-nine of them to relinquish white control over black political voting or to accept blacks as true political peers. Of the twenty slave state Republicans who approved Shellabarger's universal suffrage bill, only one voted for Wilson's dual

\(^{54}\) Confirming the validity of McCarthy's conclusion for at least one slave state Republican Congressman. *Official Congressional Directory*, 41st Cong., 1st Sess., p. 25.

officeholding-suffrage amendment, attesting further to the inability of these men to consider blacks political equals. 55

Biographical analysis leads to similar conclusions. Scalawags, an opprobrious term used to describe native southern Republicans or those who had moved to the South in the ante-bellum period, accounted for eighteen of the twenty-three opposition votes Shellabarger's measure received from slave state Republicans (see Table 9), accenting the impact of their southern heritage. That six of these scalawags voted "yea" for the Wilson amendment infers their willingness to grant blacks political privileges over which they retained some control, but not to bestow unrestricted suffrage benefits on the freedmen. 56

Significantly, the combination of Donald's analysis and the clear presence of anti-black sentiment among slave state Republican Congressmen provides some explanation for their voting. While Donald's thesis explains in part a Congressmen's vote in favor of a strong suffrage amendment, racism often accounted for the negative votes from slave state Republican Congressmen on these same issues.

This slave state Republican racism notwithstanding, Republican Congressmen from the South differed substantially substantially

55. Ibid.

56. Ibid.; Biographical Directory of the American Congress, passim.
from their Democratic counterparts. As the votes recorded in Tables 7 and 8 reveal, slave state Democrats opposed consistently all efforts at providing American blacks even a modicum of political equality. When southern Democrats did support a suffrage amendment, Republicans from the slave states rejected it almost unanimously because of its weakness. Approximately half of the slave state Democrats in the House voted for two suffrage amendments, but in one case they found themselves at odds with their southern Republican colleagues, and, in the other, the vote for John A. Bingham's impartial voting and officeholding amendment, the Democrats hoped to divide further the Republican party. In both Houses, moreover, slave state Democrats voted unanimously against the Fifteenth Amendment in its final form.

In the Forty-first Congress, a similar trend would continue as slave state Democrats threw obstacle after obstacle in the path of Republican legislation designed to assist southern blacks. Despite this Democratic opposition,

57. This was representative George S. Boutwell's bill (Vote 4 on Table 8). Senate Journal, 40th Cong., 3rd Sess., p. 287 (February 17, 1869).


59. House Journal, 40th Cong., 3rd Sess., pp. 449-450 (February 25, 1869); Senate Journal, 40th Cong., 3rd Sess., p. 361 (February 26, 1869). See Vote 5, Table 7, and Vote 6, Table 8.
Congressional Republicans, with the assistance of the Republican Congressmen from the slave states, passed in the Forty-first Congress legislation which secured ratification of the Fifteenth Amendment and which provided machinery for enforcing the suffrage amendment. In the process, however, the split among slave state Republicans which surfaced during the Fortieth Congress intensified, and, by the end of the Forty-first Congress, this division would undermine seriously the strength of southern Republicans in Congress.
CHAPTER 6

AFTERMATH OF THE FIFTEENTH AMENDMENT: SLAVE STATE REPUBLICANS IN THE FORTY-FIRST CONGRESS

The Fortieth Congress adjourned soon after its Congressional Republicans united behind the party standard and passed the Fifteenth Amendment. By the end of the Forty-first Congress, however, a serious split had developed within the Republican party, as many free state Republicans scrapped their goal of reconstructing the South on a broad platform of black suffrage and Confederate disfranchisement. Later known as the Liberal Republicans, these men embarked upon a program of ostensible political and economic reform. Yet, in reality, they sought merely to accumulate political power through a campaign of reconciliation with southern whites, a campaign which meant abandoning the freedmen in the South and courting white southern favor through the removal of political disabilities.¹

Opposite the Liberals stood the remaining Republicans who would soon assume the title, Stalwart Republicans.

Also anxious to maintain national Republican strength, these men continued to advocate a reconstruction policy which would sustain black suffrage, the party's strongest source of support in the South.² Not surprisingly, virtually all the slave state Republicans flocked to the Stalwart banner. Indeed, the southern Republican Congressmen often cast the decisive ballots when Congress passed Reconstruction legislation designed to improve Republican status in the South. After coalitions of Liberal Republicans and Democrats formed to defeat similar Reconstruction legislation, Republicans from the slave states struggled desperately to push these bills through Congress.

An analysis of slave state Republican strength in the Forty-first Congress suggests the depth of their power. In the Senate, they claimed nineteen of the twenty-four southern seats. With the readmission of Virginia, Mississippi, and Texas during the Congress' second session, the number of slave state Republicans in the Senate increased to twenty-four, or 80 per cent of the total southern allotment and 40 per cent of the entire Republican cadre. Minus the Congressional delegations from Virginia, Mississippi, Texas, and Georgia, slave state Republicans in the House occupied forty-two of the sixty-two seats allotted to their states. Fourteen of the twenty-four representatives

from these other southern states were Republicans, and their entry into Congress brought to 170 the total number of Republicans in the House.3

The importance of slave state Republican votes surfaced early in the proceedings of the Forty-first Congress when Congressional Republicans decided to assist through legislative action ratification of the Fifteenth Amendment. For most Republicans, the need for federal intervention appeared clear. By April 1, 1869, only twelve state legislatures had ratified the amendment, while four states, Kentucky, Delaware, Georgia, and Ohio, had rejected the proposal. Perhaps equally disconcerting to proponents of ratification, Democrats had carried Maryland, New York, New Jersey, and Oregon in 1868; making ratification in these states uncertain. The smallness of Republican legislative majorities in California, Indiana, and Connecticut, moreover, made unpredictable the outcome of ratification there also. Should any six of these seven questionable states reject the amendment, it would lack the required approval of twenty-eight of the thirty-seven states.4


4. Gillette, The Right to Vote, pp. 82-84.
Undoubtedly cognizant of the problems the Fifteenth Amendment confronted, future Stalwart Republican Oliver P. Morton of Indiana introduced on April 9, 1869, an amendment to the House's readmission bill for Virginia, Mississippi, and Texas which would require each of these three states to ratify the suffrage amendment as a prerequisite for re-admission. That same day the Senate adopted Morton's amendment with a 30-20 vote. Several hours later, the House concurred in the Senate's amended version of its reconstruction bill, and the future for the Fifteenth Amendment suddenly appeared brighter.

While historians have noted the effect Morton's proposal had on the Fifteenth Amendment's final ratification, they have generally overlooked the importance of slave state Congressional votes in the adoption of the Morton amendment. Significantly, without slave state Republican votes, Morton's amendment would have failed. In the Senate, where it received a favorable 30-20 vote, eleven slave state Republicans voted for the measure, and, as the vote recorded in Table 10 reveals, had Democrats occupied


Table 10. Selected Votes in the Senate Forty-First Congress

<table>
<thead>
<tr>
<th>Vote</th>
<th>Vote Result</th>
<th>Free State Republican Vote</th>
<th>Slave State Republican Vote</th>
<th>Slave State Democratic Vote</th>
<th>Vote had Democrats Occupied Seats</th>
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<td>25</td>
<td>20</td>
<td>19</td>
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</tr>
</tbody>
</table>

<sup>a</sup> nv = not voting.

<sup>b</sup> SSR = slave state Republican.

<sup>c</sup> Where applicable.

Vote
Table 10.--Continued

these eleven seats, the vote would have been 19-31 against
the Morton amendment.  

Southern Republicans in the House twice cast the
deciding ballots in favor of the Morton amended reconstruc-
tion bill. The first crucial vote occurred on a motion by
Massachusetts Republican Benjamin F. Butler to suspend the
rules in order to consider the Senate amendment. Twenty-
two slave state Republicans joined eighty-eight Republicans
from the free states to approve the motion, 110-36. In
order to obtain the House's approval, however, Butler's
motion required ninety-eight votes, or two-thirds of those
cast. Tabulation of this vote in Table 11 indicates that
House Republicans succeeded in suspending the rules only
because twenty-two slave state Republicans concurred.
Similarly, when Butler moved to suspend the rules in order
to adopt the Senate amendment and to pass simultaneously
the readmission bill, the same twenty-two southern Republi-
cans provided the margin necessary to exceed the two-thirds
majority of ninety-eight votes.  

Even with Morton's ratification requirement attached
to the Virginia, Mississippi, and Texas readmission bill,
however, state approval of the constitutional amendment

7. Senate Journal, 41st Cong., 1st Sess., p. 149
(April 9, 1869).

8. House Journal, 41st Cong., 1st Sess., pp. 218-
219, 220-221 (April 9, 1869).
Table 11. Selected Votes in the House Forty-First Congress

<table>
<thead>
<tr>
<th>Vote</th>
<th>Vote Result</th>
<th>Free State Republican Vote</th>
<th>Slave State Republican Vote</th>
<th>Slave State Democratic Vote</th>
<th>Vote had Democrats Occupied SSR Seats</th>
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</thead>
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<td></td>
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<td>yea  nay  nv</td>
<td>yea  nay  nv</td>
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<td>88 0 22</td>
<td>22 0 9</td>
<td>0 12 6</td>
<td>88 58 55</td>
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<tr>
<td>2&lt;sup&gt;d&lt;/sup&gt;</td>
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<td>84 0 26</td>
<td>22 1 8</td>
<td>0 12 5</td>
<td>86 61 54</td>
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<td>3&lt;sup&gt;d&lt;/sup&gt;</td>
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<td>28 3 14</td>
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<td>55 40 17</td>
<td>8 28 5</td>
<td>20 0 4</td>
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<tr>
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<td>99 89 42</td>
<td>43 52 17</td>
<td>5 31 12</td>
<td>20 0 7</td>
<td></td>
</tr>
</tbody>
</table>

<sup>a</sup> nv = not voting.
<sup>b</sup> SSR = slave state Republican.
<sup>c</sup> Where applicable,
<sup>d</sup> Votes which required a two-thirds majority.

Vote
1. Butler's motion to suspend the rules in order to take under consideration Virginia, Mississippi, and Texas readmission bill, House Journal, 41st Cong., 1st Sess., pp. 218-219 (April 9, 1869).
2. Butler's motion to suspend the rules in order to approve readmission bill. Ibid., pp. 220-221.
5. Final vote on the Georgia bill, permitting elections in 1870. Ibid., p. 1080 (June 24, 1870).
floundered. Of these three states, only Virginia ratified the Amendment prior to the convening of the Forty-first Congress' second session in December, 1869. That only twenty state legislatures, substantially short of the required twenty-eight, had approved the Amendment during this same period dampened further the hopes of those Congressional Republicans anxious to see the suffrage amendment incorporated in the Constitution.9

Tenaciously seeking every possible means to enhance the Amendment's chances for approval, Indiana's Senator Morton attempted again to make state ratification a reality through the power of federal legislation. The current controversy which surrounded Georgia's readmission to the Union provided him with the opportunity he needed. In the fall of 1868, Georgia's white legislators had ousted the black lawmakers from the General Assembly. This, combined with Georgia's subsequent failure to ratify the Fifteenth Amendment, angered Congressional Republicans sufficiently enough that they expelled Georgia once again from the Union. In the midst of establishing new guidelines for the state's readmission, Morton introduced an

amendment which required Georgia to ratify the Fifteenth Amendment as a condition for restoration to the Union.¹⁰

Superficially, Morton's measure breezed through the Senate with a commanding 38-15 vote. Thirteen of those "yea" votes, however, came from southern Republican Senators. As the vote recorded in Table 10 demonstrates, the thirteen slave state Republicans made the difference. In the House, where Republicans held 170 of a possible 294 seats, Senator Morton's amendment to the Georgia bill gained ready approval.¹¹

With the passage of Morton's amendment, Congress now required four former Confederate states to ratify the Fifteenth Amendment as a prerequisite to their representation in Congress. This Republican strategy produced the desired result, for ratification of the Amendment by Virginia, Mississippi, and Georgia gave the Republicans the twenty-eight states they needed to adopt the Amendment.

Successful ratification was one thing; successful application of the Amendment in the South another. As Congressional Republicans undoubtedly knew, hostile southern whites had through violent intimidation during previous

¹⁰ Nathans, Losing the Peace, pp. 121-122; Gillette, Right to Vote, pp. 100-103; Globe, 41st Cong., 2nd Sess., p. 165 (December 16, 1869).

¹¹ Senate Journal, 41st Cong., 2nd Sess., p. 55 (December 17, 1869); House Journal, 41st Cong., 2nd Sess., p. 98 (December 21, 1869).
elections prevented blacks from going to the polls. In an effort to provide the freedmen with some federal protection in future elections, Republicans in Congress passed during the second session the First Enforcement Act.\textsuperscript{12}

This act, designed to protect voters from discrimination, "force, bribery, threats and intimidations," first came to a vote in the House on May 16, 1870, when Republicans suspended the rules and passed the bill. In order to suspend the rules, however, the motion required a two-thirds vote of 116. House Republicans complied, and they approved the motion with a vote of 131-43. Again, slave state Republicans cast the crucial ballots as twenty-eight of them voted for the measure.\textsuperscript{13}

Four days later, the Senate passed by a vote of 42-8, an amended version of the House's enforcement bill.\textsuperscript{14} This overwhelming majority is misleading, for Senate Republicans experienced difficulty attaching their amendments to the House version. The first amendment, 

\textsuperscript{12} Allen W. Trelease has documented thoroughly the violence which accompanied the 1868 Presidential election in the southern states, \textit{White Terror}, pp. 113-185; \textbf{House Journal}, 41st Cong., 2nd Sess., pp. 798-799 (May 16, 1870); \textbf{Senate Journal}, 41st Cong., 2nd Sess., p. 685 (May 20, 1870).


\textsuperscript{14} \textbf{Senate Journal}, 41st Cong., 2nd Sess., p. 685 (May 20, 1870).
introduced as a substitute for the House bill, passed 31-12. As the recorded vote in Table 10 reveals, ten of the thirty-one votes came from slave state Republicans; without their support, the amendment would have failed, 21-22. Moments later, the Senate passed, 24-22, Wisconsin Senator Matthew H. Carpenter's amendment to the enforcement bill which authorized local law enforcement officials to initiate court proceedings without a grand jury indictment against alleged violators of the Fifteenth Amendment. This time, twelve slave state Republican Senators voted for the amendment, enabling the Senate to adopt Carpenter's controversial proposal. 15

Throughout the course of the debate over this first Enforcement Act, as well as slave state readmission bills, Congressional Democrats complained bitterly that the Republican party sought through these pieces of legislation to perpetuate its position of power. William Sweeny of Kentucky, for example, characterized the Virginia admission bill as a political ploy, whose "purpose . . . is for mere partisan ends." 16 Democrat Garret Davis of Kentucky, a Republican nemesis since he entered the Senate in 1867, charged that the Enforcement Act constituted one more measure the Republican party calculated would ", . . . .

15. Ibid., pp. 679-681, 682 (May 20, 1870).
increase its majority." Davis' Democratic Maryland
colleague, George Vickers, accused the Republican Senators
with duplicity for once denying blacks the vote on racial
grounds and for now discovering "the importance of the negro
to . . . their party so great that . . . they enforce upon
the white race heavy punishments for attempting to delay"
black suffrage.  

The southern Democratic press reacted similarly to
the Forty-first Congress' Fifteenth Amendment legislation.
In Mississippi, E. Barksdale, editor of the anti-Republican
Weekly Clarion, bemoaned the passage of the Enforcement Act.
Republicans craved power, he declared, and this bill
satisfied the political appetite of these "desperate
demagogues and usurpers." Sharing Barksdale's sentiments,
the Dallas (Texas) Herald reported that Republican recon­
struction policy had "forced [Mississippi whites] to elect
Radical [Republican] villains to Congress and State offices"
in order to serve despicable party purposes.  

Republicans agreed with their Democratic opponents
that partisanship accounted for their actions, but, they
argued, only through the Republican party could the entire

17. Ibid., p. 3679 (May 20, 1870), p. 3484 (May 16,
1870).
18. Jackson (Mississippi) Clarion, August 18, 1870.
19. Dallas (Texas) Herald (weekly), December 18,
1869.
country realize the nation's constitutional ambition of political justice for all men. Not surprisingly, slave state Republican Congressmen, the immediate beneficiaries of this Republican policy, often defended the moral necessity for continued reconstruction legislation. Texas Republican Senator Morgan C. Hamilton, who had actively opposed secession in 1861 and who was a key participant in the postwar political reorganization of Texas, considered the Enforcement Act the surest means of depriving southern "Democrats . . . of the luxury of killing and whipping Negroes." John C. Pool, a North Carolina Republican Senator who in the Fortieth Congress had opposed passage of the Fifteenth Amendment apparently because it lacked universal suffrage and officeholding provisions, nevertheless now urged adoption of the Enforcement Act. This bill established machinery for "securing and protecting the liberty of the citizens and the right and immunities of American citizenship," Pool declared, and did it " . . . in accordance with the spirit and whole object of the formation of the Union and the national government."  


21. Gillette, Right to Vote, p. 75; Globe, 41st Cong., 2nd Sess., p. 3611 (May 19, 1870).
Notwithstanding this rhetoric, political survival, not political morality, spurred slave state Republicans to support their party's Reconstruction program. During debate over Virginia's readmission, South Carolina Republican representative Benjamin F. Whittemore illustrated this point. Shackle Virginia's "traitors [Democrats]" with a test oath and other conditions, protect Virginia's Republicans, this former Union Army chaplain demanded, and then readmit the state. Joel F. Asper, freshman Republican representative from Missouri, and carpetbag Senator George E. Spencer of Alabama agreed. Declaring that "it is a matter of deep concern to the Republicans of these southern States that they be sustained," Spencer implored his fellow Republicans to adopt the First Enforcement Act. Failure to heed his warning, Spencer concluded, would restore to power the "Ku Klux Democracy," the "panderers" and "demagogues" responsible for disrupting the Union.

Slave state Republican conduct in Congress reflected this concern for the future of the southern Republican party, and, in vote after vote, most southern Republican Congressmen supported Congressional legislation designed


to strengthen their party's southern position. During the Senate's protracted debate over Virginia's readmission, for example, former Missouri Governor Charles D. Drake introduced an amendment to the bill which forbade the state from amending its constitution for the purpose of restricting black suffrage. Drake's amendment passed, but the vote was close, 31-28. Not surprisingly, Drake and eleven other slave state Republicans, aware that Republican fortunes in the South rested on black suffrage, voted for the amendment. More importantly, as the voting figures recorded in Table 10 demonstrate, without the support of these twelve southern Senators, the amendment would have failed.\(^{24}\)

Despite the success of Drake's amendment, a percentage distribution of these same voting results discloses that southern Republican fortunes had turned for the worse. While the majority of slave state Republican Senators displayed a strong determination to strengthen Republicanism in Virginia, many of their free state Republican colleagues exhibited less than overwhelming support for Virginia's Republican party. Granted, the free state Republican senators contributed nearly sixty-two per cent of the votes Drake's suffrage amendment received, and the slave state Republicans slightly more than thirty-eight per cent. Nevertheless, barely fifty per cent of the northern

\(^{24}\) Senate Journal, 41st Cong., 2nd Sess., p. 130 (January 21, 1870).
Republicans who voted approved the suffrage amendment. On the other hand, seventy-five per cent of the slave state Republicans sustained Drake's proposal. 25

Congressional proceedings over Georgia's readmission aggravated this existing division between southern and northern Republican Congressmen. Before the Congress were two alternatives for Georgia. The first, advocated by veteran Republican representative John A. Bingham of Ohio, would permit Georgians to hold elections in November 1870. The second proposal called for postponing state-wide elections until November 1872, thereby allowing the legislature, under suspension since Congress expelled the state, to sit for an entire term. 26

For many Congressional Republicans, the admission of Georgia under Bingham's proposal spelled doom not only for Georgia's Republicans, but also for the entire Republican party in the South. House Republican Legrand Perce, whose own state of Mississippi had only recently rejoined the Union, stressed the threat confronting Georgia's Republicans. The Democracy applauded Bingham's amendment "with exaltation and joy," Perce charged, because they realized it meant the "breaking down of the policy and strength of the

25. Ibid. Similar results occurred when Drake proposed an office holding guarantee to the Virginia readmission bill. Ibid., pp. 130-131.

Republican party." Too often, Perce said, criticizing his free state Republican colleagues, have "... northern Republicans who know comparatively little about affairs in the South ... legislat[ed] without respect to the wishes or wisdom of southern Republicans." Listen to a southern Republican now, he begged, and reject Bingham's amendment. Adoption of the Bingham amendment, Perce predicted, would turn Georgia Republicans "... over to the lash, the knife, and the bullet of their hereditary oppressors [Democrats]."

Republican Benjamin F. Butler, former military commander of Louisiana and now representing Massachusetts, echoed Perce's plea. If any hope existed for southern Republicanism in Georgia, for "loyalty and right," Butler insisted, that hope rested on the extension in office for two more years of the present Georgia legislature. Congress not only had the power, Butler chided his fellow Republicans, it had the duty "... to protect the just and loyal and true [Republicans], and to keep out of power the disloyal, the unjust, and the rebellious [Democrats]."

Conditions in Georgia, of course, gave Perce, Butler, and other Republicans ample cause for concern. Since Georgia's readmission under the Omnibus Act of 1868, political disasters and physical violence had plagued the

27. Ibid., pp. 4191-4193 (June 24, 1870).
28. Ibid., p. 1770 (March 8, 1870).
state's Republicans. In August 1868, for example, Georgia whites expelled from the General Assembly the recently elected black Republican legislators. Less than four months later, Georgia Democrats carried the state in the Presidential election. Paralleling this Democratic rejuvenation, Ku Klux Klan terrorists rode virtually unmolested throughout the state, pillaging, plundering, whipping, and murdering Republicans. 29

Despite the violent realities of Georgia's politics and the impassioned Congressional oratory of Perce and Butler, the House adopted Bingham's amendment, 115-71. While examination of this vote discloses that most slave state Republicans rejected Bingham's proposal, it also reveals that free state Republicans voted 55-40 (see Table 11) in favor of the Bingham amendment. Stated differently, only forty-two per cent of the northern Republican representatives who voted, compared with seventy-seven per cent of those from the South, considered Georgia's Republican party worth saving. 30

In the Senate, where Bingham's amendment experienced stronger resistance, slave state Republicans attached


great significance to the future of Georgia's Republican party. For instance, Republican Senator Morgan C. Hamilton of Texas, a pre-Civil War opponent of secession, forecast that adoption of the Bingham amendment "... will be the death-knell of the Republican party south of the Potomac. The rebels will take possession of every local government by fair means and foul." North Carolina's Republican senator Joseph C. Abbott objected to the proposed amendment for similar reasons. If passed, Abbott cautioned, Bingham's amendment would leave unprotected not only the "loyal people [Republicans]" of Georgia, but also threaten the safety of Republicans throughout the South. You have an obligation to protect "... the Republican party of the South," Abbott instructed his Senate Republican colleagues, and, in the South, blacks, "loyal whites," and carpetbaggers, he concluded, "... all demand your protection." Subsequent Senate balloting on the Georgia bill mirrored this slave state Republican concern. When Republican Senator George H. Williams of Oregon introduced an amendment to the Bingham proposal which would postpone the next election for Georgia's legislature until November, 1872, twelve of the twenty-four votes the bill received, or fifty per cent, came from southern Republican senators.


32. Ibid., p. 2648 (April 13, 1870).
Again, as the description of the vote in Table 10 demonstrates, free state Republican senators deserted their southern colleagues, voting 15-12 against the Williams proposal. 33

Conversely, the majority of slave state Republican senators rejected Kansas Republican Senator Samuel S. Pomeroy's amendment which required Georgia to hold elections in November 1870. For the second time in a week, the southern Republican senators found themselves at odds with their northern Republican colleagues who supported the Pomeroy amendment, 19-13. From a different perspective, this vote, as depicted in Table 10, confirmed the shift in northern Republican Congressional attitudes. Whereas over fifty per cent of the slave state Republican senators opposed Pomeroy's amendment, nearly sixty per cent of the free state Republicans who voted approved the measure. This large northern Republican support, coupled with nearly unanimous approval of Senate Democrats, gave Pomeroy's amendment the votes it needed to pass. With its success, the prospects for postponing Georgia's state elections for two years dimmed considerably. 34

Adoption of Pomeroy's amendment aside, the bulk of the southern Republican Congressmen remained adamantly

33. Senate Journal, 41st Cong., 2nd Sess., p. 496 (April 14, 1870).

34. Ibid., p. 516 (April 19, 1870).
opposed to allowing Georgia's elections in 1870. For example, when the Pomeroy amended Georgia readmission bill came to a final vote in the Senate, twelve of twenty southern Republicans, or sixty per cent, rejected the bill. Voting for a similar bill in the House, Republicans from the slave states decisively rejected the measure, 31-5. Free state Republicans in both Houses, however, remained crucially divided. Without the northern Republican unity which had existed before on so many Reconstruction issues, the slave state Republican impact on the outcome of southern directed legislation disappeared, and, in the case of the Georgia bill, their efforts to block passage of what they considered undesirable legislation failed. 35

The Georgia readmission bill, besides accenting the weakness of the slave state Republicans when separated from free state Republican support, also represented the most serious division to date within the Republican party. For the first time since the beginnings of Reconstruction, slave state Republican majorities and northern Republican majorities found themselves in almost continual conflict over legislation directly affecting the party's fortunes in the South. Ironically, in the midst of this disunity, Congressional Republicans still shared a common bond, the desire to perpetuate Republican political power.

35. Ibid., p. 521 (April 19, 1870); House Journal, 41st Cong., 2nd Sess., p. 1080 (June 24, 1870).
Nothing exemplifies better this mutual ambition than Congressional Republican efforts to remove political disabilities from former Confederates. During all three sessions of the Forty-first Congress, for example, Republicans introduced hundreds of private bills reinstating political privileges to former Confederates. While many of the bills originated with northern Republicans, slave state Republicans accounted for nearly half of the total initiated by Republicans.36

Indeed, several slave state Republicans sponsored legislation to remove all political disabilities. Future Louisiana Republican governor William Kellogg introduced in the Senate a bill eliminating the proscriptive article of the Fourteenth Amendment.37 Similarly, Carl Schurz, Missouri's junior, but extremely powerful Republican senator, proposed a resolution calling for the removal of all "disqualification and disabilities" as soon as practicable.38

Those southern Republicans who supported the removal of disabilities left little doubt over their motives. Republican representative Edward Degener of Texas, for

38. Ibid., p. 53 (December 12, 1870).
example, considered disabilities an impediment to Republican success. A German emigré and a participant in the 1848 German revolution, Degener urged the removal of political disabilities imposed by the Fourteenth Amendment.

Acknowledging that the total number of those disfranchised had little direct impact on southern Republican politics, Degener nevertheless stressed that "the indirect influence [of proscription] is highly important." "Will not the friends of the disfranchised become our enemies?" he asked. "Will they not form a phalanx of hundreds of thousands against any Republican who may appear in the field?" If the Republican party sought success in the next presidential election, Degener admonished, it must heed his warning and "write 'amnesty' on its flag." 39

Some slave state Republicans objected to proposals such as Degener's, and, very often, these southern Republican opponents of amnesty traced their own political success to disfranchisement. Tennessee Republican Horace Maynard, long a beneficiary of disfranchisement in his state, mocked the notion that the Republican party stood to benefit from the removal of political disabilities. Instead of gratitude, he retorted, Republicans ". . . will be derided [and] taunted" by those very persons whose favor they prized.

Instead of creating Republican allies, Maynard warned, enfranchisement of Confederates would restore Democrats to political power, and they would assume their offices ". . . with the port and manner of conqueror."  

Perhaps the strongest slave state Republican opposition to amnesty came from Missouri's senior Republican senator, Charles D. Drake. Angered by his Missouri colleague Carl Schurz's pro-amnesty stance, Drake unleashed a vicious attack against the German-born Schurz, accusing him of disloyalty to the Republican party and base political opportunism. This "treacherous" Republican and his supporters, Drake charged in a two and one-half hour speech, urged the enfranchisement of former Confederates in Missouri in order that ". . . they might destroy the Republican party in that state." Worse, Drake bellowed, Schurz ", . . , carried almost the entire Republican German vote of Missouri with him in his disruption of the Republican party there; and, . . . he intends to carry that vote over to the Democracy."  

This Schurz-Drake hostility at once precipitated and reflected the split which had developed recently within the Republican party. While the bitter confrontation between

these two Missouri Senators exploded on the Senate floor, it originated as a power struggle in Missouri state politics.\(^4^2\) Schurz, a recent arrival to Missouri, brought with him a national Republican reputation, and his mere presence in the state challenged seriously Drake's hold over Missouri's Republican party. To aggravate further the natural rivalry between these two men, Schurz not only entered against Drake's wishes the contest for the state's second Senate seat, but he also solicited for his campaign Democratic support with promises of re-enfranchisement for Missouri's proscribed Confederates. Such a concession was anathema to Drake who had established Missouri's Republican foundation on strong disfranchisement legislation.\(^4^3\)

Despite Drake's opposition, Schurz won the Senate seat, and his success established him as the dominant force in Missouri's Republican politics. More importantly, however, Schurz's victory persuaded Republicans throughout the nation, who had also concluded that strong southern-directed legislation alienated many of the party faithful, to drift toward the Liberal Republican movement. In Congress, where Republicans were particularly sensitive to


\(^4^3\) Drake wrote the detailed disfranchisement article incorporated in the 1865 Missouri Constitution. State of Missouri, Journal of the Missouri State Convention, pp. 258-262.
the national political mood, many more Republicans eagerly embraced Schurz's southern program of conciliation and amnesty. Unfortunately for most slave state Republicans, this steady rise of Liberal Republican strength in Congress would continue in the days ahead. In the process, the new party stripped the southern Republicans of many northern Republican allies, threatening seriously the future of the Republican party in the South.
CHAPTER 7

SLAVE STATE REPUBLICANS AND ECONOMIC ISSUES

Reconstruction issues created during the Forty-first Congress serious divisions within the Republican party. With Congressional Republicans seldom agreeing unanimously over economic legislation, such questions as currency, the tariff, and railroads produced equally sharp intraparty disunity. Slave state Republican Congressmen, moreover, contributed substantially to this Republican factionalism, joining their midwestern Republican colleagues to support inflationary monetary policies which Republican Congressmen from the northeastern states opposed. On other occasions,  

1. Another key measure of the Forty-first and Forty-second Congresses was the coinage bill. Monetary historians have discovered, however, that this issue raised little interest prior to its passage. Rather, the full impact of demonitization, popularly known as the "Crime of '73," surfaced only twenty years later. (See, Walter T. K. Nugent, Money and American Society, 1865-1880 [New York: The Free Press, 1968], p. 140, and, Allen Weinstein, Prelude to Populism: Origins of the Silver Issue, 1867-1878 [New London: Yale University Press, 1970], p. 4). During the limited debate over this measure, southern Republicans remained virtually silent. The Senate, moreover, approved the bill without a roll-call vote, and the absence of this normally valuable source leaves unanswered the specific attitudes of the southern Republicans to adoption of a single gold standard. The voice vote in the Senate and the overwhelming 110-13 favorable vote the Coinage Act received in the House suggests the presence of a basic accord toward demonitization among the national legislators, Walter T. K. Nugent and Allen Weinstein have documented thoroughly the shared ambition among Congressmen of both parties to place
the Republican legislators from the South found themselves allied with northeastern Republicans and in direct opposition with their midwestern Republican neighbors over questions concerning railroad development.

This thesis, of course, contrasts markedly with that which Howard K. Beale expressed forty-four years ago in his influential work, *The Critical Year*. According to Beale, Republican Congressmen united on virtually all economic issues. Finding what he considered evidence of such economic conformity between northeastern and southern Republicans in his analysis of tariff legislation, Beale attributed this so-called Republican solidarity to the successful efforts of pro-tariff northeastern Republicans to create during Congressional Reconstruction southern Republican parties in the seceded South. Once the southern states regained readmission to Congress, Beale argued, northeastern Republicans planned to utilize "... negro suffrage and ... military force" to keep the South Republican and "... hence protectionist for many years more."² Beale also applied this thesis to Republican

attitudes toward other economic problems. Northeastern Republicans, he wrote, favored contracting the currency and willingly gave support to the great railroad monopolies. A Democratic South would have embraced opposite positions, Beale speculated, and "realization of this fact was one of the reasons for Radical [Republican] determination to keep the South out of the Union." ³

Twenty years later, in his highly regarded Reunion and Reaction, C. Vann Woodward modified slightly the Beale thesis. Economic ambitions still dictated northeastern Republican policy, Woodward concluded, but by 1876 the Republicans had changed their tactics. Unlike the Republicans of 1866, whom Beale contended created slave state Republicans to implement their economic progress, the Republicans in power a decade later courted southern Democratic support to help them pass their business oriented legislation. A new "economic order" had emerged during Reconstruction, Woodward continued, and northeastern Republicans discovered in the South a breed of Democrats who shared their financial interests in "... railroads, industries, [and] business enterprise of one kind or another." ⁴

³. Ibid., pp. 236, 265.

Actually, Woodward and Beale presented very similar theses, for Beale's Republicans were Woodward's Democrats. According to Woodward, pre-Civil War Whigs flocked to the Republican party immediately following the war. Described by Woodward as self-proclaimed "protectors of property rights and champions of financial, commercial, and industrial interests," these Whigs established during the early years of Reconstruction an economic alliance with northeastern Republicans. Within a decade, Woodward added, the Whigs disassociated themselves from the primarily black-supported Republican party, shifting their allegiance instead to the Democracy. 5

Several historians have undermined seriously this Beale-Woodward inference that any solidarity on economic matters existed prior to 1876 among northeastern and southern Republicans. For example, the works of Stanley Coben and Glenn M. Linden, already discussed in greater detail, discredited convincingly Beale's and Woodward's

5. Ibid., pp. 22-50, especially, 36, 41-42. John V. Mering has argued persuasively that antebellum Whiggery fails to explain Reconstruction politics. Indeed, Mering discovered, many of Woodward's "rejuvenated" Reconstruction Whigs had even worn the Democratic label prior to the Civil War, leading him to conclude that "Woodward's real meaning is that the Republican administration came to terms with a particular economic class rather than with a political party." John V. Mering, "Persistant Whiggery in the Confederate South: A Reconsideration," The South Atlantic Quarterly, LXIX (Winter, 1970), pp. 127-128,
notion of northeastern Republican unity. In his study of post-Civil War currency questions, moreover, Robert P. Sharkey discovered "actually no agreement" among northern and southern Republicans on matters of finance. More recently, Irwin Unger, Allan Weinstein, and Walter T. K. Nugent have also dismissed party as a decisive factor in all Congressional voting patterns.

Notwithstanding these differences, Beale and Woodward share an important common bond with their critics. They all neglected to examine thoroughly the role of the scenario's principal characters, the slave state Republican Congressmen. Beale's study, for example, ended chronologically before the readmission of the seceded states. Those states of the border South which Beale did consider, he categorized as northwestern or northeastern states. Similarly, Coben, Linden, and Sharkey overlooked the importance of Republican Congressmen from the slave states. Coben ignored Congress completely; Linden studied


only the conduct of norther Republicans; Sharkey ended his study in 1869. By placing the border slave states in Beale's geographical categories, Walter T. K. Nugent failed to consider them in the more meaningful classification of the slave South. C. Vann Woodward, on the other hand, studied the conduct of the so-called former Whigs in the period after they had discarded their Republican label.

An analysis of slave state Republican attitudes toward Congressional economic legislation supports the works of Beale's critics. During the years 1869 to 1871, when southern Republican strength in Congress peaked, Republican Congressmen from the South spurned consistently economic measures which they considered disadvantageous to the South. Conversely, economic bills apparently favorable


11. Nugent does not state specifically where he places the border states, but he clearly defines "South" as the seceded states, thereby eliminating those of the border. Money and American Society, pp. 58-59.


13. In the Forty-first Congress, Republicans from the South controlled 24 of 30 Senate seats, and 56 of 86 seats in the House of Representatives. The figures were slightly less in the Fortieth Congress due to the absence of Virginia, Mississippi, Texas, and Georgia, but they were proportionately similar. House Journal, 41st Cong., 1st Sess., pp. 8-9 (March 4, 1869); Blaine, Twenty Years of Congress, V, II, pp. 693-694; Biographical Directory of the American Congress, passim.
to the southern community received strong support from the southern Republicans. Perhaps of greater significance, southern Democrats behaved similarly, and, on numerous occasions many of them abandoned their party and joined southern Republicans in endorsing economic measures they believed would benefit their section or state.

In their studies of United States politics, Frederick Jackson Turner, Joel Silbey, Thomas B. Alexander, and Allan G. Bogue recognized that in many economic matters section overruled party.14 Howard K. Beale, however, maintained that the sacrilege of Reconstruction occurred primarily because southern Republicans violated their own sectional interests in favor of northeastern Republican financial ambitions. Assuming that midwesterners and southerners shared fundamental currency needs, for example, Beale also assumed, incorrectly, that southern Republicans ignored this sectional bond.15


15. Beale, The Critical Year, pp. 225, 236, 274-275,
An examination of the Congressional proceedings surrounding passage of the 1870 Currency Act illustrates the inaccuracy of Beale's conclusions. Providing for the redistribution of so-called surplus currency in the north-east, this bill sought to ease an acute currency shortage which had plagued the southern and midwestern states since the close of the Civil War. The shortage itself had resulted from a combination of the national bank's maldistribution of bank notes and Treasury Secretary Hugh McCullough's post-war contraction policy.

In the South, this lack of currency stymied southern efforts to achieve economic reconstruction, and, not surprisingly, slave state Republican Congressmen endorsed the legislation which they hoped would relieve southern economic stagnation. For example, southern Republicans in the House voted an overwhelming 34-2 for a currency bill amendment which provided specifically for the removal from northern banks of surplus currency and its subsequent

16. For the purposes of this study, the midwestern states are defined as: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin. The three far western states, Nevada, California, and Oregon, sent only two Republicans to the Forty-first Congress' House of Representatives, and these men have been included as part of the midwestern delegation. The votes of far western Republican Senators are not included with those of midwestern Republican Senators. House Journal, 40th Cong., 3rd Sess., pp. 364-365 (February 17, 1869), gives the details of this bill.

redistribution throughout the economically depressed southern and western states. The following day, thirty-seven of the thirty-eight Republican representatives from the South who voted approved adopting the currency bill and its provisions for currency reallocation.\(^{18}\)

The Fortieth Congress' slave state Republican Senators reacted similarly. Indeed, they supported strongly a currency bill amendment which would delete the clause restricting to $300,000,000 the total amount of national bank notes permitted to circulate. Although the amendment failed, 26-27, Republicans from the southern states voted 12-0 in favor of the measure.\(^{19}\)

Closer examination of these House and Senate votes, recorded in Table 12 as Votes 1-3, reveals, moreover, that sectional interests rather than party clearly dominated the balloting. Although free state Republicans in the House rejected the redistribution amendment, 37-66, and later opposed passage of the currency bill, 48-56, a large majority of House Republicans from the currency-short midwestern


\(^{19}\) Senate Journal, 40th Cong., 3rd Sess., p. 317 (February 22, 1869).
Table 12. House and Senate Votes on Currency Legislation in the Fortieth Congress

<table>
<thead>
<tr>
<th>Vote</th>
<th>Total Vote</th>
<th>Free State Republicans</th>
<th>Northeastern Republicans</th>
<th>Northwestern Republicans</th>
<th>Slave State Republicans</th>
<th>Slave State Democrats</th>
<th>Free State Democrats</th>
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<td>11</td>
<td>24</td>
<td>0</td>
<td>15</td>
<td>11</td>
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Vote:
states approved both measures. In the Senate, where free state Republicans voted 11-24 against removing the restrictive circulation clause, eleven of the fifteen midwestern Republicans who voted approved the amendment. Most slave state Democrats reflected further the power of local economic interests, for, on each of these ballots, they voted with their southern and midwestern Republican counterparts and against their national organization.

Despite the slave state Republican alliance with the agrarian midwest, the Fortieth Congress failed to pass a currency bill, and the money shortage in the South continued. Ohio's Republican Senator John Sherman, chairman of the Senate Finance Committee, acknowledged the existing currency imbalance, referring to it early in the Forty-first Congress as "grossly disproportionate." Subsequent research has substantiated Sherman's observation. Of the approximately $80,000,000 allocated to the southern states, $70,000,000 remained in the northeastern states. The New England states alone controlled $104,500,000, or over one-third the entire


national circulation, and nearly $60,000,000 more than their allotment. To provide for a more equitable distribution of the currency, Sherman suggested withdrawing $20,000,000 from states with excess currency and reallocating these monies throughout the states experiencing shortages. His proposal precipitated an intense debate. Because his state stood to lose the largest portion of the $20,000,000 designated for withdrawal, Massachusetts Republican Senator Charles Sumner expressed dismay with Sherman's amendment. According to Sumner, New England's financial resources had played a crucial role in preserving the Union. Now, he chastised his Senate colleagues, "you turn around to these New England States and undertake to confiscate . . . a portion of the banking interest which belongs to them." Also objecting, the other Bay State Republican Senator, Henry Wilson, proposed an alternative. Rather than withdrawing $20,000,000 in sound bank notes from New England, Wilson advocated removing $50,000,000 of depreciated greenbacks from circulation while simultaneously earmarking $50,000,000 in additional bank notes for the western and southern


states. Warning that adoption of the Sherman bill would have disastrous consequences not only on New England's economy, but also on the nation's, Wilson reassured his colleagues that his amendment would "... not interfere with us, New England's economy, the nation's banks, and [it] would prove a great financial benefit to the South."27

Questioning Wilson's reasoning, slave state Republicans demonstrated that sectional loyalties superseded party fealty on this currency issue. Scalawag Senator Thomas J. Robertson of South Carolina, for example, argued that under Sherman's proposal currency presently in the South would remain there while the southern states would also receive an additional $20,000,000.28 Agreeing with Robertson, former Union Army officer Joseph C. Abbott of North Carolina cautioned that Wilson's amendment "... withdraws the greenbacks--[and] the greenbacks are the chief circulation" in the South. The bill "... would not

26. United States bank notes differed from national banking currency, or national bank notes. They were the greenbacks which the United States government issued during the Civil War. With the establishment of a national banking system, national bank notes became another medium of exchange. Together, these two different notes constituted the bulk of the nation's circulating currency. Nugent, Money and American Society, pp. 9-11; Randall and Donald, The Civil War and Reconstruction, p. 666.


28. Ibid.
benefit us at all" he concluded, "because the greenbacks would be withdrawn and the bank circulation issued."  

During the actual voting for a currency bill, Republican Senators from the slave states matched their rhetoric with their ballots. For example, when a contraction amendment introduced by Maine Republican Senator Lot Morrill came to a vote, the Senate rejected the bill, 23-38. This measure, which proposed to reduce to $306,000,000 the amount of United States notes (greenbacks) circulating, encountered determined slave state Republican opposition. As the roll-call analysis of this vote depicted in Table 13 (Vote 1) reveals, fourteen of the seventeen southern Republicans who voted cast ballots against the bill, and, without their opposition, the amendment would have passed. Conversely, slave state Republicans rallied behind Indiana Republican Oliver P. Morton's amendment to increase from the $20,000,000 proposed earlier by John Sherman to $30,000,000 the amount of currency redistributed in the  

29. Ibid., p. 269. Southern Republican Senators William P. Kellogg (Louisiana), Frederick A. Sawyer (South Carolina), and John C. Pool (North Carolina) made similar comments emphasizing the need for additional currency, Ibid., pp. 269, 297, 304-305 (March 26, 1869).  

30. Senate Journal, 41st Cong., 1st Sess., p. 87 (March 25, 1869).  

31. Ibid.
Table 13. Selected House and Senate Votes on Currency and Funding Legislation in the Forty-first Congress

<table>
<thead>
<tr>
<th>Vote</th>
<th>Total Vote</th>
<th>Free State Republicans</th>
<th>Northeastern Republicans</th>
<th>Northwestern Republicans</th>
<th>Slave State Republicans</th>
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Vote:
1. Senate vote on the currency bill amendment deleting $300,000,000 circulation limit. Senate Journal, 41st Cong., 1st Sess., p. 87 (March 25, 1869).
2. Senate vote on Morton's amendment increasing circulating currency $30,000,000. Ibid., p. 103 (March 30, 1869).
3. Senate vote on Morton's amendment increasing circulating currency $52,000,000. Ibid., 2nd Sess., p. 943 (February 1, 1870).
5. House vote on Garfield's substitute bill raising currency levels by $95,000,000. House Journal, 41st Cong., 2nd Sess., pp. 1006-1007 (June 15, 1870).
8. House vote on the funding bill including the restrictive banking clause. Ibid., pp. 1222-1223.
9. House vote on the conference committee's funding bill minus the mandatory bond purchasing clause. Ibid., pp. 1243-1243 (July 13, 1870).
South. Seventeen approved the amendment; only two voted against it. 32

The sectional nature of these votes surfaced more clearly in the divisions which developed between free state Republicans voted 20-14 to approve Senator Morrill's contraction bill. 33 When confronted with Morton's plan to withdraw even more currency from the northeast, the majority of northern Republicans opposed the measure. Significantly, the bulk of these opposition votes came from northeastern Republican Senators. Republicans from the midwestern states, suffering from their own currency shortages, allied themselves with their southern colleagues, and, as a result, sectionalism, not party, carried the bill through the Senate. 34 Similarly, ten of thirteen midwestern Republicans who voted rejected Morrill's contraction policy, accounting in large measure for that amendment's failure. 35

A similar coalition of southern and midwestern Republicans lacked sufficient strength to pass Morrill's

32. Ibid., p. 103 (March 30, 1869).
33. Ibid., p. 87 (March 25, 1869).
34. Eight of the nine "yea" votes came from Republicans representing midwestern states. One of them opposed the bill. Ibid., p. 103 (March 30, 1869).
35. Ibid., p. 87 (March 25, 1869).
measure in the House. Convinced of the necessity for some form of currency legislation, the Senate Finance Committee drafted another bill. This latest bill, Sherman explained, proposed to increase the national currency by $45,000,000, and would thereby relieve the South and Midwest of their financial hardships.

Again, slave state Republicans supported the bill. Plantation owner Willard Warner of Alabama, a member of the Senate Finance Committee, applauded the measure as one designed "... to correct this [currency] inequality and to give to the sections of the country having less than their share of the ..., circulation their due share." South Carolina Republican Frederick A. Sawyer, although less pleased with this measure than the previous bill, nevertheless believed that this legislation "... will help the South and West out of most of their difficulties."

In the balloting which followed, a combined southern and midwestern alliance overrode party loyalty. When the Republican Senator from Indiana, Oliver P. Morton, moved to increase the circulation to $52,000,000, slave state

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37. Ibid., 2nd Sess., pp. 697-698 (January 24, 1870).

38. Ibid., p. 788 (January 26, 1870); see also, Warner's other remarks, Ibid., p. 908 (January 31, 1870).

39. Ibid., p. 812 (January 27, 1870).
Republicans gave him their unqualified support. Seventeen of eighteen Senate Republicans from the South voted for the amendment. Among free state Republicans, midwesterners accounted for eleven of the bill's fifteen "yea" votes. The bulk of the Republicans from the northeast, on the other hand, voted 4-11 against Morton's proposal. Equally significant, as the record of this vote in Table 13 demonstrates (Vote 3), six of seven slave state Democrats joined the southern-midwestern Republican coalition to help pass the amendment. 40

The following day, the Senate passed, 39-23, the Morton amended version of the Currency Act. Although this vote "... reflected sectional lines," Walter T. K. Nugent wrote, "it reflected party lines as well; party unity was apparently intact." 41 Because Nugent dealt only with the final vote, however, he obscured the ineffectiveness party ties had during the bill's amendment controversies. As already demonstrated, southern Republicans and Democrats aligned themselves with midwestern Republicans against northeastern Republicans to approve Morton's amendment. 42

40. Senate Journal, 41st Cong., 2nd Sess., p. 173 (February 1, 1870).

41. Ibid., p. 189 (February 2, 1870); Nugent, Money and American Society, pp. 132, 296n4.

42. Senate Journal, 41st Cong., 2nd Sess., p. 173 (February 1, 1870).
Closer examination of the final vote, moreover, suggests the consistent absence of party unity, for free state Republicans again divided sharply. Those from the northeast opposed the bill, 3-10; those from the midwest approved it, 12-2. Although Democrats voted 3-8 against the Currency Act, Democrats from the southern states accounted for all three "yea" votes.  

Similar sectionalism toward the currency bill manifested itself when the House adopted Ohio Republican representative James Garfield's substitute measure increasing the circulating currency from $300,000,000 to $395,000,000. In his evaluation of this vote, Nugent again concluded incorrectly that the "final House vote divided along party, not sectional lines." Republicans voted 91 to 37 in favor of the bill. Democrats, on the other hand, rejected the proposal with an 8 to 46 vote. As the graphic illustration of this vote, recorded as Vote 5 in Table 13, reveals, sectional interest dominated the voting. Thirty-three southern Republicans, for example, supported the Garfield bill while only two opposed it. From northern Republicans, the measure received thirty-five

43. Ibid., p. 189 (February 2, 1870).


negative votes, but midwestern Republicans cast only seven of these. Stated differently, the majority of northeastern Republicans objected to Garfield's proposal while eighty-five per cent of those from the midwest supported the amendment. Separation of Democrats into free state and slave state categories yields similar results. Although only eight Democrats supported the Garfield amendment, seven of those eight represented former slave states. Indeed, southern Democrats voted proportionately only 2 to 1 against the bill; their northern Democratic colleagues rejected it 32 to 1.46

Party discipline apparently returned, however, when both Houses approved the Funding Act of 1870 authorizing the Secretary of the Treasury to float long-term, low-interest bonds in order to meet the short-term, high-interest debt the United States had incurred during the

46. Passage of the Garfield measure meant that both Houses had passed different versions of the currency bill. After a first conference committee failed to resolve the differences, a second committee recommended, and both Houses accepted, a compromise proposal which established $54,000,000 as the amount of new notes to be added to the circulation. Senate Journal, 41st Cong., 2nd Sess., pp. 922-923, 979 (June 30, July 6, 1870); Globe, 41st Cong., 2nd Sess., p. 5305 (July 7, 1870). According to George L. Anderson, northern Republicans finally agreed to currency expansion because their states had begun to experience a currency shortage as a result of "southern hoarding." Anderson, "The South and Problems of Post-Civil War Finance," p. 194.
Civil War. As noted in Vote 6, Table 13, all thirty-two of the Senate's "yea" votes came from Republicans. Not one Democrat supported the measure, and only five Republicans opposed it. Similarly, 116 of 122 House Republicans approved the funding bill, but only twelve of forty-one Democrats supported it.

Nevertheless, these results mislead, for each House passed a different version of the funding bill. The Senate's bill included a clause requiring the national banks to purchase fixed amounts of the new Treasury bonds. The document which the House passed lacked a similar provision. When a conference committee submitted a compromise proposal incorporating the Senate's bond-purchasing clause, Republican representatives from the former slave states, fully aware that mandatory purchase of Treasury bonds would reduce further the small amounts of currency in the South, balked at supporting the bill. As a result, the measure failed to pass.


49. House Journal, 41st Cong., 2nd Sess., p. 1130 (July 1, 1870).

50. Ibid., pp. 1222-1223 (July 12, 1870).
Commenting upon these votes, Walter Nugent observed that "... the House's actions revealed the great extent to which unrestricted banking was a Midwestern interest."\(^{51}\)

Actually, they suggest even more plainly the southern Republican stake in free banking. Thirty-one of thirty-two southern Republicans voted for the original House bill. As recorded in Table 13, Vote 8, however, only eleven of thirty-one supported the committee's proposal. On the other hand, a slight majority of midwestern Republicans approved the compromise funding measure while northeastern Republicans endorsed it overwhelmingly.\(^{52}\) When a second conference committee reintroduced another version of the funding bill, this time minus the repugnant banking restriction, slave state Republican representatives returned unanimously to the party's fold, voting 37-0 in favor of the bill (Table 13, Vote 9).\(^{53}\) Although the overwhelming Democratic opposition to the final version of the Funding bill sustains Howard K. Beale's portrait of a Republican-Democratic economic clash,

\(^{51}\). Nugent, *Money and American Society*, p. 139.

\(^{52}\). *House Journal*, 41st Cong., 2nd Sess., pp. 1222-1223 (July 12, 1870). Nugent reported that fifty-four Republicans, twenty-five from the midwest, thirteen southern, and six northeastern, opposed this committee proposal. Our figures differ because Nugent apparently included some of the border states in his midwestern category rather than in the southern group. Nugent, *Money and American Society*, p. 139.

the large slave state Republican defection on the conference committee's compromise bill re-emphasizes the power sectional interest wielded over party.

At the same time sectional interests governed southern Republican Congressional attitudes toward the funding bill, more local considerations shaped their views on the protective tariff. Indeed, during the course of one tariff debate, Republicans from the slave states switched continually from a pro-protection to a pro-free trade stance. Sensing the incongruity of these Congressional arguments, Louisiana's Republican representative, Lionel A. Sheldon, remarked that it "... must be apparent to every member on this floor, ... that we all have our local interest which we desire to protect and to promote."  

Southern Republicans exemplified Sheldon's point. Alabama Republican representative Charles W. Buckley, a former Freedmen's Bureau official, indicated his intention to place on the free list cotton spinning machinery, thereby eliminating the necessity and expense of sending the cotton to Europe for spinning. Several days later, in another attempt to provide financial relief for cotton growers, Buckley sought to reduce substantially the duty on


55. Ibid., p. 2257 (March 28, 1870).
jute butts imported for making cotton bagging.\textsuperscript{56} When the proposed tariff schedule established only a ten per cent duty on oranges, however, Buckley's free-trade melody soured. Complaining that tariff reductions on products competing with southern agriculture had already brought the South to the "brink of ruin," Buckley warned that adoption of this latest tariff reduction would not only topple the southern economy, but it would also bring the nation ", , , to the heresy of free trade."\textsuperscript{57}

Perhaps the differences over the tariff which existed among southern Democrats illustrates best the inadequacy of party explanations for Congressional economic policy. Long-time Republican opponent James Beck of Kentucky, for example, objected to an amendment which reduced the duty on hemp. Admitting freely that Kentucky and Missouri produced large quantities of hemp Beck urged the House to retain the present duty. This item "needs" protection, Beck warned. By reducing the tariff, he prophesied, Congress would destroy the hemp industry.\textsuperscript{58}

While Beck clamored for tariff support, John C. Conner of Texas struggled to defeat a proposed tariff increase on imported iron ties used for baling cotton. Conner, the

\begin{flushleft}
\textsuperscript{56} Ibid., p. 2691 (April 14, 1870).
\textsuperscript{57} Ibid.
\textsuperscript{58} Ibid., p. 2665 (April 13, 1870).
\end{flushleft}
first Democrat elected after Texas' readmission in 1870, denounced the duty as "... a tax upon the industry, the labor, the toiling millions of the South who produce your cotton." Since not more than three or four United States businesses manufactured these ties, this former Union Army officer asked, "why should we vote an additional bounty to these manufacturing monopolies?"^59

Two key votes on the Tariff of 1870, however, obscure the existence within each party of mixed sentiments toward protection. In a vote to attach the tariff bill to a pending revenue bill, recorded in Table 14 as Vote 1, slave state and free state Republicans united to pass the amendment, 137-44. Southern Republicans favored the measure, 29-3; free state Republicans approved it, 94-2. The Democrats also maintained party discipline, voting 14-39 against the proposal.60

This party line vote, along with Frank W. Tausigg's observation that the Tariff of 1870, rather than reducing, increased considerably the duty "... on a number of protected articles," lends renewed respectability to Howard K. Beale's thesis that pro-tariff northeastern Republicans benefited from the presence in Congress of southern

^59. Ibid., pp. 3042, 3044 (April 27, 1870).


Table 14. Selected House Votes on Tariff and Railroad Legislation

<table>
<thead>
<tr>
<th>Vote</th>
<th>Free State Republican</th>
<th>Northeastern Republican</th>
<th>Northwestern Republican</th>
<th>Slave State Republican</th>
<th>Slave State Democrats</th>
<th>Free State Democrats</th>
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<td>136</td>
<td>70</td>
<td>59</td>
<td>38</td>
<td>39</td>
<td>13</td>
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</tbody>
</table>

Vote:
2. Vote on the Tariff Act of 1870, part of the Revenue Act of 1870. Ibid., pp. 939-940 (June 6, 1870).
4. Vote on the resolution authorizing the Northern Pacific Railroad Company to issue bonds. Ibid., 41st Cong., 2nd Sess., p. 856 (May 26, 1870).
Republicans. Closer analysis of the Democratic vote, however, shatters the illusion of party unity and strengthens the case for the impact of economic sectionalism. Although the majority of southern Democrats opposed adoption of this tariff legislation, nine of the twenty-one who voted, or nearly forty-five per cent, considered tariff protection vital to the economic interest of their states.

The final House vote, recorded as Vote 2, Table 14, on the combination tariff-revenue bill reveals more convincing sectional results. While Republicans again overwhelmingly endorsed the measure, twelve southern Democrats split from their party, joining forces with the Republicans. Only eight of the Democrats from the South voted with their party to reject the proposed tariff legislation, reinforcing C. Vann Woodward's contention that southern Democratic leadership and northeastern Republicans shared common financial interests. Without dismissing entirely the division among slave state Democrats, moreover, the southern


62. *House Journal*, 41st Cong., 2nd Sess., pp. 938-939 (June 6, 1870). The Democrats voting for the tariff were George Adams (Ky.), Stevenson Archer (Md.), George W. Booker (Va.), J. Proctor Knotts (Ky.), Lewis McKenzie (Va.), William Milnes, Jr. (Va.), John M. Ricé (Ky.), Frederick Stone (Md.), Lawrence S. Trimble (Ky).

Democratic majority in support of a so-called Republican measure undermines seriously Howard K. Beale's view of a monolithic Republican conspiracy seeking to perpetuate protectionism.

Party discipline among both Republicans and Democrats collapsed over Congressional railroad legislation, damaging further Beale's preoccupation with alleged Republican economic objectives. One example occurred in the Fortieth Congress when Democratic representative William S. Holman of Indiana introduced a moratorium on Congressional subsidies to railroads. Southerners of both parties, whose own states encouraged with financial assistance the growth of railroads, considered such a federal restriction anathema to southern economic reconstruction. The subsequent vote, as recorded in Table 14, Vote 3, reflected this sectional concern. Northern Republicans endorsed the resolution, 52-30, but most Republicans from the South rejected the proposal, 11-26. Democrats from the northern states also approved the measure, although six of their

thirteen colleagues proved unwilling to support Holman's scheme. 65

Further evidence of cross-party interest in railroad matters materialized when a Senate resolution authorizing the Northern Pacific Railroad to issue bonds came before the House. Although the vote on the resolution, depicted in Table 14 as Vote 4, suggests party unity, many members of both parties crossed party lines. 66 John C. Conner, for example, the staunch Democrat from Texas, joined his southern Republican colleagues to support the Northern Pacific Railroad resolution. Indeed, Conner, who opposed consistently Republican issues pertaining to the political reconstruction of the South, even spoke on behalf of the Northern Pacific. Arguing that the nation as a whole stood to benefit by the passage of this resolution, Conner admitted unhesitatingly his deeper interest in the measure. "The passage of this bill will establish a precedent," he informed the House, "which I trust will lead to the early

65. Four of the men casting "yea" ballots represented North Carolina, but the rest held little in common. Two each came from Missouri and West Virginia, while the other three represented constituencies in Tennessee, Kentucky, and Louisiana. House Journal, 40th Cong., 3rd Sess., pp. 169-170 (January 18, 1869).

66. Republicans approved the bill, 87-50; Democrats opposed it 20-35. Ibid., 41st Cong., 2nd Sess., p. 856 (May 26, 1870).
construction of a southern road to the Pacific," a road, of course, which would traverse the state of Texas.\textsuperscript{67}

Formulation of legislation creating the Texas Pacific Railroad reflected similar bipartisanship, particularly among southern congressmen. Agreeing that southern and national interests required construction of a southern route to the Pacific, Senators in the Forty-first Congress debated instead the necessity for extending to branchlines the legislative benefits of the Texas Pacific bill. Alabama Republican George E. Spencer, a carpetbagger from New York, introduced an amendment granting to the Decatur, Aberdeen, and Vicksburg Railroad Company "... all the rights, powers, privileges, and grants to which the Texas Pacific Railroad Company is entitled,"\textsuperscript{68} Tennessee's Joseph S. Fowler, a Democratic convert from Republicanism, endorsed not only the Texas Pacific bill, but also Spencer's proposal.\textsuperscript{69} The depth of this bipartisanship manifested itself in the voice-vote passage in the Senate of the Texas Pacific bill, suggesting again the validity of Woodward's


\textsuperscript{68} Ibid., p. 4719 (June 22, 1870).

\textsuperscript{69} Ibid., p. 4720.
claim that a strong economic bond existed between southern Democrats and northeastern Republican railroad interests.  

Sectionalism, rather than bipartisanship, characterized the relatively effortless approval the Texas Pacific Railroad received in the House. As the voting figures recorded in Table 14 (Vote 5) illustrate, a decisive majority of southern Republicans and southern Democrats endorsed the bill. Forty-five of forty-eight, or over ninety-four per cent, of the slave state Republicans voted for the proposed railroad. Stated differently, nearly one-half the Republican votes for the Texas Pacific Railroad legislation came from less than one-third of those who voted. Free state Republicans, on the other hand, exhibited less enthusiasm for the measure, voting only 59-38, or barely sixty per cent, in its favor. Significantly, the majority of midwestern Republicans, fearful that a southern Pacific railroad would compete with the three Pacific coast lines running through their states, voted against the bill.

70. Ibid., p. 4915 (June 27, 1870).

71. This implies no absence of debate, for a great deal occurred. Like the Senate debates, however, it centered on branch lines. Louisiana Republican representative Lionel A. Sheldon testified to this in a letter to state governor Henry Clay Warmouth. Congress labored excessively "... for the last month especially on the subject of the branch of the Southern Pacific R.R. to New Orleans," although, he added, "the bill in any shape was bound to go through." Sheldon to Warmouth, March 5, 1871. Henry Clay Warmouth Papers, Southern Historical Collection, University of North Carolina, Chapel Hill.
Among the Democrats, nearly eighty per cent of those from the former slave states, or twenty of twenty-six, concurred with their southern Republican colleagues. Democrats from the northern states, however, rejected the bill entirely, suggesting that the Democratic anti-monopolism of which Howard K. Beale wrote terminated north of the Mason-Dixon line.72 Equally important, this vote confirms that the alliance which C. Vann Woodward claimed existed in 1877 between northeastern Republicans and southern Democrats had already established itself as a major legislative force in the early 1870's.

The economic sectional solidarity achieved by southern Republicans and Democrats throughout the Forty-first Congress attains even greater significance in light of their inability to agree on any measures designed for protecting the rights of black Americans. As demonstrated in Chapter 6, southern Democrats always voted with their party against black-related legislation and in opposition to the majority of southern Republicans. For example, Democratic representatives from the South opposed passage of the Fifteenth Amendment's first Enforcement Act, voting 3-16 against the bill; the slave state Republicans rallied behind

this proposal, giving it a 28-3 vote. Similarly, convinced that readmitting Georgia to representation would restore Democrats to power in that state, slave state Democrats approved the Georgia readmission bill, 20-7. Their Republican counterparts opposed it, 5-31.

The absence of economic issues in the southern Congressional campaigns of 1870, moreover, indicates further that the membership of both slave state parties endorsed similar economic policies. As a result of these elections, southern Republicans surrendered twenty-one seats to Democrats, but little evidence exists that they sustained these losses because of their economic views. Although Republican and Democratic platforms occasionally commented on economic issues, they both stressed non-economic matters. In North Carolina and South Carolina, for example, the state Republican parties publicly dedicated themselves to the preservation of civil rights and honest government. Similarly, Democrats in Georgia and South Carolina subordinated in their platforms specific questions such as currency

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74. Ibid., p. 1080 (June 24, 1870).

75. Ibid., 1st Sess., pp. 8-9 (March 4, 1869); Ibid., 42nd Cong., 1st Sess., pp. 5-6 (March 4, 1871); Blaine, Twenty Years of Congress, II, pp. 695-698; Biographical Directory of the American Congress, passim.

76. New York Times (May 18, July 29, 1870).
and funding to the more vaguely defined problems of southern rights, justice, equality, and honesty.\textsuperscript{77}

Notwithstanding this campaign rhetoric, the key issue of Reconstruction apparently remained black versus white, for, as students of these elections have shown, the violence perpetrated by white Democrats against black Republicans, and not economic issues, often determined the outcome of the southern elections. In Florida's election campaign, for example, Democrats resorted openly to the intimidation of blacks, and Democrat Silas L. Niblack ultimately won the state's seat in the House of Representatives.\textsuperscript{78} Strong-arm tactics of Democrats in Alabama, Georgia, and Tennessee, moreover, successfully discouraged many black Republicans from voting. As a result, the Democracy realized significant gains in each of these states.\textsuperscript{79}

\begin{footnotesize}
\textsuperscript{77} Ibid, (June 21, August 17, 1870); LeGrange (Georgia) Reporter in Columbus (Georgia) Enquirer (November 20, 1870). See also, Democratic editorials of the Charleston (South Carolina) News and Samter (South Carolina) Watchman reprinted in the Edgefield (South Carolina) Advertiser (October 13, 27, 1870).

\textsuperscript{78} Ralph L. Peek, "Election of 1870 and the End of Reconstruction in Florida," Florida Historical Quarterly, XLV (April, 1967), pp. 354-359. Although Republican Josiah T. Walls originally took the seat, Niblack contested the election results. After an investigation, the House membership awarded the seat to Niblack. Biographical Directory of the American Congress, p. 197.

\textsuperscript{79} Trelease, White Terror, pp. 270-271, 240-241, 279.
\end{footnotesize}
Despite these violent Democratic responses to race-related questions, southern Republicans and Democrats in future Congresses would continue to unite when confronted with legislation of southern economic significance. In the Forty-second Congress, however, southern Democrats outnumbered Republicans for the first time since the end of the Civil War. Consequently, the crucial ability of slave state Republicans to influence Congressional legislation effecting the political reconstruction of the South eroded drastically. Free state Republican concern for the Republicans of the South, moreover, declined appreciably in the Forty-second Congress, and, when that legislative assembly closed its doors, meaningful northern Republican support had virtually disappeared. Combined, both of these factors augured ill for the future of southern Republican Congressmen,
CHAPTER 8

BLACK vs. WHITE: THE DILEMMA OF SOUTHERN REPUBLICAN CONGRESSMEN

If the Republican Party allows this session of Congress to end without throwing some protecting aegis over the shoulders of republicans in the southern states, our doom is sealed; . . . [It] may as well sound the funeral knell of liberty and independence in that country.¹

When Republican representative Charles Hays of Alabama spoke these words before the House of Representatives in 1874, he described realistically the status of the southern Republican party. Creatures of Republican Congressional legislation, and dependent entirely upon free state Republican favor, Republicans from the southern states had battled since their inception to sustain their existence. After 1870, however, Congressional Republicans proved increasingly unwilling to support the southern Republican party. Striving desperately to sustain their position, southern Republican Congressmen found themselves confronting a serious dilemma. On the one hand, they urged passage of enforcement legislation necessary to protect southern blacks; on the other, the southern Republican legislators de-emphasized their association with southern blacks, hoping to

¹ United States Congress, Congressional Record, 43rd Cong., 2nd Sess., p. 1852 (February 26, 1875).
lure southern whites into their party. Without northern support, however, even this Janus-faced southern Republican strategy proved futile, and southern Republicanism literally disappeared.

Initial symptoms of deteriorating southern Republican fortunes surfaced during the 1870 Congressional elections when Republicans from the former slave states lost their majority of the southern Congressional seats. Instead of outnumbering slave state Democrats fifty-six to thirty as they had done in the Forty-first Congress's House of Representatives, slave state Republicans found themselves a minority delegation in the Forty-second Congress with only thirty-five of eighty-six seats. ² Although southern Republicans in the Senate retained a nineteen to thirteen seat edge over Democrats, increasing Democratic majorities in the southern state legislatures threatened southern Republican domination in that chamber. ³

As described earlier, violence and intimidation by southern whites against southern blacks characterized the 1870 campaign throughout the South, accounting for the poor

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³ Blaine, Twenty Years of Congress, V. II, p. 695; Biographical Directory of the American Congress, passim.; Franklin, Reconstruction, p. 197.
Republican showing. Anticipating such anti-Republican hostility, Republicans in the Forty-first Congress had passed the first Enforcement Act for the purpose of protecting southern black Republicans at the polls, but the election results clearly illustrated the Act's inadequacy. Obviously aroused by this blood-stained reversal in the South, Republicans in the lame-duck session of the Forty-first Congress passed a second Enforcement Act. Senate Republicans, meanwhile, appointed a committee to investigate southern conditions. In addition to confirming the existence of widespread violence in the southern states, the Senate committee's majority report held the Ku Klux Klan responsible for the recent reign of terror. The Klan clearly sought, the report concluded, to destroy the southern Republican party and to restore the supremacy of the Democrats. To prevent similar Klan outrages in the future, the committee recommended that Congress pass a strong anti-Ku Klux Klan bill.

Not surprisingly, most southern Republican Congressmen endorsed the committee's proposal. For example, when a

4. See Chapter 7 of this work, pp. 196-197.
6. United States Congress, Senate Reports No. 1, 42nd Cong., 1st Sess., No. 1 (March 10, 1871) p. xxxi; see also, Trelease, White Terror, pp. 386-87.
joint Senate and House Republican caucus agreed to concentrate during the Forty-second Congress's first session on passing such a bill, Republicans from the South supported the resolution. Indeed, Robert B. Elliott, South Carolina's black Republican representative whose first Congressional term had begun only a few days earlier, assumed the mantle of southern Republican leadership, urging his Congressional Republican colleagues to remain in session until they passed an effective anti-Klan bill.  

Southern Republicans carried this theme into Congress. Addressing the House, Tennessee's fourth-term Republican representative Horace Maynard denounced the violence that existed in the South. "These things ought not to be," he fumed, "and if this Congress with its Republican majority, shall adjourn without taking some action and making some effort to put a stop to these outrages it will be a crime against humanity of the darkest character." In the Senate, Adelbert Ames of Mississippi echoed Maynard's plea. This Senate report, he insisted, revealed clearly that southern blacks, "... are for political reasons being deprived of life, liberty, and property." Declaring that state


governments had proved powerless to provide protection for black Republicans, Ames demanded that the Senate enact suitable enforcement legislation. 9

Senate Republicans responded quickly, for, on March 22, 1871, they endorsed overwhelmingly a resolution restricting the business of the Forty-second Congress's first session to a consideration of only two items, one of which was enforcement legislation. Although four Republicans from the free states opposed the resolution, twenty-five supported it. All eleven southern Republicans who voted favored the proposal. 10

Evidently, the Republican solidarity in the Senate persuaded President Grant to act, for the day following the Senate's resolution vote, he drafted a message to Congress in which he recommended passage of legislation designed to "... secure life, liberty, and property" in the southern states. 11 In compliance with the President's request, House Speaker James G. Blaine promptly appointed a select committee to draft an enforcement bill. 12

9. Ibid., p. 198 (March 21, 1871).

10. The other matter was a pending deficiency bill. Senate Journal, 42nd Cong., 1st Sess., p. 83 (March 22, 1871).


12. Slave state Republicans still carried little weight in Congress. Of the six Republicans appointed to this important committee only Charles R. Thomas represented a former slave state. A first term representative from
one of the men largely responsible for passage of the Fifteenth Amendment, the committee proposed a bill declaring that when two or more persons deprived any citizen of his constitutional rights and privileges the President could suspend at his discretion the writ of habeas corpus. The bill further authorized the President to deploy military forces to the troubled areas.\(^{13}\)

Democrats reacted angrily. Acidly describing the bill as "... a desperate game of desperate gamblers for power," Kentucky's now predictable James B. Beck mocked Republican motives. Republicans sought through this bill "... to protect loyal men, especially loyal blacks," he charged, but, for Republicans, "obedience" to the party defined "loyalty." Were the southern states to declare their Republican fealty, Beck concluded cynically, "you would never hear anything about the Ku Klux, you would never more hear of any reconstruction acts."\(^{14}\) Maryland's former Democratic governor, Representative Thomas Swann, agreed, describing the KKK bill as a blatantly partisan Republican ploy

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\(^{13}\) \textit{Ibid.}, p. 317 (March 28, 1871).

\(^{14}\) \textit{Ibid.}, pp. 351, 357 (March 30, 1871).
"... to retain power by holding in check the free will of the people."

Confronted with these charges of partisanship, southern Republicans in the House countered that their party's motives transcended petty politics. For example, South Carolina's black representative Robert B. Elliott argued that the bill "... is not obnoxious to the spirit of the Constitution ... [but] is founded in right reason." Charles Buckley of Alabama also appealed to a higher law. Disavowing partisan motives, Buckley declared that "there is something far higher than party supremacy involved." Indeed, he insisted, Congressional Republicans sought through passage of the KKK bill the protection of the rights of all men, Democrats as well as Republicans, whites as well as blacks. By enacting this legislation, Buckley concluded dramatically, "we shall act worthy of an honored ancestry and a glorious history; we shall honor and pay tribute to the grandeur of American nationality. . . ."

Another black Republican representative, South Carololinian Joseph H. Rainey, and his Republican colleague, Clinton L. Cobb of North Carolina,

15. Ibid., p. 363 (March 13, 1871). For similar Democratic criticisms of the KKK bill, see the remarks of Senators Francis P. Blair, Jr. (Missouri) and Garrett Davis (Kentucky). Ibid., pp. 222, 344 (March 22, 30, 1871).

16. Ibid., p. 389 (April 1, 1871).

acknowledged the importance protection of the black vote had for the future of the Republican party in the South, but they nevertheless stressed the intrinsic justice of defending black political rights.\(^{18}\)

Several southern Republicans exhibited less enthusiasm for the Ku Klux Klan bill precisely because of its identification as black legislation, illustrating clearly the source of southern Republican internal division. Anxious to divest the Republican party of its black image, for example, Missouri's Liberal Republican leader Carl Schurz objected to the bill. Carefully avoiding the issue of race, the Missouri Senator described the KKK bill as a constitutional travesty, "the first step toward a doctrine of constructive treason."\(^{19}\) Similarly, Louisiana Representative Lionel Sheldon skirted the question of black voting rights. Questioning the existence of "alleged outrages and disorders in the South," Sheldon denied that "the present state of the country warrants us in going so far [as] . . . the bill under discussion."\(^{20}\)

\(^{18}\) Ibid., pp. 393-95, 436 (April 1, 4, 1871).


Rodman West agreed, confiding privately that "we don't want any Ku Klux legislation in Louisiana." 21

Despite their differences, however, most southern Republicans rallied behind the Ku Klux Klan bill. In the House, Republican Representatives from the slave states voted 15-0 in favor of the bill, while, in the Senate, eleven of the twelve southern Republicans who voted supported the measure. 22 Significantly, Lionel Sheldon and J. Rodman West voted for the measure, subordinating their personal objections to party success.

Regardless of personal gain for themselves, protection of the freedmen had intrinsically defensible motives. The question of amnesty, though, represented a different strategy, reflecting again the paradoxical southern Republican conduct. Clearly aware that the effects of an amnesty bill would be largely symbolic, most southern Republicans nevertheless agreed that the existing political disabilities perpetuated among southern whites an intense ill will toward


the Republican Party. For example, claiming that he had supported consistently the removal of political disabilities, Charles W. Buckley of Alabama revealed that he endorsed general amnesty because he believed it would draw previously hostile southern whites into the Republican party.

Similarly, South Carolina Republican Senator Thomas J. Robertson argued that removal of political disabilities promised to "give the Republican party more strength in the South than anything that had been done since the war ended." Both the House and Senate votes passing the amnesty bill reflected this southern Republican ambition to court white southern support. In the Senate, where the bill passed 38 to 2, all six slave state Republicans who voted approved the measure. Experiencing little difficulty in obtaining the necessary two-thirds vote required to remove


26. This vote occurred at approximately six a.m. after the Senate had sat in session the entire night. By this time many Senators had left the chamber, accounting in part for many of the eleven slave state Republican Senators
disabilities, the General Amnesty Act passed through the lower chamber without a roll-call vote.27

When southern Republicans confronted Massachusetts Republican Senator Charles Sumner's proposed civil rights amendment to the general amnesty bill, their political instincts pulled them in opposite directions. A vote against Sumner's proposal would alienate southern blacks who provided the base of southern Republican support; a vote for the Sumner amendment would surely destroy the southern Republican efforts to befriend white southerners.28 Superficially, it appeared that most Republican Senators from the former slave states allowed their consciences to resolve their problem. When the combined civil rights-amnesty bill first came to a vote, they approved it, 14 to 1.29 The bill failed to obtain the two-thirds majority necessary for granting amnesty, however, and the Senate undertook consideration of another similar civil rights-amnesty bill. In the balloting for this second proposal, eleven of the fourteen southern Republicans who voted endorsed the measure,

who were absent for the vote. Senate Journal, 42nd Cong., 2nd Sess., p. 808 (May 21, 1872).


29. Arthur I. Boreman of West Virginia cast the one "nay" ballot. Senate Journal, 42nd Cong., 2nd Sess., p. 221 (February 9, 1872).
suggesting again that most of them shared a strong commitment to black rights.30

Notwithstanding their strong support for the civil rights-amnesty bill, southern Republicans effectively circumvented their political problem. As David Donald illustrated in his biography of Charles Sumner, all Senate Republicans recognized that a civil rights-amnesty bill would fail to receive Democratic support, and without Democratic votes, the bill had little chance of obtaining the necessary two-thirds majority. Consequently, Senate Republicans reasoned, their votes for the civil rights-amnesty bill would offend neither blacks nor whites.31

An examination of southern Republican votes supports Donald's analysis. The first time the Senate voted to attach Sumner's civil rights amendment to the amnesty bill, only seven of the thirteen southern Republicans who voted supported the measure.32 Apparently aware, however, that the combined bill would fall short of the required two-thirds

30. Besides Arthur I. Boreman (West Virginia), James L. Alcorn (Mississippi) and Morgan C. Hamilton (Texas) also opposed the bill. Ibid., p. 705 (May 9, 1872).


32. Arthur I. Boreman (West Virginia), Morgan C. Hamilton (Texas), John C. Pool (North Carolina), Thomas J. Robertson (South Carolina), Frederick A. Sawyer (South Carolina), and Carl Schurz (Missouri) accounted for the six negative votes. Senate Journal, 42nd Cong., 2nd Sess., p. 220 (February 9, 1872).
majority, four southern Republican opponents of civil rights switched their votes, risking little in the process.  

Similar results occurred the second time the Senate considered civil rights and amnesty.  

That several of the seven southern Republicans who voted to attach Sumner's amendment to the amnesty bill lacked even a shallow commitment to black rights illustrates further the impact of the Republican dilemma. A slave-holder prior to the Civil War, Texas Republican James W. Flanagan indicated that he supported Sumner's proposal merely "... to get rid of this subject [of black rights] at the earliest possible period." In private correspondence, Louisiana Republican J. Rodman West revealed that he and other Republicans believed that alleged black demands exceeded reasonable bounds, and, on another occasion, West described the race-baiting techniques he employed to discredit a political adversary. Clearly, both Flanagan and West decided to suppress their personal prejudices only because black votes were at stake.

33. Morgan C. Hamilton (Texas), John C. Pool (North Carolina), Thomas J. Robertson (South Carolina), and Frederick A. Sawyer (South Carolina) were the four who changed their votes. Ibid., p. 221.

34. Ibid., pp. 702, 705 (May 9, 1872).


36. West to Henry Clay Warmouth, March 6, 23, 1871, Warmouth Papers.
As the November 1872 Presidential elections approached, it appeared that the civil rights-amnesty strategy of the Republican party had achieved at least partial success. Obviously pleased with the ratification of the Fifteenth Amendment and the subsequent enforcement legislation of the Forty-first and Forty-second Congresses, black Republicans avowed their support of the Republican party. Addressing the Republican National Convention in Philadelphia, for example, Robert Brown Elliott pledged to the Republican party "... the earnest cooperation of 900,000 voters whose complexions are unlike yours." To President Grant himself, Elliott confided that his position reflected "... that of the great mass of my race in the United States. We stand by you because you have stood by us."  

Application of the enforcement acts apparently enabled black Republicans in many southern states to vote unmolested, for the slave state Republicans emerged victorious from the 1872 election campaign.  

37. Another black delegate, identified only as "Harris," delivered similar remarks. Both are found in the New York Times, June 6, 1872. See also, Lamson, Glorious Failure, p. 150.  

38. Elliott to Grant, September 19, 1872, as quoted in Lamson, Glorious Failure, pp. 151-52.  

and West Virginia, where strategically located military elements reduced the violence and intimidation at the polls, for example, Republican Congressional victories increased significantly. 40 Similar patterns developed in other states, and, as a result, southern Republicans captured fifty-three seats in the Forty-third Congress's House of Representatives, three more than their Democratic counterparts. 41

After the successful re-election of President Grant in 1872, however, national Republican concern for the future of southern Republicans declined noticeably. In his inaugural address, Grant declared it impossible to achieve equality for southern blacks through legislation. While admitting that the freedmen still lacked "the civil rights which citizenship should carry with it," Grant merely committed his "Executive influence" to correcting this ill. Grant's actions just four years earlier illustrate the extent Republican attitudes had shifted. Then the President had urged adoption of the Fifteenth Amendment and pledged


41. House Journal, 43rd Cong., 1st Sess., pp. 9-10 (December 1, 1873); Blaine, Twenty Years of Congress, V. II, pp. 698-701; Biographical Directory of the American Congress, passim.
himself to protecting the rights of all persons. When Republican Governor E. J. Davis of Texas pleaded with him to provide Texas with military assistance in order to prevent Democrats from assuming power through allegedly fraudulent election practices, Grant denied the request, replying to Davis through his Attorney General that "... your right to the office at this time is at least doubtful." The Republican New York Times applauded Grant's Texas action, providing yet another example of northern Republican indifference to the party's southern wing.

Southern Republican misfortune coincided with this growing northern Republican apathy. In the 1874 Congressional elections, for example, Republicans in the slave states lost thirty-four seats, giving southern Democrats eighty-seven of the possible one hundred six House seats allocated to the former slave states. Only nineteen Republicans from the southern states won election to the Forty-fourth Congress. Before this assembly closed, one of the nineteen resigned; two lost their seats in contested elections; and southern Republican strength in the House diminished to sixteen.


45. House Journal, 44th Cong., 1st Sess., pp. 9-10 (December 6, 1875); Blaine, Twenty Years of Congress, V. II, pp. 701-704; Biographical Directory of the American Congress, passim.
In the North also, Republicans lost a large number of Congressional seats to Democrats in 1874. Significantly, the combination of Republican losses both North and South stripped the party of the majority it had enjoyed in the House since the outbreak of the Civil War.\textsuperscript{46}

After surveying the damage which his party had suffered in the 1874 elections, President Grant attributed this political disaster to the electorate's association of the Republican party with black equality.\textsuperscript{47} Grant's explanation provides some insights into the southern Republican losses, because, in the South, civil rights and racial issues dominated the 1874 campaign. Despite earlier Republican efforts during the Forty-third Congress to ignore questions related to black Americans, civil rights again became an issue after the death of Charles Sumner. In what one historian has called a moment of "contrite sentimentalism" for their deceased colleague, Senate Republicans re-introduced and subsequently passed Sumner's far-reaching civil rights bill.\textsuperscript{48}

\textsuperscript{46} Democrats controlled 185 seats; Republicans 115. \textit{Ibid.}


Reflecting the mood of the Senate, southern Republicans provided the bill with warm support. Senator Flanagan of Texas, who had ridiculed Sumner's earlier attempts to pass this bill, now defended it in the name of justice. Insisting that "there is no more opportune time than the present hour" to pass the bill, Mississippi Republican Senator Henry R. Pease argued that the American people expected Congress "to establish justice and equality of the citizen before the law."  

Southern Democrats, of course, condemned the bill. Unlike criticism of earlier Reconstruction legislation in which they sought to expose partisan Republican motives, the Democratic lawmakers from the South this time pandered instead to the negrophobia of their Congressional colleagues. For example, Representative John T. Harris of Virginia denounced a similar House civil rights bill as one based upon "the theory of the absolute equality of the races." Surely, he declared, "there is not one gentleman upon this floor who can honestly say he really believes that the colored man is created his equal."  

Convinced that black civil rights...
threatened the foundations of white society, Kentucky's Democratic representative Milton J. Durham begged Congress "in behalf of the white children . . . [and] every white person in my district, that you do not force upon them the degrading provisions of the bill."\textsuperscript{51}

This Democratic diatribe notwithstanding, the Senate passed the bill, 29-16.\textsuperscript{52} As the voting figures recorded in Table 15 illustrate, all twenty-nine "yea" votes came from Republicans. Free state Republicans approved the measure, 22 to 1, while only two of the nine slave state Republicans who voted cast dissenting ballots.

Table 15. Senate Vote on Civil Rights Bill

<table>
<thead>
<tr>
<th>Free State Republicans</th>
<th>Slave State Republicans</th>
<th>Democrats</th>
</tr>
</thead>
<tbody>
<tr>
<td>yea    nay</td>
<td>yea    nay</td>
<td>yea    nay</td>
</tr>
<tr>
<td>22     1</td>
<td>7       2</td>
<td>0       13</td>
</tr>
</tbody>
</table>

\textsuperscript{51. Ibid., p. 406 (January 6, 1874).}

\textsuperscript{52. Senate Journal, 43rd Cong., 1st Sess., p. 609 (May 22, 1874).}
If Senate Republicans had acted morally by passing the civil rights bill, they apparently had also behaved impractically. Democratic Senator Eli Saulsbury of Delaware recognized the political pitfalls of the bill, and he even brought them to the attention of his Republican colleagues. "[T]his legislation will work no injury to the party to which I belong," but Saulsbury predicted it would weaken seriously the party which had sponsored it.\(^5^3\) Nation editor E. L. Godkin agreed. In the southern states where the "Republicans still have strength," Godkin wrote, "the passage of the [civil rights] bill has furnished the Conservatives with a powerful argument." Indeed, he added, in light of present political conditions in the South, the civil rights bill "might have also been fairly called a blow aimed at the party which passed it."\(^5^4\)

As Godkin and Saulsbury suggested, Senate passage of the civil rights bill provided southern Democrats with an effective political weapon. Capitalizing on white prejudices, the Tuscumbia Alabamian and Times claimed that the civil rights bill precipitated recent southern black demands

\(^5^3\) Congressional Record, 43rd Cong., 1st Sess., p. 4161 (May 22, 1874). Perhaps House Republicans gauged more accurately the mood of the white South, for they twice referred the bill to the Judiciary Committee where it remained until after the November elections. Ibid., pp. 458, 5162 (January 7, June 18, 1874).

\(^5^4\) New York Nation, V. XIX, pp. 180-181 (September 17, 1874).
for complete racial integration.55 Similarly, one southern Democratic party platform accused Republicans, "the negro party," of raising the race issue in the campaign with their emphasis on civil rights. "We accept the issue," the platform announced, but "we are for a white man's government."56 For one southern newspaper editor, the election of 1874 would decide "... whether the black or white rules our state." Declaring to his readers that a "radical triumph in this contest means negro supremacy," the editor prayed, "God forbid it."57

These expressions of white racial antipathy aggravated the southern Republican dilemma. Concerned lest they lose all prospects of some white support, southern Republicans attempted to remove from the campaign questions of race relations. Led by Senator George E. Spencer, Alabama Republicans, for example, crushed efforts to include in the state Republican platform an endorsement of the civil rights bill.58 Indeed, the Republican platform reassured Alabama's whites, southern Republicanism "neither claimed nor desired

55. Tuscumbia (Alabama) Alabamian and Times, July 2, 1874.

56. Ibid.

57. Ibid., July 30, 1874.

the social equality of different races." When southern Republicans gathered at a pre-election convention in Chattanooga, Tennessee, moreover, they too rejected a proposal to endorse the civil-rights bill, fearful that such action would cost the party many white southern votes.  

Despite these southern Republican efforts to avoid discussing problems related to the freedmen, the campaign of racism waged by the southern Democrats carried the day. As already stated, only nineteen southern Republicans won seats in the Forty-fourth Congress. Southern Democrats controlled eighty-seven.  

Unfortunately for southern blacks, violence played an important role in the Democratic victories. For example, a race riot in which fifty-six people were killed, most of them black, preceded the fall elections in Louisiana. By September, conditions in Louisiana had deteriorated so drastically that Governor Kellogg requested military assistance.


61. See page 214 of this work.

assistance from President Grant. Similar hostilities between blacks and whites developed in Alabama, prompting several concerned citizens of that state to write to Senator George E. Spencer. Unless the federal government prevented further intimidation of blacks, they warned, it would "be useless for colored men to go to the polls in November." On election day in Alabama, the worst fears of these men materialized. At least six blacks died and sixty others were wounded, prompting one usually so critical of Republicans as Walter L. Fleming to acknowledge that Democrats carried the election through widespread force.

This violence and the severe Republican defeat in the South reawakened Congressional Republicans to the precarious existence of the southern Republican party. More importantly, it reminded Republicans nationally that a Republican presidential victory in 1876 depended to some extent upon southern electoral votes. Anxious to protect this vital interest in the South, House Republicans took

63. Kellogg to Grant, September 14, 1874, Ulysses S. Grant Papers, Library of Congress, Washington, D. C., Series 1-B.

64. L. H. Mayer et al., to George E. Spencer, August 10, 1874, ibid.


under consideration a supplementary Ku Klux Klan bill which came to be known as the Alabama bill. Patterned after the original KKK Act, this bill not only renewed the Presidential power to suspend the writ of habeas corpus, but it also empowered the President to employ military force for the purpose of suppressing what he deemed internal insurrection. Acutely aware that a Democratic majority would control the next Congress, the lame-duck Republican Congressmen worked frantically to enact this legislation while they still possessed the necessary numerical strength.

Their efforts succeeded, for a majority of the House Republicans rallied behind the bill. Significantly, as the voting figures recorded in Table 16 reveal, the thirty-eight slave state Republican votes provided the bill with the majority it needed to pass the House, marking one of the last times the southern Republicans wielded that power. For slave state Republican representatives, moreover, the bill promised to resolve their dilemma, undoubtedly

67. Congressional Record, 43rd Cong., 2nd Sess., p. 1748 (February 24, 1875).

68. House Journal, 43rd Cong., 2nd Sess., pp. 600-601 (February 27, 1875). The Senate failed to take action on the Alabama bill prior to the end of the Forty-third Congress. Congressional Record, 43rd Cong., 2nd Sess., p. 2035 (March 2, 1875).
Table 16. House Vote on the Alabama Bill

<table>
<thead>
<tr>
<th>Total Vote</th>
<th>Southern Republicans</th>
<th>Southern Democrats</th>
<th>Possible Vote if Only Democrats Represented the South</th>
</tr>
</thead>
<tbody>
<tr>
<td>yea</td>
<td>nay</td>
<td>yea</td>
<td>nay</td>
</tr>
<tr>
<td>135</td>
<td>114</td>
<td>38</td>
<td>9</td>
</tr>
</tbody>
</table>

accounting for the high percentage of votes the bill received from southern Republicans.\textsuperscript{69}

With the resurrection in Congress of Sumner's racially-charged civil-rights bill, however, many of these same southern Republican Congressmen followed their party's alternate strategy for the South. As mentioned earlier, Senate Republicans passed in May, 1874, a strong civil-rights bill, guaranteeing to all citizens complete equality throughout the public and private sectors of society.\textsuperscript{70}

In the House, where a bitter controversy raged over the bill's school integration clause, the bill fared less well. Few northern Republicans supported the measure, and the only

\textsuperscript{69} Over eighty per cent, or thirty-eight of forty-seven, of the southern Republicans supported the bill.

\textsuperscript{70} Senate Journal, 43rd Cong., 1st Sess., p. 609 (May 22, 1874). See also, page 215 of this work.
four southern Republicans who endorsed the bill were blacks. 71

When Republican Stephen W. Kellogg of Connecticut introduced an amendment deleting from the bill the highly inflammatory school-integration clause, the amendment received virtually no Republican opposition, passing through the House without a roll-call vote. 72 Then, in its diluted form, the amended civil-rights bill experienced little difficulty obtaining full congressional approval. One hundred and thirty-one northern Republicans in the House voted for it; only two against. Thirty-three of the forty-two slave state Republicans voting supported the bill. 73 Several days later, the Senate's Republicans accepted quietly the drastically amended measure, and, on March 1, 1875, President Grant signed into law the Civil Rights Act of 1875. 74

71. Blacks John R. Lynch (Mississippi), Joseph H. Rainey (South Carolina), Richard H. Cain (South Carolina), and James T. Rapier (Alabama) delivered the pro-Civil Rights remarks. See the Congressional Record, 43rd Cong., 2nd Sess., pp. 943-947, 956, 959, 1001 (February 3, 4, 1875).


73. Significantly, border state Republicans accounted for seven of the nine Republican opposition votes. The other former slave state Republicans approved the bill, 26-2. Ibid., pp. 402-403.

74. Senate Journal, 43rd Cong., 2nd Sess., p. 361 (February 27, 1875); Congressional Record, 43rd Cong., 2nd Sess., p. 2013 (March 1, 1875).
Calculated to appease black demands for civil-rights legislation without ruffling the loyalty of racially-sensitive white Republicans, the Act has deceived few persons. In South Carolina, the Charleston News & Courier applauded the law because it appeared "unlikely to do anybody much good or much harm." Equally unimpressed, the Atlanta Constitution described the Civil Rights Act as a law "... full of false promises to the negro." In their respective studies of the bill, James M. McPherson, Alfred H. Kelly, Betram Wyatt-Brown, and William P. Vaughn have all agreed, moreover, that removal of the school integration clause "effectively emasculated" the civil-rights bill.

Besides its failure to enact strong civil-rights legislation, this last Republican-dominated Congress adjourned without passing the supplementary KKK bill. As the odd-year Mississippi election of 1875 illustrated, this Republican inaction left the party's dilemma unresolved. Indeed, it revealed clearly the nature of that dilemma, for,


76. The Atlanta Constitution (Georgia), March 2, 1875, as quoted in Vaughn, "Separate but Unequal," p. 153.

though it may be true that strong Republican sponsored equality legislation would offend whites even more, failure to protect black voting proved disastrous for the Republican party in the South. During the canvass, white Mississippians stated plainly their determination to restore completely white supremacy in their state. Unhindered by federal interference, they reinforced their verbal threats with violent action. Their tactics succeeded, for Mississippi Democrats captured four of the state's six Congressional seats as well as control of the state legislative machinery. 78

In 1876, white Democrats in South Carolina and Louisiana employed similar strategy. At one Republican rally in a predominantly black county, for example, Republican Congressman Lewis C. Carpenter complained that the Democrats arrived in force, brandishing pistols and other weapons. One of the Democratic leaders, Carpenter wrote, "boldly and openly advocated assassination." When Republican Congressman S. L. Hoge stood to speak, Carpenter added, "half a dozen pistols were drawn upon him." 79


79. Carpenter to William E. Chandler, August 26, 1876, Chandler Papers. See also Polakoff, Politics of Inertia, pp. 92-93, and Williamson, After Slavery, pp. 405-412.
The white Democrats throughout the South made their point. In the 1876 Presidential election between Republican Rutherford B. Hayes and Democrat Samuel J. Tilden, the initial returns indicated that the Democracy had swept all the southern states except Florida and South Carolina where Republicans retained a slight majority. Even without these two states, Tilden had seemingly amassed with the Louisiana votes enough electoral votes to assure his victory.  

80 Republicans, however, had different ideas. After reviewing charges of Democratic and Republican fraud, the Republican dominated election returning board in Louisiana rejected more than thirteen thousand Democratic votes and almost two thousand Republican ballots, thus converting the Republican's six thousand vote deficit into a four thousand vote majority. 81 When Democrats in Congress challenged the amended Louisiana returns as well as the returns of South Carolina, Florida, and Oregon, they blocked Hayes's path to the Presidency, spoiling momentarily the Republican victory. 82 During the first months of 1877, Republicans

80. Without Florida and South Carolina, and one disputed electoral vote in Oregon, Tilden had 192 electoral votes, eight over the required 184.


82. Minus these four states, Tilden had 184 electoral votes. A ruling in either of these states declaring Tilden the winner would give him the Presidency. Hayes needed the electoral votes (20) of all four states to obtain the 185 votes necessary for a majority. Woodward, Reunion and Reaction, pp. 17-21.
would overcome the Democratic maneuvering designed to place Tilden in the White House, but the Republican success would weaken further the southern Republican party.
CHAPTER 9

SLAVE STATE REPUBLICAN CONGRESSMEN AND
THE COMPROMISE OF 1877

When the lame-duck session of the Forty-fourth Congress convened on December 4, 1876, the controversy surrounding the Hayes-Tilden Presidential election returns in Louisiana, Florida, South Carolina, and Oregon remained unresolved. With both Republicans and Democrats claiming victory in the disputed states, Congress entered the fray, establishing by the end of January, 1877, an electoral commission to investigate the elections in the four states. The Electoral Commission bill provided that any ruling of the Commission would stand unless both Congressional houses objected. That factor proved crucial since each party controlled only one house.¹

Most southern Republicans, however, opposed formation of the Electoral Commission because it seemingly lent seriousness to Democratic claims. South Carolina's black Republican Congressman Joseph H. Rainey, for example, argued that establishment of an electoral commission would twist the Constitution into "a mere piece of pottery to fashion as party exigencies seem to demand." The entire idea, he

¹ Congressional Record, 44th Cong., 2nd Sess., p. 713 (January 18, 1877).
concluded, challenged "the legal right of the people" who according to the election returns had elected Hayes President.  

Sharing Rainey's sentiments, other slave state Republican Congressmen in the House opposed the Electoral Commission bill, 3-13. Similarly, southern Republicans in the Senate rejected the bill, 2-7. Although fifty-three of eighty-three free state Republicans in the House also voted against the Commission bill, they proved too few for the House's Democratic majority. Nineteen of twenty-seven northern Republican Senators, on the other hand, joined twenty-six Senate Democrats in approving the bill, thereby enabling it to pass the senior chamber.

Ironically, the Electoral Commission which the southern Republican Congressmen vigorously opposed ultimately gave them the Republican President they desired. The irony compounded, however, for this national Republican victory actually proved disastrous for the Republican party in the former slave states.

2. Ibid., "Appendix," p. 60 (January 25, 1877).


5. The vote in the Senate was 47-10. Ibid. In the House, the bill passed 191-86. House Journal, 44th Cong., 2nd Sess., pp. 309-310 (January 26, 1877).
Initially, the composition of the Commission appeared to favor neither party. The Congressional plan called for fifteen persons, five from each house and five from the Supreme Court, to comprise the Commission. In an effort to achieve bipartisanship, each party received seven seats. The expectation was that the fifteenth member, to be selected from the Supreme Court, would be Justice David Davis who had pursued a so-called independent policy in the past. Unfortunately for the Democrats, Davis accepted election by the Illinois legislature to the United States Senate and rendered himself ineligible for service on the Commission. Since the remaining justices were all Republicans, the Republicans gained a one-man majority on the Commission. Not surprisingly, the Commission ruled Republicans victors in each of the disputed states, and the Senate Republicans accepted willingly the Commission's decisions.

In the House, however, where Democrats controlled a majority of the seats, a different pattern developed. Aware that even their rejection of the Commission's ruling could


7. For the Commission's resolutions and the Senate votes, see Congressional Record, 44th Cong., 2nd Sess., pp. 1475-77, 1683, 1897, 2002 (February 10, 19, 24, 28, 1877). The Democratic majority in the House rejected each of the Commission's recommendations. Ibid., pp. 1502, 1703, 2020 (February 12, 20, 28, 1877).
not prevent a favorable Republican result, Democrats in the House attempted through dilatory techniques, such as recesses and filibusters, to obstruct consideration of the Commission's recommendations. Less than a month remained to the life of the Forty-fourth Congress, and, if the House Democrats filibustered successfully, this Congress's term would expire before it could provide for the Presidential succession. 8

The Democratic plan succeeded initially. On February 10, 1877, House Democrats voted to recess until the following Monday, postponing for two days consideration of Florida's electoral vote. 9 The following Saturday, February 17, when Democrats again approved a motion to recess until Monday, they prevented the counting of Louisiana's electoral vote. 10 Democratic determination to block the electoral count waned momentarily when a large majority of southern Democrats in the House opposed on February 20 another motion to recess. 11 Three days later, though, the southern Democrats voted with


10. Ibid., pp. 467-468 (February 17, 1877).

11. Ibid., pp. 491-492 (February 20, 1877).
their northern party colleagues to recess until the following day, preventing a count of Oregon's electoral vote. 12

Ultimately, however, the Democratic scheme failed because approximately one-third of the southern Democrats broke permanently with their party over the electoral count question and joined House Republicans to prevent further delays. On February 24, for example, nineteen Democrats representing the southern states opposed a motion to recess. Seven others abstained from voting. 13 As the figures recorded in Table 17 illustrate, had these twenty-six southern Democrats approved the recess the motion would have passed.

A Democratic attempt on March 1 to prevent certification of Vermont's electoral vote also met with failure, marking the final effort by the Democracy to obstruct Hayes' path to the Presidency. 14 Southern Democratic defection again proved decisive, for as the roll-call analysis of this vote reveals, thirty-three southern Democrats adopted different positions from that of the majority of their colleagues, accounting for the motion's defeat (see Table 17). Indeed, the twenty-one slave state Democrats who voted with their southern Republican colleagues against the motion provided enough votes themselves to stymie Democratic

12. Ibid., pp. 520-521 (February 23, 1877).
13. Ibid., pp. 530-531 (February 24, 1877).
Table 17. Selected House Votes During Election Crisis

<table>
<thead>
<tr>
<th>Vote</th>
<th>Total yeas</th>
<th>Total nays</th>
<th>Total nvs</th>
<th>Slave State Republicans yeas</th>
<th>Slave State Republicans nays</th>
<th>Slave State Democrats yeas</th>
<th>Slave State Democrats nays</th>
<th>SSD(^a) Voted &quot;Yea&quot; yeas</th>
<th>SSD(^a) Voted &quot;Yea&quot; nays</th>
<th>SSD(^a) Voted &quot;Yea&quot; nvs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>112</td>
<td>158</td>
<td>20</td>
<td>0</td>
<td>16</td>
<td>61</td>
<td>19</td>
<td>7</td>
<td>138</td>
<td>132</td>
</tr>
<tr>
<td>2</td>
<td>116</td>
<td>148</td>
<td>26</td>
<td>0</td>
<td>15</td>
<td>55</td>
<td>21</td>
<td>11</td>
<td>148</td>
<td>116</td>
</tr>
</tbody>
</table>

\(^a\)Slave State Democrats.

Vote:
objectives. With this final obstacle cleared, Congress completed the electoral count and declared Hayes the President. 15

In his influential Reunion and Reaction, C. Vann Woodward labelled the arrangement between southern Democrats and the Republicans "The Compromise of 1877," comparing it in importance to the more generally recognized Missouri Compromise and Compromise of 1850. 16 Though Woodward's emphasis on economic agreements has recently encountered scholarly dissidence, his analogy to the other compromise holds its validity. In return for acquiescence in Republican presidential ascendancy, the Republican party ended permanently Reconstruction. The bargain was nothing less than an exchange of Hayes's inauguration for Republican abandonment of interest in southern blacks, an interest already greatly waned. Immediately after his inauguration, Hayes threw his influence on behalf of the Democrat claimants in South Carolina and Louisiana, and, for nearly three quarters of a century, white southerners governed their states free from federal interference. 17

15. The official electoral vote is located in the Congressional Record, 44th Cong., 2nd Sess., p. 2069 (March 1, 1877).


17. Allan Peshkin has leveled the strongest criticism against Woodward's thesis, charging that the terms of
The reaction of several southern Democratic Congressmen substantiates Woodward's analysis. More anxious about security for Democratic hegemony in the South than over party affiliation of the White House incumbent, these men urged their fellow party members to abandon efforts to deny Hayes the Presidency. Former Confederate cabinet officer John H. Reagan of Texas, in whose state Democrats returned to power in 1873, introduced at a Democratic caucus meeting a resolution designed to end his party's delaying tactics. Reagan's Congressional colleague from Texas, John Hancock, criticized often the dilatory strategy of his party. Addressing his Democratic colleagues in the House, Louisiana Democrat William M. Levy indicated that prominent Republicans had assured him that Hayes "will be guided by a policy of conciliation toward the Southern States, that he


19. See, for example, Hancock's remarks in the Congressional Record, 44th Cong., 2nd Sess., pp. 1905-1906 (February 24, 1877).
will leave their own people to settle the matter peaceably of themselves." Given these circumstances, Levy announced, "I shall throw no obstacle ... in the way of completion of the electoral count." 20

The national Republican triumph which followed spelled doom for the party's southern branch, for the Republican alliance with southern Democrats required the Republican party to abandon its commitment to southern black Republicans. Confronting their own black-white dilemma, northern Republicans courted southern Democratic support at the expense of their southern black allies. Thus the party discarded its southern political base.

Nowhere was this debilitation of the southern Republican party better illustrated than in the diminishing number of southern Republicans elected to serve in Congress after 1877. Seventeen Republicans represented the former slave states in the Forty-fifth Congress from 1877 to 1879, but six were Senators elected for earlier Congresses. 21 After two years of the Hayes administration, the South elected only five Republicans to the Forty-sixth Congress' House of Representatives. 22

20. Ibid., p. 2047 (March 1, 1877).
During the next several years, national party leaders declared their intention to build a different, "respectable" party, and, initially, the party realized some success. When the Republican party won the 1880 Presidential campaign, Republicans in the south captured eight Congressional seats. This southern Republican resurgence peaked during the post-Reconstruction era when the party won in the Fiftieth (1887-1889) and Fifty-first (1889-1891) Congresses respectively fourteen and sixteen seats. In the 1890 Congressional elections, however, Democrats re-captured eleven southern seats, leaving southern Republicans in control of only four. The party's efforts to rebuild the southern wing had failed to establish sufficient electoral support to return consistently a significant number of Republicans to Congress.

Despite the smallness of their numbers, southern Republican Congressmen provided House Republicans slight


25. Ibid., 50th and 51st Cong., 1st Sess., passim.

26. Ibid., 52nd Cong., 2nd Sess., passim.
majorities in the Forty-seventh (1881-1883) and Fifty-first (1889-1891) Congresses. Unfortunately for the southern Republicans, the national party displayed on these occasions little interest in the future of southern Republicanism. For example, Republicans in the Forty-seventh Congress failed to pass a single bill designed to guarantee southern Republicans the protection they needed to engage freely in political activity. Indeed, neither house even considered such a measure.\textsuperscript{27} Greater concern for the southern Republicans did surface in 1890 when House Republicans passed 155-149 Massachusetts Republican Henry Cabot Lodge's Force bill which provided for strong electoral safeguards throughout the South. As the figures recorded in Table 18 illustrate, however, the measure succeeded only because twelve of the thirteen southern Republicans who voted supported the proposal.\textsuperscript{28} In the Senate, free state Republicans accounted for the party's majority, and, on two occasions, when several northern Republicans joined Senate Democrats to block successfully further consideration of the Lodge bill, they


Table 18. House Vote on Lodge's Force Bill

<table>
<thead>
<tr>
<th>Total Vote</th>
<th>Slave State Republicans</th>
<th>Vote Had SSR&lt;sup&gt;a&lt;/sup&gt; Been Democrats</th>
</tr>
</thead>
<tbody>
<tr>
<td>yea 155</td>
<td>nay 149</td>
<td>yea 12 nay 1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>yea 143 nay 161</td>
</tr>
</tbody>
</table>

<sup>a</sup>Slave State Republicans.

crushed the hopes of southern Republican Congressmen for renewed political life.<sup>29</sup>

Products of white disfranchisement and federally protected black enfranchisement, the southern Republican Congressmen who served prior to 1877 had often proved instrumental in enacting the Republican party's legislative program. Without external assistance, most Republican Congressional candidates in the southern states found it impossible to fend for themselves, and, by 1892, the number of Republicans representing the southern states in Congress had dwindled to four.<sup>30</sup> For the blacks of the South, the weakness of southern Republicanism signaled the end of an

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era of comparative political influence and potentiality.\textsuperscript{31} After 1877, the Republican party succeeded often in passing party legislation, but successful party legislation never again pertained to the status of blacks in the former slave states. More than coincidentally, Republican legislative successes in the post-Reconstruction era came without the assistance of southern Republican Congressmen.

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39th Congress, 1st Session
39th Congress, 2nd Session
40th Congress, 1st Session
40th Congress, 2nd Session
40th Congress, 3rd Session
41st Congress, 1st Session
41st Congress, 2nd Session
41st Congress, 3rd Session
42nd Congress, 1st Session
43rd Congress, 1st Session
43rd Congress, 2nd Session
44th Congress, 1st Session
44th Congress, 2nd Session
51st Congress, 1st Session

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39th Congress, 2nd Session
40th Congress, 1st Session
40th Congress, 2nd Session
40th Congress, 3rd Session
41st Congress, 1st Session
41st Congress, 2nd Session
41st Congress, 3rd Session
42nd Congress, 1st Session
42nd Congress, 2nd Session
43rd Congress, 1st Session
43rd Congress, 2nd Session
44th Congress, 2nd Session
51st Congress, 2nd Session


41st Congress, 1st Session
41st Congress, 2nd Session
41st Congress, 3rd Session
46th Congress, 2nd Session
47th Congress, 1st Session
50th Congress, 1st Session
51st Congress, 1st Session
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