Democracy and Racial Closure in the Nineteenth-Century United States

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"An isolated individual may surmount the prejudices of religion, of his country, or of his race; and if this individual is a king, he may effect surprising changes in society; but a whole people cannot rise, as it were, above itself. A despot who should subject the Americans and their former slaves to the same yoke might perhaps succeed in commingling the races; but as long as the American democracy remains at the head of affairs, no one will undertake so difficult a task . . ."

--Tocqueville[1]

"[S]lavery recedes, but the prejudice to which it has given birth is immovable. . . . In those parts of the Union in which the Negroes are no longer slaves they have in no wise drawn nearer to the whites. On the contrary, the prejudice of race seems to be stronger in the states that have abolished slavery than in those where it still exists; and nowhere is it so intolerant as in those states where servitude has never been known."

--Tocqueville[2]

INTRODUCTION

At least two motifs would run through any biography of the United States: an enduring democratic heritage and a legacy of social domination along ethno-racial lines. For the most part these would be parallel themes, with any entwining evident well into the subject's 'life'. Most biographies would note that the latter stood as a violation of the former. Many would offer a late chapter detailing how the first aided the conquest of the second. But one would not expect any biography to follow Tocqueville's suggestive lead and trace a determinate relationship between the two. The principal argument of this paper, however, is that any adequate account of racial domination in the nineteenth century United States must do exactly that.

The coexistence of the two in respectively dramatic form during the nineteenth century, at least, is undeniable. There was a 'rise of American democracy,' as a recent title suggests (Wilentz 2005). The franchise expanded as property requirements were overturned; parties organized; and participation increased precipitously. Between the 1820s and 1840s, voting rates ballooned from 30 to 80 percent, and stayed there for several more decades (Smith 1997, p.201). At the same time, throughout the first two-thirds of the same century, the vast majority of African Americans had not even the basic right to their person, classified as property instead. The Civil War brought emancipation but not genuine freedom; the

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[1]Tocqueville, <u>Democracy in America</u>, Vol I, pp.373-374.
[2] Tocqueville, <u>Democracy in America</u> Vol I, p.359.

promise of Reconstruction would meet a fairly rapid demise. Just as the vast majority had been enslaved

so would a similar portion be excluded from the polling booths, the well-funded schools, the best-

equipped health facilities; the deference once owed to a master would be generalized, subjecting a

population ascriptively marked in an achievement society.

The latter story is well-known in its rough outline, but its limited temporal scope is

misleading. Jim Crow did not emerge after a robust democracy successfully cleansed itself of slavery but

failed in securing true freedom for the emancipated. Jim Crow and democracy grew up together, as

Tocqueville's second statement would suggest. Tocqueville might have been referring only to attitudes

('prejudice'), but he need not have been. At the time of his travels, Ohio (for example)—where slavery

had "never been known" and democracy vibrant—required free African Americans to pay $500 to enter

the state, excluded them from public schools, denied them the right to vote, and prohibited them from

testifying against 'whites' in court. This sounds like Mississippi in 1900; clearly, then, the story is more

complicated.

A NEO-INSTITUTIONAL APPROACH

To grasp this complexity, I contend that political institutions must be at the center of an

analysis that is *not* temporally restricted to the decades following the civil war. Two main approaches to

racial closure in the nineteenth century US differ from mine in both these respects.[3] One approach

focuses on the late 19th century US South and develops an analysis based on processes of socio-economic

modernization (SEM) (Cell 1982; Greenberg 1980; Wilson 1978). The SEM approach draws on a

political sociology tradition in which political outcomes (such as systems of racial closure) are explained

in "class-instrumentalist terms" (Skocpol 1973, p.23). By apprehending politics in this manner, the SEM

approach misses the arguably great importance of the political system itself. Working classes—central to

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[3] Terms such as segregation, exclusion, and racial domination are common in the literature. I prefer 'racial closure', both because it encompasses segregation and exclusion and because, with its empirical orientation, allows sensitivity to non-trivial variation. Loveman (1999b) offers an extended rationale for using the Weberian concept of 'social closure' in studies of race and ethnicity. Social closure refers to processes of inclusion and exclusion—e.g. in schools and politics. Racial closure refers to situations in which these processes of inclusion and exclusion are based on the assignment of people to different 'races'.

the arguments of both Wilson and Greenberg—generally do not enjoy extensive interest articulation except in democratic political systems with a broad suffrage. This points to a central ambiguity of van den Berghe's (1967) framework, upon which all of the authors in the SEM approach rely: 'herrenvolk' democracy is a "social control" variable (and the only one), rather than being either dependent or independent. A better approach, I hope to show, shifts political processes and institutions to the 'independent variable' column

The second approach argues that this starting point is dissatisfying in comparative perspective. A legacy of racial discrimination in the past does not lead directly to systematic closure, argues Marx (1998) through a comparison of the United States, South Africa, and Brazil. The key factors are the actions of political elites and the presence or absence of 'intra-white' conflict. According to Marx, both the United States and Brazil had legacies of racial discrimination that could have been consolidated as systems of "formal racial domination" after abolition. But it happened only in the United States (and South Africa) where large-scale intra-white conflict moved elites to base reconciliation on such a system: "Describing racial domination in the United States and South Africa as the result of such pressure for reconciliation [between 'whites'] is consistent with Brazil's having less comparable conflict to be reconciled and enacting no official racial domination for this purpose" (p.165). This argument might be critiqued on the basis of a broader comparative perspective--in the absence of intra-white conflict, Southern Rhodesia and Australia also developed rigid systems of racial exclusion and control that outlasted the first half of the twentieth century—but here I want to focus on only the US and Brazilian cases.[4] The persuasiveness of locating the key causal processes *after* abolition depend upon the extent to which the two cases were 'equal' with respect to the salience of 'race' in the pre-abolition period. Marx's argument that the two cases were indeed equal during this period is based on a thorough critique of the supposed benevolence of Brazilian slavery as compared to the United States. While the critique is persuasive, I do not think it serves the purpose needed to isolate 'intra-white' conflict as the key variable.

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[4] For Southern Rhodesia, see Summers (1994), Herbst (1990), Palmer (1977), and Bowman (1973). For Australia, see Chesterman and Galligan (1997) and Markus (1994).

While the systems of slavery might have been similar, Brazil and the United States differed profoundly with respect to the political salience of 'race' *before* abolition. On the eve of the US's civil war, by law, western lands were reserved exclusively for those categorized as 'white', voting in nearly every state was the unique privilege of White males, and political parties trumpeted themselves as defenders of White interests. Nothing of the sort prevailed in Brazil (Andrews 2004, pp.85-152; Costa 2000; Andrews 1991; Bethel [ed] 1989).

As this characterization of the US on the eve of the civil war would suggest, the crucial issue of the post-bellum period was not whether a system of racial closure would be created, but whether it would be perpetuated. Moreover, this was not simply a southern question but rather one relevant across the country. When it came to racial closure after the war, there were *two* reconstructions, one that met considerable success in the North and one that failed miserably in the South. Analyzing political development during the antebellum period aids in understanding both why racial closure was widespread at the end of the war and why its fortunes thereafter diverged regionally.

Consistent with what Skocpol (1992, p.41) dubs a "structured polity approach," I place parties and other political institutions at the center of the analysis.[5] Efforts to dismantle racial closure after the civil war exposed dramatic divisions along party lines. Democrats formed a vehement and unified opposition. This was not due to a momentary contingency but rather had deep historical roots in the antebellum period. The Democratic Party (or the Democracy as it was often known) both drove and benefited from the democratizing, mass politics that emerged in the decades leading up to the war.

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[5]Thus, my argument is broadly akin to the 'politicization of ethnicity' perspective. Like Mann (2005), I focus on the consequences deriving from a fusion of "the two meanings of 'the people,' *demos* and *ethnos*" (p.55). My focus is relatively long-term, like that of Ringer (1983), but my argument is linked to democratic rather than legal processes (see e.g. pp.154-155 on Reconstruction). I also emphasize the existence of major political parties that opposed the fusion mentioned above, while the 'duality' of a demos/ethnos fusion and 'other' is a constant in Ringer's analysis. Saxton's (1990) analysis is most similar to mine, in terms of temporal scale, a focus on political parties, and insistence that an accurate account integrates 'elites' and 'masses'. However, Saxton has a different object ("racism" and "racial differentiation") and his commitment to identifying and analyzing dominant parties for each specific period, I believe, hinders his analysis of Reconstruction (which is limited because of Saxton's different empirical concerns anyway). Saxton also is wed to class analysis in his explanations. Vickery (1974) links democratization and racial domination in a correlative fashion, but gives little attention to mechanisms involved. There is great affinity between Valelly (2004) and Frymer's (1999) institutional approach to the post-bellum period, but I link this analysis to political development before the war and, consequently, place more emphasis on the Democratic Party. The term 'ethnocracy' comes from Yiftachel (1999).

Across the country, Democrats preached egalitarian ideals and pressed for expansion of the franchise. Always looking out for the 'little guy' in a country full of them, the Democrats dominated antebellum politics. But the 'little guy' had to be 'white'. This boundary did not derive from an inexplicable preference or the common sense of the time (Democrats' opposition, the Whigs, did not typically recognize this phenotypic marker as politically salient), but rather the particular alliance that became the bedrock of Democratic power. Nearly everywhere the Democrats reigned racial closure was widespread. And because their reign was widespread, the US was a substantially racialized polity by the time of the civil war. Following the war, Republicans moved gradually toward an effort at de-racialization. Where they remained in control, in the North, Republicans were able to carry out this program, at least in terms of law, by the 1880s. But their efforts in the South were thwarted not only by the strength of the Democratic Party in that region but also its resilience in the North.

Although only the historical analysis itself can attest to the fruitfulness of this institutional approach emphasizing the crucial role of political parties and their constituencies, it is worth noting that historians' characterization of the nineteenth century US is consistent with it. Throughout most of that century there prevailed a "party-centered political system" in which federal and state bureaucracies had little autonomy in relation to political parties (Shefter 1978, pp.229 and 222). According to Silbey (1985), "in the era of the 1830s to the 1890s they [parties] were strong, stronger than at any other time in our history" (p.55). But these parties did not operate in a vacuum. The "crucial fact about American political parties in the nineteenth century" is that they were "not primarily legislative or parliamentary organizations" but "mass parties whose continued existence was determined by the allegiance of the voters to them" (Holt 1992, p.240; see also Formisano 1971, pp.21-27). Or as McGerr (1986) puts it, "American politics from roughly the 'thirties to the 'nineties demanded the legitimacy conferred by all classes," (p.5) and, as such, "the parties articulated the ethnic and religious loyalties and hostilities of Northern society" (p.8; see also Baker 1983, pp.23-24). Moreover, the character of the political arena demanded such articulation, for during much of this century (1850s-1890s), competition between the

parties "was the closest it has ever been in American history" (Shefter 1978, p.228; see also Kousser 1992).

ANTEBELLUM PERIOD: THE DEMOCRACY, DEMOCRATIZATION, AND THE GROWTH OF RACIAL CLOSURE

This analysis of the antebellum period lays the foundation for understanding the course of racial reconstruction after the civil war. First, I show that racial closure expanded during the period of democratizing, mass politics in the first half of the century. Then I link this closure to a specific collective agent, the Democratic Party. Finally, I explain why this linkage developed.

Increasing Closure: During colonial times, the racial suffrage was uncommon. In the early eighteenth century, three colonies (all southern) were alone in barring free blacks from voting. The first state constitutions following the war for independence did not change the situation: 10 of 13 established a non-racial franchise. In debates over the new constitutions, only Massachusetts considered disfranchising those who were not 'white' (Kruman 1997). Although "only a small minority of the towns objected to the [disfranchising] provision . . . their objections contained sufficient force that the constitutional convention of 1779-1780 established colorblind suffrage requirements" (Ibid, p.107). The words of one proponent of equal suffrage, spoken at that very convention more than 225 years ago, counter the thesis of linear but slow 'racial progress': "'Would it not be ridiculous, inconsistent, and unjust,' he asked, 'to exclude *freemen* from voting for representatives and senators, though otherwise qualified, because their skins are black, tawney, or reddish? Why not disqualify for being long-nosed, short-faced, or higher or lower than five feet size?'" (quoted in Ibid).

History was not on his side. This non-racial vision would be repudiated again and again throughout the first half of the nineteenth century. Three key pieces of evidence demonstrate that racial

closure as a variable increased in intensity across the United States during this time period.[6] First, Table I demonstrates the tremendous growth of political closure from 1790 to 1860.[7] While less than one-fourth of the original thirteen states had a franchise that privileged 'whites' in 1790, the same was true of more than four-fifths of the states in 1860.[8] The right hand side of the table breaks out those states that were 'free' as of 1861 and reveals increases in the proportion of states with a racial franchise (roughly) from 0 percent in 1790 to 20 percent in 1810 to 50 percent by 1830 and, finally, to more than 75 percent by 1860. After Maine attained statehood in 1820, every new state stipulated an exclusively 'white' (male) franchise (Keyssar 2000, p.55). Moreover, across both the North and South, six states where free Blacks had been voting for decades moved toward racially exclusionary franchises in the first forty years of the nineteenth century.[9] Second, race-based closure increased in other arenas of the North as well. Litwack (1961) notes a trend toward exclusion and segregation in education after 1820 (p.114), while Table II demonstrates that Northern states that were settled later typically imposed more forms of closure: Of the eight states formed after 1800, six imposed at least four of the five types of closure (and these were the only six to do so).[10] Finally, these trends were not confined to the North. Berlin's (1974) magisterial study of free blacks in the South systematically demonstrates that restrictions on them grew in intensity as the first half of the nineteenth century progressed.

By the middle of the century, racial closure was widespread across the 'free' states. An examination of the Table II reveals that around 1860, educational and political closure were the most widespread, evident in 9 and 11 of 16 states respectively.[11] Nearly half the states had a ban on inter-

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[6] Based on less easily quantifiable indicators, a number of historians agree with this basic interpretation. See Horton (2004); Gellman and Quigley (2003, p.201); Davis (1999); Pope Melish (1999); Stewart (1999; 1998a; 1998b); and Horsman (1981).
[7] Please see pp.31-35 below for all tables.
[8] The awkward phrasing "privileging whites" is necessary because of only one state, New York, where the franchise was made universal for 'white' adult males in 1821 but contingent upon substantial property for people "of colour" (actual language). In all other cases, the franchise was made the *exclusive* right of 'white' males.
[9] The relevant states are: New York, New Jersey, Pennsylvania, Connecticut, North Carolina, and Tennessee.
[10] One of the exceptions, Maine, might be explained by the fact that statehood followed long-established settlement (and, thus, social and political relations by 1820 had been well-established). Wisconsin is a puzzle awaiting research.
[11] We know for sure that there were no laws excluding African American males from voting in the five states void of an 'X' in this category, thanks to the research of Keyssar (2000) and earlier of Wesley (1947). Educational segregation has not been systematically investigated and, thus, we cannot rule out that states scored as 'no' on this dimension did indeed practice this form of closure. However, if they did, Farnam's (1938) examination of legislation by state suggests that this would not have been

marriage, while about one-fourth barred testimony against 'whites' and placed severe restrictions (or completely banned) the settlement of free African Americans.

Explaining Growth: The growth of closure across the antebellum North is best understood in terms of the interaction of popular sentiment, democratization, and the manner in which political parties organized their constituencies. The two major parties in the first half of the nineteenth century, Democrats and Whigs,[12] differed on racial closure, and the former enjoyed much greater competitive success. Popular referenda indicated popular support for these racial closure policies.

Table III enables us to see the relationship between such closure and party dominance by state. Four of the six states that practiced at least four forms of closure were all strongholds of the Democratic Party. In the competitive environment of two other states about which the same could be said (Ohio and Indiana), the Democrats were clearly the stronger party.[13] Moreover, in the competitive states where closure was less extensive, Democrats also had less of an edge.[14] This linkage between the Democratic Party and racial closure would be called into question were the same patterns evident in the Whig-dominated states, or if reversals of closure occurred during times of Democratic control. Neither is the case. Whig-dominated states, or competitive ones in which Whigs had the edge, never imposed more than two dimensions of closure, and all reversals occurred under Whig leadership. Massachusetts, dominated by the Whigs throughout the antebellum period, banned educational segregation and overturned a prohibition on inter-marriage. The reversals in Ohio seem at first problematic, for Democrats typically were the stronger party. However, the government there lifted bans on Black

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actively state-sanctioned. As noted above, a score of 'yes' on educational closure does not imply the absence of intra-state variability.

[12] These names emerged in the late 1820s, but they have fairly clear antecedents in the Democratic Republicans and the National Republicans (Smith 1997).

[13] For this time period (see note to Table III), ignoring other parties, the Democrats had a 42 to 29 advantage in Indiana (1.45:1), and, considering only Senators, 33 to 12 (2.75:1). In Ohio, the overall advantage was 39 to 22 (1.77:1).

[14] In New York Democrats had a 1.24:1 advantage, in Connecticut a 1.2:1 advantage, and in New Jersey no advantage at all (0.8:1).

immigration and judicial testimony in 1849,[15] a year when Democrats held neither a federal Senate seat nor the governorship.[16] Similarly, the reversals in Iowa awaited the emergence of Republican control (Foner 1970).

Specific votes in state legislatures and conventions on the franchise provide more direct evidence of the Democrats' commitment to a racialized polity (and Whigs' opposition to such). In 1837, New York's lower house, "an overwhelmingly Democratic Assembly," considered and rejected three equal suffrage petitions by votes of 74-23, 71-23, and 109-11 (Field 1982, p.48). Just 2.1 percent of Democrats voted even a single time in favor of equal suffrage compared to 84.6 percent of Whigs who did so (Ibid). Nine years later, a state convention in New York revisited the issue. Eighty percent of Democrats opposed equal suffrage, while more than one-half of them wanted to strip African-Americans of the franchise altogether.[17] In contrast, "half the Whig delegates supported the pro-black position on every vote" (Richards 2000, p.118).[18] In a similar fashion, at the Pennsylvania convention of 1838 "at least" 57 of the 77 delegates who voted for a whites-only franchise were Democrats (Ibid., p.117). Although not providing specific party vote totals, Ford (1999) notes a similar pattern at the 1835 North Carolina state convention that ended in a 67-62 vote in favor of a whites-only franchise: "The heavily Whig Piedmont and mountain regions tended to oppose [African-American] disfranchisement and the generally Democratic East tended to favor it" (p.734).[19] Likewise in Tennessee the "egalitarian

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[15] The government also moved from exclusion to segregation in the education of non-whites, a transition that is not revealed due to the coding rules followed in constructing the table, but one that nevertheless, as Rabinowitz (1978) points out, counts as a progress of sorts.

[16] Ohio at this time had a Whig governor and one Whig Senator. The other Senate was filled by a 'Free Soiler', a third party whose members formed the Republican party in the 1850s (see the note to Table 6 for sources). The 1848 US House election also did not yield Democratic dominance: there was a 4-4 split between the Whigs and Democrats (see *Congressional Quarterly's Guide to U.S. Elections*, Vol. II (Washington D.C.), p.871. Data on the *state* legislature, which are more difficult to gather, would be the best indicator. However, recall that the US Senators during this period were not elected directly but rather by the state legislature; it is unlikely that a legislature controlled by the Democrats would elect Whig and Free Soil senators.

[17] Recall that New York was unique in that African Americans were not disfranchised altogether, but rather, in contrast to those classified as white, had to meet a steep property requirement. This was the result of the 1821 state convention (Gellman and Quigley 2003).

[18] Probably more Whigs voted for Black suffrage at least once at this New York convention but then reversed themselves. Field (1982) notes this in the 1837 legislature votes, where despite 85 percent of them supporting equal suffrage on at least one of the three votes, "[o]ver half (53.6 percent) of the prosuffrage Whigs reversed themselves on one or more votes . . ." (p.48). This illustrates Howe's (1979) pithy summation of party differences on this issue: "Black suffrage was a partisan issue that the Democrats strenuously opposed and the Whigs, somewhat less strenuously, supported" (p.17).

[19] This was not the only close vote. Tennessee's tally was 33-23 (Ford 1999), while at the 1821 New York state convention, delegates voted *against* a whites-only franchise 63-59 before later approving the racially bifurcated standard explained above

reformers" [i.e., Democrats] were those who pushed hard for the extension of suffrage to all whites," and who "complained bitterly about the state's practice of allowing propertied free black men [to vote]" (Ibid, p.731).

Based on this evidence one can characterize the antebellum Democratic Party as an ethnic one (with boundaries drawn along ethno-racial lines) in pursuit of an ethnocratic regime (cf. Saxton 1990; Baker 1983). In so doing, we can view the antebellum United States as one instance of a larger phenomenon: Processes of democratization and nation-state formation invite the question of in the name of which people the government will rule, and in some cases the answer returned entails the drawing of boundaries within a territorial population, boundaries that divide some territorial inhabitants from others on the basis of ascriptive characteristics (Wimmer 2002). In the first half of the nineteenth century, "two meanings of 'the people,' demos and ethnos," became "fused" (Mann 2005, p.55) in much of the United States. The fact that this happened in most of the North as well as the South, and the fact that a particular political party seems to have been the agent of this 'fusion' in the northern region, suggest that a simple answer referencing slavery is insufficient[20]--which is not to say slavery was irrelevant, as we will see.

To be sure, the Democratic Party did not invent the term 'white' nor was it the first to make the category consequential for social relations in the broad sense of the term. Yet, it was the Democratic Party that consolidated the meaning of the term and intensified its consequences (cf. Ignatiev 1995; Roedinger 1991). As we have seen, throughout the antebellum period, Democrats sought to evict African Americans from the political community where they had previously belonged and to maintain their exclusion where they did not. Democrats sought also to keep non-whites out of the arenas where the citizenry is reproduced (education, marriage) and protected (judiciary). The Democratic Party represented only 'whites' (hence, "ethnic party") and called for a polity that did the same (hence,

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(Gellman and Quigley 2003, p.199). Litwack (1961) says that disfranchisement was virtually uncontested in Connecticut and New Jersey, but he provides no vote totals.

[20] Berlin's (1974) careful study of the antebellum South suggests no link between party politics and racial closure there.

"ethnocratic regime"): Across the nineteenth century, its spokesmen proclaimed again and again, "This is a white man's country."[21]

The extensiveness of racial closure in the antebellum North suggests the Democrats' success as a party. Democrats indeed were dominant.. Winning six of nine presidential elections between 1828 and 1860, this party also controlled the Senate for 28 of these 32 years and the House of Representatives for 24 (Baker 1983, pp.19-20). Because state legislatures, not voters, chose federal Senators, the Democrats' dominance of the Senate is in turn an indicator of its dominance at the state level.

It is beyond the scope of this paper to explain this success, but the type of alliance that Democrats built is consistent with it. This alliance—among slaveholders, expansionists, and immigrants—in turn reinforced racial closure and the party's ethnocratic tendency. Foner (1970) notes immigrants' "tendency to cast solidly Democratic ballots," (p.196) while Holt (1999) identifies immigrants as a pillar of Democratic strength. Democrats' incorporation of immigrants into the party probably did the most to solidify the category 'white'. Against the ethno-cultural, ethno-religious, and class divisions associated with the Whigs, Democrats sought to unify European immigrants ethno-racially *qua* 'whites'. Ignatiev's (1995) *How the Irish Became White* is now a famous title, but little discussed is the centrality he accords to the Democratic Party in effecting this 'becoming' (pp.69-76). Roedinger (1991) agrees, arguing that "Democrats and Irish-American Catholics entered into a lasting marriage that gave birth to new ideologies stressing the importance of whiteness" (p.141). Although Irish immigrants were a substantial portion of all immigrants during the antebellum period (Roedinger says they were about 45 percent of all migrants between 1820 and 1855), the Democracy did not limit its support to them. Over a period of more than sixty years, from 1828 to 1892, a period in which nativism was recurrent, Gerring (1994) found in his study of Democratic party platforms "[n]o statement in opposition to (European) immigration" (p.761). Party platforms from the antebellum period, including at the height of nativism in the 1850s, repudiated "every attempt to abridge the present privilege of becoming citizens,

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[21] To cite just a few of the available examples, such a claim was made on the state convention floor in 1830s North Carolina (Ford 1999), in the political contests between Democrats and Republicans in the 1850s (Bilotta 1992), in party platforms of the late 1860s (Silbey 1977), and on the Senate floor in the 1890s (Perman 2001).

and the owners of the soil among us" (quoted in Watson 1990, p.242). In the western states, where African Americans were denied the vote and often the right of residence, European immigrants were frequently granted suffrage even before they gained citizenship (Williamson 1960, p.277)—as in Michigan, where suffrage language was inclusive of 'white' *residents* rather than citizens (Watson 1990, p.242).

Westward settlers would not have needed to be politically incorporated as 'white'; this identification had long been a salient unifier in the frontier struggles with the 'red' man (e.g. Horsman 1981). But these settlers would need support to ensure that western lands were *white* lands. The Democratic Party was up to the task: From the Indian Removal Act—the first 'racial' (rather than civilizational) rationale for conquest in the United States—to the Mexican American War, the Democratic Party led the expansionist charge.[22] As the party of expansion, the Democrats were the dominant party in all the 'free states' from Indiana westward throughout the antebellum period (see Table III). Because every state sends two persons to the Senate, regardless of size, this helped to ensure almost uninterrupted control of the Senate.

The third leg of the Democratic stool was composed of an alliance with slavery. Here the story is more complex, but detailing it also allows us to make the appropriate contrast with the Whigs. For the Democrats, support for the institution of slavery and unity on this issue across the North and South eventually brought slaveholders themselves into the fold. The party's pro-slavery stance facilitated the development of a formidable national organization, a strength amply illustrated by the 1860

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[22] The Cherokee and Creek living in Georgia posed problems because they were agricultural, settled peoples, and in fact had developed consciously as such in line with Jefferson's promise that the 'civilized' (agricultural) native Americans would have a place in the United States. This promise circulated in an environment where the ascendant rationale (fast surpassing religion) for conquest centered on the necessity of properly using the land (Korman 1996, pp.41-66). Their settled, agricultural ways meant that misuse of land could no longer be an excuse for removal. The state of Georgia had been complaining since 1800 about the presence of Cherokees and Creeks (presumably in a quest for their land). In 1821, a Congressional committee investigated and, recognizing that the old rationales would not do, reported back that "it will be necessary for the United States to relinquish the policy which they seem to have adopted with regard to civilizing the Indians, and rendering them permanent upon their lands . . ." The committee recommended they be turned into individual private property owners. But that was not good enough for the representatives of Georgia, who insisted on their removal on the grounds they were 'Indians' (Horsman, pp.192-195). Thus was born the Indian Removal Act, which Jackson pushed through Congress against Whig opposition and with a majority of northern Democratic support (Richards 2000, p.127; Howe 1979, pp.38-42). The Democrats did not just rely on action in Congress: "The Democratic-party press encouraged them [i.e. the "[w]hite settlers" in "the Deep South" who "coveted the rich lands of the Five Tribes"] by popularizing theories of the ineradicable inferiority of the nonwhite races, which taught that hopes for civilizing the Indians were delusive" (Howe 1979, p.40).

presidential elections: While only 2 out of every 10,000 Southerners supported the Republican candidate (and not a single person in the 10 states that would rebel--Dahl 1957), nearly 40 percent of New Englanders voted Democratic (Baker 1983, p.325). This kind of strength derived from being organizationally linked across the 'sections' as they were then called. The Democrats enshrined such unity in their 1832 party constitution (which remained until the 1920s): Nominations for presidential and vice presidential candidates required two-thirds, rather than simple majority support, a measure that prevented the more populous North from swamping the South (Richards 2000, pp.113-115). There were clear implications. From 1836 to 1860 inclusive, "Democrats included both a Northerner and a Southerner on their presidential tickets . . . [and] continued [throughout the period] to hold its conventions in slave and free states . . ." (Baker 1983, p.325). This also meant that the Democrats, unlike the Whigs, did not split evenly on sectional controversies, usually concerning the extension of slavery. Richards (2000) traces the origins of this alliance to the northeastern Democrats, and details how across the antebellum period the alliance shifted to one predominantly between western Democrats and the South (see 111-115 and 127-153 for details).[23] The overall point is that northern Democrats voted with the South in sectional controversies about one-half the time (111-112). The northern Democrats, then, made a party-strengthening alliance with slavery (Saxton 1990; Holt 1992, pp.57ff).[24] However, Saxton's (1990) presidential election data from 1840-1856 show that Democratic strength in the South was originally much greater where slavery was least important, suggesting that planters originally identified with the elitist Whig Party (and that the Democrats' populist message resonated elsewhere) (pp.139-140). Nevertheless, as the Whig fissure on slavery deepened, these major slaveholding regions, too, migrated to the Democracy. Inter-sectional unity and a consistent pro-slavery stance eventually brought in the slaveholders themselves. By 1860, the 'solid' Democratic South had been born.[25]

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[23] Silbey (1985) agrees, arguing that there was "a conscious agreement, worked out as early as the 1820s, between [Democratic] leaders in the North and South to protect slavery, a position necessary to maintain the party organization, win elections, and hold the reins of national power" (p.97).

[24] A recent work criticizing the view (and Saxton 1990 specifically) that the Democrats were a pro-slavery party can do so only because the author employs a restrictive notion of 'pro-slavery'—as the desire "to sustain the slaveholders as a national ruling class" (Wilentz 2005, p.512).

[25] I confirmed this with Congressional data from the 1840s and 1850s, which could be added.

It would be worthwhile to be explicit about the relationship between this alliance and racial closure. For immigrants, a polity for whites meant ready access to full citizenship rights. For expansionists, it meant exclusive control of land. For slaveholders, consistent with the foregoing, the link is more complex. One might suppose that a white polity meant continued control over black labor. This argument makes sense to some degree in relation to events of the 1850s—i.e. after the Whig party split and then crumbled. Prior to that, support for Southern Whigs entailed no threat to the institution of slavery, for this wing of the party was its staunch defender. It is more fruitful to consider the consequences of the Democracy's support for the institution of slavery, rather than to focus simply on the interests of the slaveholders. A principal reason for such an alliance already has been made clear—it enabled the formidable national organization.[26] Yet, unlike for the Whigs who generally held a hierarchical conception of the social order in which slave-versus-free was just another of society's many distinctions, slavery's basis, the ownership of people as property and productive means, had the potential to undermine a defining feature of the Democracy: its anti-elitism.[27] How could a political party trumpet egalitarianism while simultaneously defending the practice of keeping people as property? Simply put, by defining those subjected as not part of 'the people'.[28] Notably, it would not have been sufficient to say that some Blacks are enslaved, while others are free and, thus, full citizens. This is Whiggish thinking. For Democrats, what marked those of African descent as subject to slavery—whether phenotype or descent—marked them as unfit for freedom, even under conditions of formal liberty.

If this alliance with immigrants, expansionists, and slavery was truly an alliance for ethnocracy, one would expect to find systematic differences in the Whig party. This is the case. As Richards (2000) demonstrates, in sectional controversies related to slavery, northern Whigs almost never voted with their Southern brethren (pp.111-132). It is well-established in the historiographic literature

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[26] One should note also that the "fathers" of the Democratic Party, Andrew Jackson and Thomas Jefferson (it was not uncommon for Democratic politicians to declare their party the party of Jefferson and Jackson), were both agrarian slaveholders.

[27] For this Whig conception of social organization, see Watson (1990, pp.245-246), Howe (1979, pp.38-42), and, more generally, Holt (1999).

[28] This is closely related to Fredrickson's (1981) argument that egalitarian doctrines had to be bounded against "the contagion of Enlightenment thought," in order to "underwrite greater freedom for the settlers without weakening their dominance over imported slaves . . ." (p.??). However, slaveholders were a small minority of the overall population and regionally confined at that. My account tries to show how, through party politics, a regional interest was channeled into a national (racial) ideology.

that this sectional split on slavery intensified throughout the antebellum period and eventually was a major factor in the demise of the Whigs (Holt 1999, pp.390, 952-953). Likewise, expansionists would not have found Whigs to their liking. Whigs generally opposed not only the Mexican-American War,[29] but also the Cherokee removal carried out by Andrew Jackson in violation of a Supreme Court decision.[30] The 1844 Whig national platform worried aloud about the dangers of territorial expansion (Holt 1999, p.240), while the 1848 Ohio Whig platform, in the midst of the Mexican-American War, declared that the party, "deprecate[s] a war of conquest . . ." (quoted in Holt 1999, p.254). Neither would immigrants have been drawn to the Whigs, who were "reluctant to enfranchise large numbers of foreign immigrants," believing they should first 'prove' themselves (Watson 1990, pp.245-246).[31] More generally, there was a major strain of "nativism and anti-catholicism in this party," neither of which would have endeared the antebellum period's most quantitatively significant immigrant group, the Irish (Ibid).

Bolstered by an anti-elitist rhetoric and an alliance with immigrants, expansionists, and slavery, the ethnocratic Democracy dominated antebellum politics, making the United States a substantially (but not fully) consolidated ethnocracy by the 1850s. Voters promoted Democrats, and Democrats promoted racial closure. Is the transitive conclusion valid? One might suppose that there was little, if any, connection. After all, in most of the North, African-Americans were less than one percent of the state population and in *all* cases less than three percent. It is likely, then, that most White northerners had no direct contact with African-Americans. Perhaps, also, they paid no mind to the racial ideology of their favorite party. Perhaps, moreover, those closure laws were mere symbolism to seal the northern Democracy's covenant with the South. If the latter is true, no historian has claimed it, and the amount of northern Black organizing against the racist regimes would not suggest it. Further, a group threat

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[29] More precisely: All criticized Polk's instigation of the war, but were divided on supplies to military, with most opting to vote for this while continuing to criticized Polk. As for acquisition of territories in war, Whigs united on 'No Territory' principle (Holt 1999, 248-257). The differing dilemmas presented by the Treaty of Guadalupe-Hidalgo starkly illustrate the Whig/Democrat distinction: While Democrats were divided on whether it entailed acquisition of enough territory, Whigs were divided on whether the acquisition of any territory was too high a price for peace (Ibid., pp.310-311).

[30] The Whigs had not coalesced as a party at the time of the Cherokee removal and, thus, this statement is based on the stance of National Republicans who soon would become Whigs (Howe 1979, p.40).

[31] Formisano (1971, ch.5) discusses "alien voting" as a major dividing line between Democrats and Whigs in antebellum Michigan.

hypothesis—holding that because northern Whites did not live in proximity to Blacks or interact with them or even have to *avoid* interacting with them, most northern Whites probably were indifferent about the closure policies of a party they actually supported for its anti-elitism—is not sustained by the available evidence.

First, although one would like more systematic evidence regarding the extent and impact of black minstrelsy shows in the antebellum North, they do appear to have been widespread and consistent propagators of notions of Black inferiority and undesirability. (Roedinger 1991; Saxton 1990; Baker 1983). With its "two stock characters, either Uncle Ned—the contented, docile plantation worker—or Zip Coon—the restless, sexually indulgent, irresponsible free Negro," minstrelsy defended slavery while portraying African Americans "[a]s unassimilable aliens from another continent" that "lacked the self-control of republican citizens" (Baker 1983, pp.21, 221, and 237). Minstrelsy was decisively "anti-black" and "pro-slavery" (Roedinger 1991, p.125). As "the preferred entertainment of the Northern working class from 1840 to 1880," and as an itinerant variety that "transformed big-city entertainment into a national one," minstrelsy shows were the way that most White "Northerners, who inhabited a largely white world, came to see blacks . . ." (Baker 1983, pp.214 and 218).[32]

Second, the emergence of the Republicans in the 1850s and their challenge to Democrats in the 'free' states provides ample evidence that these dueling parties believed issues of 'race'—specifically, White ownership of the polity—were of great consequence to northern Whites. Formed from 'free soil' (i.e., those opposing the expansion of slavery to new territories) Democratic defectors and Whigs whose party was moribund by the early 1850s, Republicans united more than any other on a single issue: that territorial expansion should continue but without slave labor (Gienapp 1987; Foner 1970).[33] Outside the

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[32] For Saxton (1990), minstrelsy was not part of a cultural sphere that existed in a vacuum. Instead, it "was always political, but during its early years, from the mid-1840s through the 1860s, overt partisanship linked it to the Democratic party" (p.165). Baker (1983) agrees. The specificity of the connection between this cultural form and political organizing needs more research.
[33] This should not be confused with antagonism toward slavery per se, much less in the states where it already existed. While Republicans opposed the extension of slavery, many, if not most, were equally antagonistic to the excesses of what they called "abolitionism and fanaticism" (see Bilotta 1992, pp.231-237). Voting on the original 13th Amendment, formulated before the war in order to enshrine constitutional *protections for* slavery, illustrates this, as nearly one-half of House Republicans (64/132) voted for it (all but one Democrat also did. It passed the House, but the onset of the war precluded its consideration in the Senate (Klinkler and Smith 1997, p.48).

context of mass politics, the argument over slavery might have been one among elites about the relative

merits of wage and forced labor. In a democratic context, where the dominant party had built a broad

ethno-racial constituency centered on the category 'white,' arguments over slavery's extension reflected

the extent to which the polity had become a thoroughly racialized one. Aarim-Heriot (2003) is not alone

in pointing out that the Democrats' response to Republican criticisms of the "slave power" was to "use

race as a key issue" and that the Republicans responded in kind (p.63). As contemporary Horace

Greeley—newspaperman, Republican strategist, and 1872 presidential candidate—put it: "The

controlling idea of the one-horse politicians is that the republicans must not let their adversaries have a

chance to raise the cry of 'nigger' against them—that hence they must be as harsh, and cruel, and

tyrannical toward the unfortunate blacks as possible, in order to prove themselves 'the white man's party'

. . ." (quoted in Litwack 1961, p.92). Greeley sounds like a critic, but he himself called for "all the

unoccupied territory" to go to "the white Caucasian race" (quoted in Berwanger 1967, p.130).[34] This

claim reflected a specific electoral dynamic. Because Republicans opposed slavery's expansion,

Democrats accused them of being the 'African' party. Because Democrats supported the extension of

slavery, Republicans retorted that it was the Democrats in fact who were trying to carry out an

"Africanization" of the country (Bilotta 1992, p.267). A Republican congressman from Massachusetts

used this processual noun in claiming that slavery was "the mortal enemy of the free white laboring-men

of the United States" (quoted in Ibid.). The notion of 'Africanization' turned up hundreds of miles west

in the 1859 Iowa Republican platform, which warned that the by supporting slavery Democrats were

aiming "to 'Africanize' the territories" (quoted in Bilotta 1992, p.264). A Republican congressman from

Indiana made the same point with different words, proclaiming that his state had "elected in favor of the

white race by prohibiting slavery" (quoted in Voegeli 1970, p.20).[35] Lyman Trumbull, a Republican from

Illinois who had only recently broken the exceptional Democratic hold on the state, declared on the

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[34] By making this kind of statement, Greeley and others affirmed the Homestead Act of 1854 passed by a still Democract-dominated Congress. This legislation reserved land grants for 'whites'.
[35] The words are those of Albert G. Porter. Voegeli does not identify his party, but the following website does: http://countyhistory.com/doc.gov/022.htm.

Senate floor in 1858 that his party was "for the government of free white men" (quoted in Bilotta 1992, p.310).[36] A Republican campaign organizer in 1860 declared his party to be for "free speech" and a "free press" and "free territories for the free white men" (quoted in Ibid., p.307). William H. Seward declared the same on the Senate floor in 1859 (Fredrickson 1971, p.141). He was not the lone voice in that venue: "Soon after Congress convened in 1859, Republican professions of allegiance to white supremacy became daily utterances in the two chambers" (Aarim-Heriot 2003, p.63).[37]

The Republicans did what the Whigs never would—declared themselves the 'real' "white man's party".[38] That they issued such a proclamation suggests they at least believed there was a tangible and significant connection between the Democrats' racist ideology and practice in the North and the White electorate for which they held such broad appeal. The third piece of evidence, the actual behavior of White voters in relation to issues of racial closure, demonstrates that this Republican belief would have been anything but a wild guess. We have no random sample, much less experimental trials, but the nonrandom observational data point overwhelmingly in one direction: Over the course of more than two decades, politicians consulted nearly a million voters through 11 referenda in nine states, and the electorate responded by decisively affirming in 10 of those, and by more than a 2:1 ratio overall, its support for racial closure (see Table IV).

CIVIL WAR AND RECONSTRUCTION: POLITICAL COMPETITION AND RACIAL CLOSURE DIVERGENCE

Given the foregoing analysis of the antebellum period, it probably will come as no surprise my argument that the (partial) failure of 'racial reconstruction'—the shorthand term I frequently will use

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[36] When Trumbull took his Senate seat in 1855, he became the first non-Democrat to hold one since at least 1828 (see note to Table III).

[37] These Republicans also did not ignore the insights of 'science'. Bilotta (1992) quotes a wide array of Republicans, most from the western states as well as New York and Pennyslvania, making pronouncements based on 'science' of black inferiority and white superiority (pp.238-249). In a campaign speech in Detroit, William Seward used his own botanical metaphor: "The great fact is now fully realized that the African race here is a foreign and feeble element, like the Indians incapable of assimilation . . . [,] a pitiful exotic unnecessarily transplanted into our fields, and which it is unprofitable to cultivate at the cost of the desolation of the native vineyard" (quoted in Fredrickson 1971, p.141).

[38] Consistent with the foregoing analysis of Whig/Democrat differences, Foner (1970) confirms that most Republicans who used racialist rhetoric in those late 1850s campaigns were themselves former Democrats (p.267).

for the post-bellum efforts to end racial closure—had much to do with competitive politics that were framed by the resilience of the Democratic Party and a lack of public commitment for—perhaps even antagonism toward—racial de-closure. The analysis of the postbellum period, then, continues to adhere to a "structured polity" approach that emphasizes the following continuities with the antebellum period during which much critical structuring took place: (1) political parties continued as the most relevant centers of power; (2) the White electorate, while evidencing some inclination for equal rights support, were not transformed and, more importantly, many Republicans believed this to be true; and (3) the Democratic Party maintained its ideology of anti-centralism and racism (although the latter modified, as we will see), and, crucially, unity across 'the sections'. If I had to state the argument in one (awkward) sentence, it would be this: Unless the civil war dramatically transformed northern White attitudes/commitments and/or produced the demise of the Democratic Party (i.e., a party united on its racial ideology, anti-centralism, and inter-sectional unity), *nation-wide* racial reconstruction could never succeed in context of competitive politics. The ironic element points to what was *not* a continuity: the emergence of a party, the Republican, actively committed (not merely voting for it when the question arose, as the Whigs had done) to racial reconstruction. Under the leadership of the Republican Party, there were in fact *two* reconstructions, one in the South that ended in utter failure and another in the North that met less dramatic success.

I develop the argument first by critiquing two major interpretations of the demise of Reconstruction, one that in some ways correctly directs us to the significant role of the electorate but misleads in others, and one that rightly highlights the crucial role of political parties but emphasizes the wrong one. Then I will analyze the post-bellum Democratic Party to show the critical ways in which it acted as a consistent and formidable obstacle to Reconstruction. Finally, I examine the specifics of racial reconstruction as a Republican project, explaining both why it was undertaken by Republicans at all, and why it met non-trivial success in the North but utterly failed in the South.

Before commencing, it is necessary to introduce some terms I will use for purposes of economy. They are not my own. In the mid to late nineteenth century U.S., it was common to distinguish

among civil, political, and social rights. 'Civil' refers to rights to trial by jury, to testify in court, to own property, and to exercise mobility both geographically and in the labor market. 'Political' refers to rights to vote, to sit at constitutional conventions, and to hold office. 'Social' rights are the broadest. They refer to rights of access to public accommodations (transport, restaurants, hotels, etc.), schools, marriage, residential neighborhoods, and the like. On the eve of the civil war, African-Americans were denied all these types of rights across most of the country. By the 1890s, this still (or, rather, once again) held true in the South, but in the North both civil and political rights were well-entrenched. Most (not all) social rights were recognized in law even if violated in practice.

Two views on Reconstruction: One interpretation of the course of Reconstruction might be called the 'exhaustion thesis,' and it is evident in a variety of works (Blum 2005, pp.3-16; Cox-Richardson 2001, pp.254-255; Klinkler and Smith 1997; Gillette 1979, p.375). It implicitly links the failures of this grand project to democratic mechanisms without explicitly theorizing this dimension of the argument. This is the view that the northern (white) public was strongly behind racial reconstruction at the end of the war, but that their enthusiasm for and commitment to the project waned. Klinkler and Smith (1997) captures the essence of this view in summarizing the mid-1870s situation: "As in the early years of the Republic, a sense of exhaustion now pervaded the country after a decade of egalitarian crusades. By 1874, most northern whites had grown tired of the effort to achieve racial equality" (p.85).

The attitudes and commitments of the northern White electorate (or at least Republican perceptions of them) were indeed an obstacle to successful racial reconstruction in the South, but this was not because of any change or exhaustion that the public experienced between the 1860s and 1870s. Indeed, a change of this nature would be surprising, given that during the antebellum period this electorate voted again and again for the ethnocratic Democracy and in dramatic proportions for the maintenance or imposition of racial closure. But perhaps the civil war did indeed effect a transformation that a decade hence was reversed. The best, most direct, evidence demonstrates that this simply was not the case. Between the end of the war and 1869, more than 1.3 million voters in 11 Union states exercised

their power of inclusion or exclusion at the polls, and in 12 of 14 referenda a majority opted for the latter (Table V).[39] Moreover, among the two referenda that did succeed, one was in a state (Minnesota) that needed three tries and where the successful one obscured the fact that the suffrage was being extended to African Americans (Gillette 1965). In the other (Iowa), African Americans gained the right to vote but not to hold office (Fishel 1954, p.24). To be sure, the proportion opposed to political rights for African Americans had declined, assuming the validity of inter-temporal comparison: From 69 percent in the antebellum period to 54 percent between 1865 and 1869 (Tables IV and V). Whatever the reasons for the decline, the still substantial support for racial closure shows that means a change in northern public opinion cannot account for the demise of racial reconstruction, because such opinion never was firmly behind it.

A second view is more elite- and party-centered (but focuses on the wrong party). Positing a variety of reasons why--from economic considerations to short-term electoral calculations to a desire to overcome developmentally debilitative intra-white conflict—authors holding this view frame the end of Reconstruction in terms of an abandonment of its goals by the Republican Party (or, sometimes and not for the better, by "the North") (Foner 1988, Stampp 1965; Gillette 1965; Woodward 1951; Marx 1998; Cox-Richardson 2001). A compromise between Republicans and Democrats over the contested election of 1876 generally receives emphasis in this argument. There are two difficulties with this perspective. First, it tends to overstate the significance of the events of 1876-1877. As Foner (1988) himself points out, President Hayes did not withdraw the troops as part of the Compromise of 1877 "as legend has it," but rather ordered those surrounding the statehouses in South Carolina and Louisiana to return to the barracks (p.582). It is true that troop levels in the South dropped precipitously between these two years, but it is also the case that they had been declining steadily and substantially since the early 1870s (Valelly 2004, p.95). In a similar manner, funding for federal legal enforcement and, concordantly, rates of successful prosecutions of election law violation also declined throughout the 1870s (Swinney 1962). At

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[39] There was also an 1862 referendum in Illinois, which, because it occurred during the war, does not appear here. It was not encouraging: By a more than five to one ratio, Illinois voters rejected not only a nonracial suffrage but also Black immigration (Voegeli 1970, pp.27 and 62).

the same time, as Wang's (1997) research shows, and as others have confirmed both explicitly (Valelly 2004) and implicitly (Perman 2001, pp.116-123), Republicans did not abandon their efforts to support Black suffrage in the South until the 1890s. In 1888, more than a decade after a supposed elite bargain that left the South to its own devices, the national Republican platform called not only for equal suffrage and the laws to guarantee it but also accused Democrats of "criminal nullification"—hardly words of compromise and conciliation (p.225; cf. Marx 1998). Reconstruction as a general project might have ended in 1877; however, *racial* reconstruction, although already in decline well before the events of '76, did not expire until roughly two decades later. The reasons for this slow but, in retrospect, certain death leads to the second problem with the abandonment thesis: While constraints are not absent from the analysis (e.g. Marx emphasizes White Southerners' violent resistance), this perspective does ignore what were likely to be those most directly relevant to politicians' incentives and actions—political ones. The above discussion of public opinion and the data on suffrage referenda in the North after the war already suggest the difficulty with such an oversight: It is problematic to suppose that Republicans were unconstrained by political competition in their ambitious and expensive pursuit of racial reconstruction in the South when even less dramatic goals in the North seem not to have had the backing of the northern White electorate. Of course, such political competition would not have been important had there not been an agent to make it so. Enter the Democratic Party. Its resilience and continued unity across 'the sections' thwarted reconstruction, racial or otherwise, at every turn.

Democratic Party: The Democratic Party was neither destroyed nor transformed by the war. With the outbreak of the conflict, the vast majority of Democrats in the North became a loyal opposition, supporting the war but criticizing its conduct and goals. The 1860 election had been a blow to the Democrats: Outside the rebellious South (where, recall, Lincoln had earned not a single vote), Republicans gained control of all but three of the state legislatures, 70 percent of the governorships and House seats, and over 80 percent of the Senate seats (Silbey 1977, p.18). Nevertheless, in state, Congressional, and Presidential elections in the free states between 1861 and 1864 the Democrats

continued to capture more than 40 percent of the vote in most of these states, between 45 and 50 percent in several more, and enjoyed majority support in one (Ibid., p.151).[40] Moreover, the Democracy dominated the border, slave states that were neutral or on the side of the North during the war (Curry 1969).[41] Between 1856 and 1868, a nadir for the Democratic Party, it nevertheless gained 43, 45, 45, and 47 percent of the vote in the presidential elections (Baker 1983, p.262).

"Whatever new problems the war introduced into American life, the Democrats responded in their usual ways" (Silbey 1977, p.70). And their usual ways included fidelity to the supremacy of 'whites' (Ibid., pp.81-83, 189-191, and 209). This became clear when Lincoln issued a "Preliminary Emancipation Proclamation," the war measure liberating slaves in the rebellious states. Democrats accused Lincoln of trying to turn the war into a "negro crusade" (quoted in Field 1982, p.150). In the Midwest, Democrats held that "federal emancipation was unconstitutional, impractical, and unwise" (Voegeli 1970, p.35). In the slave-holding border states loyal to the Union (to which the proclamation did *not* apply), Democrats trumpeted the motto 'The Union As It Was, The Constitution As It Is, and the Negroes Where They Are" (quoted in Curry 1969, p.xiv).[42] Two years and a successful conclusion to the war likewise yielded no change: Among 76 Democrats in the House of Representatives in 1865, just 17 voted in favor of the 13th Amendment to abolish slavery (Silbey 1977, p.183).

This stance on the 13th Amendment did not derive from mere constitutional principle. The Democracy at the end of the war was as unwavering in its ethnocratic devotions as it had been during the antebellum years. The 1865 Democratic platform argued for "[g]overnment of white people, made and to

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[40] See pp.140-157 of Silbey (1977) for details on state and federal elections for this period.

[41] The 'border' states—Maryland, Kentucky, Delaware, and Missouri—allowed slavery but were either loyal to the Union (Maryland and Delaware) or attempted to remain neutral (Kentucky and Missouri). Kentucky eventually declared itself pro-Union.

[42] Democrats "dared them [Republicans] to settle the emancipation issue at the polls," (Voegeli 1970, p.35), but the 1862 election seems to have been its own: Democrats gained more than two dozen seats in the House, closing the gap from 44-108 to 72-86, and obtained more than two-thirds of the House seats in three of the five largest states. They also won control of the state legislatures in two of these (Ibid, p.62). For the House totals, see http://clerk.house.gov/histHigh/Congressional_History/partyDiv.html and http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm. Lincoln believed that the election results were related to his preliminary proclamation. Before signing the official proclamation a month after the election, he assuaged White northern fears, assuring them that African-Americans would remain in the South "till new homes can be found for them in congenial climes, and with people of their own blood and race . . ." (quoted in Voegeli 1970, pp.66-67). And if this 'biological' mechanism failed, he reminded his listeners of the power of individual state sovereignty: "[I]n any event . . . can not the North decide for itself, whether to receive them [the liberated slaves]?" (quoted in Aarim-Heriot 2003, p.66).

be perpetuated for the exclusive benefit of the white race" and for adherence to the "truth" that "there can, in no event, nor under any circumstances, be any equality between the white and other races" (quoted in Fischer 1974, p.26). Following the First Reconstruction Act in 1867 in which Republicans enfranchised African-Americans in the South, Democrats ran blatantly racist campaigns from Ohio to California denouncing Republican designs as "despotism" and "tyranny," and citing specifically the federal government's imposition of Black suffrage on Washington DC against the people's will (McPherson 1972, pp.243-254; Foner 1988, p.312). In their 1868 platform the Democrats said of the "Radical party" (Republicans) that "[i]nstead of restoring the Union, it has, so far as in its power, dissolved it, and subjected ten States, in time of profound peace, to military despotism and negro supremacy" (quoted in Johnson 1978, p.38).

If the northern White electorate was solidly behind racial reconstruction after the war--a hypothesis already partially undermined by the postwar suffrage referenda--these Democratic platform planks should have consigned the party to virtual irrelevance. They did not. To the contrary, the Democrats did better than in the first half of the 1860s. During this time (1865-1868) when their rhetoric and policy proposals changed in no discernible fashion from the antebellum years, Democrats did not regain their previous dominance, but they did improve nearly everywhere and were quite competitive in a substantial portion of the most important states. Among the five largest states, which together accounted for more than one-third of all electoral votes, an analysis by Silbey (1977) of both state and federal election returns shows that only Illinois was "dominant Republican" between 1865 and 1868, while Ohio was "moderately competitive" and the remaining three (New York, Pennsylvania, and Indiana) were all "intensely competitive" (p.221). The 1866 elections were a major success for Republicans, but the 1867 ones decidedly were not. The latter year (during which, as noted, the Democrats ran blatantly racist campaigns across the North) witnessed "the reduction of Republican majorities or increases in Democratic totals in *all* of the other eighteen states [i.e., all other than New York] holding elections . . ." (Field 1982, pp.175-176). In three states accounting for more than one-fourth of all electoral votes (NY, PA, and OH), Republicans lost either or both state houses (Abbott 1986, pp.107-108).

Grossman (1976) provides solid evidence that Democrats in much (though certainly not all) of the North changed gradually after the 1868 presidential election loss away from ethnocratic commitments when dealing with the northern electorate (pp.60-142). This change was never official party policy (although some tried but failed to make it so), and it was quite uneven. Democrats in New York, Ohio, and California, upon regaining control of state legislatures, retracted their states' prior approvals of the 15th Amendment (which prohibited the racial suffrage) in 1869 (Gellman and Quigley 2003, p.295; Gillette 1965, pp.84-86, 139-142, and 151), although only in California did this effort meet official success.[43] The general strategy seemed to be what New York Democrats made explicit--"to acquiesce to negro suffrage when we must, and defeat it when we can" (quoted in Field 1982, p.19). After they could not defeat it (in the North), they indeed acquiesced (Gillette 1979, p.232). Yet, this capitulation did not signal a general commitment to non-racialism: Through the 1880s when it became a legislative if not empirical fact in the North, most Democrats staunchly opposed Republican-sponsored efforts at school desegregation (Douglas 2005, pp.61-122; Kousser 2002, pp.192-198; Grossman 1976, pp.80-87).

Moreover, although the post-bellum period saw the development of a distinction between northern and southern Democrats with respect to devotion to ethnocracy--a continuation and even intensification in the South compared to gradual erosion in the North--more important is what the post-bellum period did *not* bring, namely, a split of the party along sectional lines. The inter-regional unity institutionalized during the antebellum era continued uninterrupted for roughly two-thirds of a century after the civil war. The Party's invocations of "popular sovereignty" and "state's rights" served to criticize the Republican-led racial reconstruction of the South, just as such invocations had been used before the war to support slavery (Gerring 1994, p.735). Grossman (1976) himself notes this, making it clear that the 'new departure' among northern Democrats after 1868 was two-pronged: "[o]fficial acquiescence in Reconstruction" coupled with "a hands-off Southern policy justified by states' rights theory" (p.15). He

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[43] Democrats did likewise with respect to their states' prior approvals of the 14th Amendment in NJ and OH after regaining control of the state legislature in the 1867 elections (Grossman 1976, p.2).

also illuminates exactly why such an alliance would continue to be nurtured: "The party needed white control of the South as a stepping stone to national power, and the Negro vote would have to be neutralized somehow. Effective enforcement of Negro rights meant indefinite Republican rule in the South, and Democrats in Congress unanimously opposed the [racial reconstruction] legislation" (Grossman 1976, p.27)

If the analysis thus far has succeeded, two constraints on the Republican project of racial reconstruction, both closely linked to competitive politics as structured by political developments throughout the antebellum period, should be evident (even if the latter requires more detailed treatment below): First, as indicated by postwar suffrage referenda and continued support for the explicitly and then ambiguously ethnocratic Democracy, the northern White electorate was never solidly behind this project. Second, the survival and continued unity of the Democratic Party across the North and South would have presented a serious impediment to the extent that this party met success at the polls. These constraints are consistent with what would become the course of racial reconstruction, which, as mentioned, constituted two reconstructions. In the North, the divided sentiments of the electorate about racial reconstruction but general support for the Republican Party meant the project would move slowly in most places but meet, eventually, non-trivial success. In the South, the lack of commitment from the northern electorate coupled with the northern Democrats' alliance with the recalcitrant southern wing meant the project would fail altogether. As the following section will show, how far Republicans went (and could go) and even how they proceeded reflected these factors.

Republicans and Racial Reconstruction: At the end of the war, it was not clear there indeed would be a project of racial reconstruction. Foner's (1970) description of antebellum Republicans' commitment to advancing the rights of Blacks--that they were largely united on the issue of civil rights but sharply divided about political ones--remained applicable throughout the civil war. The war-era Republican-dominated Congress passed legislation that signaled the party's commitment to the former set of rights, such as a repeal of the ban on Black mail carriers and an extension of equal rights to Blacks in federal

courts (Klinkler and Smith 1997, p.65).[44] At the same time, some Republicans' efforts in early versions of reconstruction bills between late 1863 and 1865 to advance Black political rights (to vote, to be delegates to constitutional conventions, etc.) met with failure (Wang 1997, pp.15-18). Similarly, during the war, the Republican Congress passed five different acts to establish governments for the territories of Colorado, Arizona, Nevada, Dakota, and Idaho, and all of these continued the pre-war practice of restricting the franchise to Whites.[45]

If left here, racial reconstruction would have been limited to the point of rendering the term an exaggeration. There were Republicans who wanted to do more, but they were outnumbered throughout the war. A number of key events between 1865 and 1867, however, tipped the balance in their favor. To understand the significance of these events, two points are in order. The first already has been mentioned: The Republican Party had absolutely no base in the South. Lincoln received not a single vote in the 1860 election from any of the 10 states that would later rebel, and his victory with barely more than 40 percent of the overall vote depended on the fact that the Democratic Party split in three over the extension of slavery. Second, abolition of slavery under the Thirteenth Amendment had the consequence of *increasing* the political power of the South in a direct fashion, as after its passage apportionment of seats for the House of Representatives was based on the total population rather than all free people plus only three-fifths of those enslaved (Wang 1997, pp.14-15). Thus, if the Republicans did not gain a foothold in the South, the Thirteenth Amendment would undermine their party's strength.

Any Republicans optimistic that the war had transformed the party's chances in the South would have been disabused of this notion by the elections in late 1865 and 1866 in the South. The holding of these elections reflected President Johnson's desire for a rapid return to normality. They did not generally produce a restoration of the secessionists (most leaders still had not been pardoned), but those who were elected, even the Unionists (the closest approximation to Republicans), proceeded to institute policies anathema to Republicans' foundational commitment to 'free labor' labor ideology (which

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[44] Please recall that I use three types of rights--civil, political, and social--in the way defined above.
[45] U.S. Statutes at Large, Vol. 12 (Dec. 1859-March 1863), pp.173, 211, 241, 665, and 810. These five acts were passed under two different Congresses, the 36th and 37th.

itself reinforced the party's commitment to 'civil rights' in the sense narrowly defined earlier). These democratically-elected governments passed 'black codes', which among other things, restricted African Americans' freedom to make contracts and their access to legal remedies (Foner 1988, pp.198-208).

Republicans in the winter and spring of 1866 responded in two ways, the second of which inched them closer toward banning political closure. The first consisted of a pair of acts, the Civil Rights Act of 1866 and another establishing the Freedmen's Bureau. The former established civil rights (again, in narrow sense) that overrode the Black Codes, while the latter formed a bureaucratic mechanism for guaranteeing these rights. The second response, the 14th Amendment, sought both to enshrine these rights constitutionally in the equal protection clause and to deal with the fact, as explained, that the 13th Amendment increased the power of an apparently recalcitrant South (Foner 1988, p.257; Wang 1997, p.25). The Fourteenth Amendment's handling of the representation problem is quite consistent with the hypothesis that Republicans were concerned about alienating the northern White electorate, as it provided for (indeed, provides for) a reduction of congressional representation in the proportion to which a state did not allow all its criminally clean adult males (regardless of 'race') to vote (Gillette 1979, pp.4-5): Given that over 90 percent of African-Americans lived in the South, this provision was of little practical consequence in the North.[46]

Any amendment to the United States Constitution requires approval from three-fourths of the states. The reaction of the former rebel states represents the second event that pushed Republicans toward promoting political rights for Blacks. All 10 of their state legislatures rejected the 14th Amendment by "overwhelming majorities," with just an average of three legislators per state supporting it (Foner 1988, p.269). Three of five 'border' states joined in this rejection (Weeks 1894, p.683), making the opposed number of states great enough to reject an amendment even in today's much-expanded polity. The Congressional Republican response was to override the sovereign authority of the former rebel states

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[46] The lack of practical consequence did not prevent Democrats in the North from making it a campaign issue. In the 1866 state elections in Ohio, Republicans (misleadingly) claimed that the Fourteenth Amendment had nothing to do with suffrage. But Democrats' insistence that it did, "proved to be so telling and effective that the Republicans . . . found it necessary to come forward as a white supremacy party . . ." (Bonadio 1970, p.91).

through the First Reconstruction Act in the spring of 1867. "This act imposed temporary army occupation in the South, partially restricted voting and officeholding to loyal unionists, opened voting to Negroes, and required ratification of the Fourteenth Amendment" for readmission to the Union (Gillette 1979, p.6). African-American suffrage was to be the cornerstone of reform in the South and would provide the political base for the extension of Republican influence there (Valelly 2004). "Without their votes," said one key Senator, the "rebel states . . . in alliance with the Northern democracy" would "put us all in peril . . ." (quoted in Wang 1997, p.21).

However, this political de-closure applied only to the South. Based on his study of the Republican Party, Abbott (1986) concludes this was so because of electoral pressures in the North: "When Republicans endorsed Negro suffrage in the South in 1867, they did not require it in the North, fearing they would lose the presidential election the following year if they did" (pp.240-241). The Reconstruction Act was passed before the 1867 elections, and these elections reinforced this view. Although this was not a presidential election or even a mid-term, there is broad agreement among historians that the outcome of this election was a major turning point in the course of reconstruction, racial or otherwise (Foner 1988; Mushkat 1981; Benedict 1972; Woodward 1966; Gillette 1965; Fishel 1954). Before this election, there was serious contention between two factions within the Republicans, usually dubbed "moderates" and "radicals" by historians. These two factions united on the First Reconstruction Act and other legislation discussed above, but were divided on other key issues. Radical Republicans were calling for land confiscation and redistribution, the impeachment of Johnson, and greater military powers in the South. But the Republicans "lost ground in nearly all" the 20 states in which people went to polls (Benedict 1972, p.341). "The results had a major impact on the balance of power within the party," (Foner 1988, p.315) and "convinced Republicans that radicalism was not a viable political creed" (Benedict 1972, p.344). Proposals for land confiscation and impeachment were dropped,

while an effort to de-racialize the suffrage at the national level did not commence until *after* the 1868 presidential election.[47]

The delay on equal suffrage is not surprising, because there is good evidence that many Republicans interpreted the results of the 1867 elections as in part a repudiation of efforts to extend the suffrage, whether in the South or through the referenda that failed in four northern states that year (Table V). In Connecticut, "it was freely conceded that the plans of [Republicans] Charles Sumner and Henry Wilson to enfranchise such blacks [in the South] by federal law had been responsible in part for the Republican defeat of 1867" (Niven 1976, p.44). On a broader scale, several Republican organs, including the *Nation* and *New York Times*, linked the election results to "Republican efforts to obtain equal suffrage" (Fishel 1954, p.22). The major Republican strategist, Horace Greeley, declared that "the Negro question lies at the bottom of our reverses . . . We have lost votes in the Free States by daring to be just to the Negro" (quoted in Woodward 1966, p.6). The "radical" New York *Independent* declared that, because of the 1867 elections results, "Congress will not pass a national Equal Suffrage bill till after the presidential election" (quoted in Benedict 1972, p.343). The best evidence, however, is the Republican Platform of 1868, for it gave every indication that there was no plan at all for any such bill, despite the fact that some of its members already must have been drafting it. This platform finessed the suffrage issue by justifying the imposition of a nonracial suffrage in the former rebel states while at the same time upholding the sovereignty of all other states: "The guaranty by Congress of equal suffrage to all loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained; while the question of suffrage in all the loyal States properly belongs to the people of those States" ("Republican Platform of 1868," p.39 in Johnson 1978).

Although many Republicans felt constrained by the northern White electorate, they nevertheless went ahead with the pursuit of a national non-racial suffrage provision, the Fifteenth Amendment, after winning the presidential election of 1868. There was good reason to believe that it was important to the party's fortunes in the South and that it would not to lead to ruin in the North--or at least

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[47] Congress debated and voted on the amendment in January and February of 1869 (Wang 1997, p.42).

that the importance of the former trumped the risk of the latter. Republicans recognized that so long as this enfranchisement was by legislation alone, it could be reversed by a shift in Congressional power toward the Democrats or an unfavorable Supreme Court decision (Fishel 1954; Gillette 1965, pp.51-52). Moreover, the results of enfranchising African-Americans in the South reinforced the importance of this act to the Republicans. Not only had this (along with White disfranchisement) aided in gaining approval of new state constitutional conventions (McPherson 1972, p.374), Grant's narrow 300,000 vote victory in 1868 was widely perceived as contingent on the loyal support of a half-million newly enfranchised Blacks in the South (Wang 1997, pp.41-42).

Yet, passing an amendment to provide for equal suffrage and enforcing it were not the same thing, especially if southern Whites resisted, which they did. Blacks in the South had been voting since 1867. As is well-documented, violent resistance to their political participation and that of the Republican Party more generally, started almost immediately and was fierce (Perman 1991; Foner 1988; Rable 1984). Just as they had responded to the Black Codes and the South's rejection of the 14th Amendment, so, too, Republicans moved to meet this challenge, passing in 1870 and 1871 two Enforcement Acts to protect suffrage and a Ku Klux Klan Act to dismantle its namesake. The latter coincided with and by all accounts contributed to a reduction in election violence, although equally, if not more important, seems to have been the return of Democratic control of state governments--for such was the purpose of the violence in the first place (Swinney 1987; Perman 1984).[48] After the Democrats regained control, election meddling became less violent but remained consequential. The violence was less murderous and more calculated with the aim being intimidation. It frequently took place a couple of weeks before elections but never later so as to maintain the integrity of an electoral process that Democrats were now winning (Perman 1984). This measured violence was supplemented by various forms of fraud such as ballot-box stuffing. Schematically-speaking, this was the first phase of franchise restriction, to be followed by legal means in the 1880s and constitutional provisions in the 1890s (Perman 2001). If racial reconstruction was going to

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[48] This was the sequence of Democratic resurgence: TN (1869); VA and NC (1870); AL, AR, and TX (1874); and MS (1875). Only South Carolina, Florida, and Louisiana were affected by the Compromise of 1877 with respect to the critical variable of party control (Stampp 1965, p.186).

succeed in the South, it would have to contend with these forces through such measures as the Enforcement Act. As is well known, the battle was decisively lost. I will now make explicit the great degree to which this loss is explicable in terms of the structured polity approach followed throughout the analysis.

First, consider the relationship between the northern White electorate and the project of racial reconstruction. The most obvious point derives from the implication of the fact that the Republican Party had to work against White majority will in the North just to extend political rights to African-Americans in that region. It is difficult to imagine, then, that Republicans had the requisite political capital for expending the resources necessary for making racial reconstruction effective in the face of southern White opposition. Indeed, a number of researchers agree that even in the first half of the 1870s, when enforcement was most robust, funding nevertheless was insufficient (Wang 1997; Foner 1988; Woodward 1966; Swinney 1962). Efforts to extend the Enforcement Act to all jurisdictions (rather than those containing at least 20,000 people) failed on the eve of the 1872 elections due to a lack of support by House Republicans (not Senators, though), all of whom were facing re-election (Wang 1997, p.87). Given that Republican control of the House had been eroding continuously since the end of the war (but not yet in the Senate), the sequence is at least suggestive. Between the elections of 1866 and 1870, Republicans in the House had seen their majority dip from 79 percent to 57 percent, with the bulk of this drop--15 points--coming between the '68 and '70 contests, which themselves sandwiched Republican advancement of the Fifteenth Amendment (calculated from sources to Table VI). Further, in the country's six largest states, which together accounted for more than 35 percent of all electoral votes, the total Republican majority dropped from 76 percent in 1866 to 55 percent in 1870. Moreover, while Republicans held the majority of seats in all six states in 1866, this was not so for two states, including the largest (New York) in 1870.[49] The 1870 election came *after* passage of the Enforcement Act, which Democrats vocally opposed.

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[49]Compiled from *United States Congressional Elections, 1788-1997: The Official Results of the Elections of the 1st through 105th Congresses* [Dubin (ed) 1998]

Nevertheless, Republican advocates of racial reconstruction could derive much heart from the 1872 election. In that year, a faction calling themselves the Liberal Republicans split off from the main party because of dissatisfaction with the Southern policy (and alleged corruption). Their "let alone" alternative was so appealing to Democrats that a substantial faction of that party actually threw their lot in with the Liberal Republican candidate. Republicans did not back down, declaring in the second of their nineteen-paragraph platform that "[t]he recent amendments to the national Constitution . . . should be carried out according to their spirit by appropriate legislation, the enforcement of which can safely be entrusted only to the party that secured those amendments" (quoted in Johnson 1978, p.44). The outcome of the election--in which Grant won easily and Republican majorities in the House as a whole climbed from 57 to 69 percent including from 55 to 78 percent in seats coming from the six largest states--seemed to confirm that the northern White electorate would not reject a party committed to racial reconstruction in the South. Goldfield (1997, p.127) cites this election as proof that public opinion was not a constraint on racial reconstruction in the South, but doing so ignores much of what already has been reviewed.[50] The evidence presented above strongly suggests that prior to this time, many if not most Republicans perceived the northern White electorate to be a constraint on their racial reconstruction project, and for good reason. Moreover, even if Republicans could count on the northern White electorate (which by this time included Blacks as well) after 1872 not to reject them for their racial reconstruction project (only in this year could Republicans have dreamed even this), this would never be sufficient; given the unified opposition of the Democratic Party, only active and committed support would do it. Republicans needed citizens to vote for them *because of* racial reconstruction and to vote against Democrats *because* they sought to undermine it, as will become clear. This opposition itself was a legacy of how the polity was structured during the antebellum period, and to it I now turn.

The postbellum southern Democrats were an unreconstructed version of their antebellum predecessors. After regaining control of most states by 1875, any laws Republican reconstruction

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[50] Goldfield (1997) also mentions the successful 1868 suffrage referenda in Minnesota and Iowa, but ignores the limitations noted above as well as the other referenda that failed in that same year and in the country's largest state the following one.

governments had passed to ban various forms of racial closure were promptly repealed, and new ones requiring closure--e.g., in schools--were passed (Cohen 1991; Fischer 1974). It was under Democratic tutelage that widespread racial closure--already broadly evident in practice (Rabinowitz 1978; Woodward 1988)--received full institutionalization in law by the 1880s and 1890s. Significantly, these efforts to curtail Black rights did not begin only then: the Republican project of racial reconstruction faced not an amorphous southern White resistance but one highly organized through the Democratic Party. But the southern wing could not do it alone.

Another element of continuity with the antebellum period was the unity of the Democrats across the North and South. Constitutional theories of states' rights and popular sovereignty were the ideological bedrock of this alliance, and served equally to defend slavery before the war and to thwart racial reconstruction after it (Gerring 1994). Neither wing of the party would have had any power without the other following the war, so political interest overrode any significant differences. While northern Democrats' ethnocratic devotions eroded in the quarter century after the war as those of southern Democrats only intensified, this had *no impact* on their unified opposition to racial reconstruction. Although the United States is known as a polity lacking party discipline, one would never know it from the Democrats (or the Republicans, for that matter) in the last two-thirds of the nineteenth century. "From 1866 to the turn of the century, not a *single* Democrat in the House or Senate *ever* voted in favor of a piece of civil rights legislation" (Kousser 1992, p.149).[51] Data presented by Wang (1997) differ, but only by the slightest margin.[52]

This cross-regional unity was *not* enough to stop passage of major pieces of racial reconstruction legislation. But it must have had a chilling effect. The same party in the North that was unabashed in its professions of white supremacy between 1865 and 1868 and that, while gradually dropping these, was unanimous (or nearly) in its opposition to the 14th and the 15th Amendment as well as to the legislation (Enforcement and KKK) designed to make these constitutional provisions more than

[51] While for the 9 bills Kousser's table covers, 94 percent of nearly 1,500 Republican votes favored this legislation.
[52] Taking both chambers together, according to Wang (1997), 3 of 49 Democrats voted for the 15th Amendment, and 2 of 133 voted for the two Enforcement Acts (pp.46-47, 65-66, and 81-82). These figures do not include those who did not vote.

mere symbols, was nonetheless able to remain competitive and even erode considerably Republicans'

advantage in the North between 1866 and 1871 (see above). The Republicans must have felt that they

were fighting a two-front war, one for the southern polity and the other for the northern electorate. I have

shown evidence that major media organs and figures in the Republican Party frequently equated

Democrat wins with rejections of racial reconstruction. Whether these judgments were correct is beside

the point to the extent that they checked Republican efforts.

They are also beside the point insofar as votes for Democrats were indeed votes against racial

reconstruction, whether voters intended them as such, as the turn of events between 1872 and 1874 would

illustrate. Emboldened by the 1872 election results, Republicans seem to have moved forward with the

platform promise previously cited. Federal enforcement prosecutions in the South in 1873 were greater

than all those for 1870 to 1872 combined (calculated from Wang 1997, p.300). Yet, one year later,

Democrats reclaimed the House of Representatives for the first time since before the war. There is no

need to interpret this as a repudiation of racial reconstruction just two years after it seemed to have been

so strongly affirmed, although some do (Gillette 1979); after all, there was a major economic panic in

1873. Regardless of intent, with this development the inter-regionally allied Democratic Party now had

the direct power to thwart racial reconstruction (e.g. through leverage over budgets). This 1874 victory

was part of a longer-term shift, as Table VI demonstrates. Beginning in 1875, Democrats controlled the

House for eight of the next 10 sessions. Moreover, after the 1875-1877 session, Senate Republicans did

maintain control for all but one session but never again would they be able to overturn a Democratic

filibuster (a 1.5:1 margin is and was required for that).

Thus, given the great unity of the Democrats against racial reconstruction in the South,

election results were sufficient to undermine it; no elite bargain or court cases were necessary. Moreover,

events during the 1879-1881 session demonstrate that if any such bargain was made, it was not adhered

to. With majorities in both chambers, Democrats tried again and again to repeal major provisions of the

Enforcement Acts. Each time, the Republican President Hayes, prime beneficiary of the Compromise of

1877, unwaveringly vetoed these. Each time, Republicans, voting as a block, prevented a Democratic

override (Wang 1997, pp.165-179). A decade later, Republicans gained control of both chambers for the first time in 15 years and, consistent with campaign pledges, created legislation seeking to narrow what by that time had become a chasm between the principles of the Fifteenth Amendment and the practices of southern elections. Democrats called it the "Force Bill," a name that lives on to this day. It passed the House but was killed in the Senate by a Democratic filibuster impossible to override in the absence of Democratic defectors. For the next two elections, Democrats promised to repeal the Enforcement Acts, and with majorities in both chambers and their own president in 1893, they did. Elites very may well have met in smoky rooms to plot the undermining of racial reconstruction, but they need not have. The consequences of elections, intended or unintended (from the perspective of voters who determined their outcome), did the trick.

CONCLUSION

Most explanations of racial closure in the nineteenth-century United States appeal to market forces or the machinations of elites. These approaches represent vast improvements over more attitudinal explanations in that they make it clear that 'race' is made, not given. However, neither of these is adequate for explaining the process by which divisions along racial lines developed and were perpetuated in the face of substantial efforts to overcome them. Political institutions must be at the center of the analysis. The Democratic Party, forged as racially exclusionary in the context of the democratizing politics of the antebellum era, maintained a substantial degree of national power in the post-bellum period, and used this power, granted through the normal workings of competitive politics, to foreclose de-racialization on a national scale.

TABLES

Table I: The Growth of Political Closure, 1790-1860*

Year	All States			States 'Free' as of 1861		
	Total #	# privileging 'whites'	Percent	Total #	# privileging 'whites'	Percent
1790	13	3	23	7	0	0
1800	16	5	31	8	0	0
1810	17	8	47	9	2	22
1820	23	14	61	12	5	42
1830	24	16	67	12	6	50
1840	26	21	81	13	8	62
1850	31	26	84	16	11	69
1860**	34	29	85	19	14	77

*This table is based on Table A.5 in Keyssar's (2000) appendix. I have made a number of changes but should note one: figures for column three differ from those found in Keyssar from 1830 on because I include New York, which had a differential franchise but not one reserved exclusively for 'white' males (and thus was not included by Keyssar) (see text).

**Were it not for aesthetic considerations, this would be 1861 for it includes Kansas, which did not attain statehood until that year.

Table II: Closure in the 'Free' States as of 1860

STATE (year of statehood)	DIMENSIONS OF CLOSURE (*)				
	Settlement	Testimony	Franchise	Education	Marriage
PA (1787)			■	■	
NJ (1787)			■	■	
CT (1788)			■	■	
MA (1788)				▨	▨
NH (1788)					
NY (1788)			■	■	■
RI (1790)				■	■
VT (1791)					
OH (1803)	▨		■	■	
IN (1816)	■	■	■	■	■
IL (1818)	■	■	■	■	■
ME (1820)					■
MICH (1837)	■	■	■	■	■
IA (1846)	■	■	■	▨	■
WI (1848)			■		■
CA (1850)		■	■	■	■

* Diagonal shading indicates that dimension of closure had been instituted but then later was formally abolished by law (see Massachusetts and Ohio). Classification of states with respect to all dimensions of closure except the franchise was determined using the following sources: Wilson (2003), Smith (1997), Curry (1981), Johnson (1979 [1918]), Foner (1970), Voegeli (1970), Wood (1968), Berwanger (1967), Litwack (1961), Farnam (1938), and Weeks (1894) A *de jure* criterion was used for all dimensions except education.[53] It should be emphasized that empty cells do not necessarily indicate the absence of closure, but rather that none have been uncovered in the historical literature that I consulted. Several sources discussed in the text (e.g. Litwack 1961) suggest closure may have been more widespread. Information on the franchise is far more certain, and is based on Keyssar (2000). <<continued>>

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[53] In some cases (e.g. Ohio) the references consulted make it clear that exclusion (and then segregation) were enshrined in law, while in other cases the means are more ambiguous. About Pittsburgh and Philadelphia in the first half of the nineteenth century, Curry (1981) finds that for African Americans "admission to public educational facilities was on a limited and segregated basis" (p.148). As this example suggests, I classified states as a 'yes' on educational closure if it was evident in major cities. This does not mean that the practice would have been found everywhere, especially in smaller towns. In the specific case of Pennsylvania, state law "required district school directors to establish separate facilities for Negro students whenever twenty or more could be accommodated" (Litwack 1961, p.114), implying that smaller towns with few African American children would not have established such facilities.

NOTE: In domains where closure took the form of exclusion or segregation depending on context (i.e., education), I do not distinguish between these for the purposes of the table—Illinois and Indiana, for example, excluded African Americans from education until the Civil War, while in Ohio a transition was made from exclusion to segregation in 1849; both are scored as exhibiting closure in education (Voegeli 1970, p.2; Curry 1981, p.162). "Settlement" refers to whether states barred or restricted the in-migration of people of African descent. In all the relevant states this first took the form of a restriction: African Americans were required to present usually a certificate of freedom and always a large sum of money (typically $250 to $500 but sometimes $1000) as a bond; such requirements did not apply to 'whites'. Ohio eventually rescinded this law, while Indiana, Illinois, and Iowa moved away from conditional settlement toward outright exclusion. "Testimony" refers to laws barring African Americans from testifying against a 'white' person.

Table III: Closure* and Party Influence** in the 'Free' States as of 1860

STATE	# OF CLOSURE DIMENSIONS (out of 5)	PARTY INFLUENCE
CA	4	D
IL	5	D
IA	5/4	D
ME	1	D
MICH	5	D
NH	0	D
PA	2	D
WI	1	D
CT	1	comp
IN	5	comp
NJ	2	comp
NY	2	comp
OH	4/2	comp
MA	2/0	W
RI	2	W
VT	0	W

Note: A slash (/) signals a reduction in dimensions of closure. Thus, Ohio went from 4 to 2 forms of closure across the first half of the nineteenth century. The overall trend was one of increase.

*For an explanation of how the states were classified with respect to closure, see the note to Table II above.

 **Party influence was determined in the following manner. The year 1828 marks the first year that the modern Democratic Party can be identified on a broad geographical basis, while 1856 marks the first presidential election in which the Republican party competed and from which the Whigs were absent. Thus, I collected data on the party of US Senators from and governor of each state from 1828 to 1856 (I started the count after 1828 if states were formed after that time--e.g. Michigan in 1837). I then created fractions for Democrats, Whigs, and "other," with the latter category encompassing parties that lingered after 1828 (e.g. National Republicans, which in time split into Democrats and Whigs) or new ones that emerged before 1856 (e.g. Republicans in 1855). If the data were complete, then the denominator totaled 87 (58 for two senators for 29 years plus 29 for one governor for the same period of time). If a single party's fraction was greater than 2/3 then I classified the state as such. As it turned out, all states designated as Democrat or Whig had a fraction for that party of at least 70 percent (except RI—see below). If no party returned a fraction of 2/3 or more, then the state was classified as "competitive" (comp). The only exception is Rhode Island, where the Whigs registered 62 percent but it was classified as 'Whig' rather than competitive. The two-thirds criterion is inadequate in this case because of the number of years that local parties controlled the governor. Overall, the Whig-Democrat ratio was 2.7:1 and, examining only the two Senate seats across this period, the Whig fraction is 47/58 or 79 percent. All states classified as 'competitive' except New Jersey favored the Democrats, albeit not at a rate of 2/3 or more. The data on US Senators derive from:
http://en.wikipedia.org/wiki/List_of_United_States_Senators_from_xxxxx, where 'xxxxx' represents the name of the state. The data on governors come from: *http://en.wikipedia.org/wiki/List_of_Governors_of_xxxxx*, where 'xxxxx' again represents the name of the state. One might wonder why data on US Senators rather than state representatives would be collected. The latter are desirable but difficult to obtain, given reasonable practical constraints. However, US Senators are a good proxy for state representatives, for during this time period US Senators were elected by state representatives rather than directly by the electorate (in contrast to members of the US House of Representatives, who were directly elected).

Table IV: Popular Votes on Closure during the Antebellum Period in the Free States*

STATE	YEAR	ISSUE	# OF VOTERS*	% APPROVING CLOSURE
PA	1837	Franchise	n/a	>50*
IL	1847	Exclusion	76,500	79
CT	1847	Franchise	n/a	>50*
IL	1858	Franchise	n/a	>50*
WI[54]	1849	Franchise	n/a	<50*
MI	1850	Franchise	45,000	71
IN	1851	Exclusion	135,500	84
OR[55]	1857	Exclusion	9,700	89
IA	1857	Franchise	58,000	85
WI	1857	Franchise	67,700	59
NY	1860	Franchise	535,500	63
TOTAL			927,900	69%

*Most information in this table comes from Berwanger (1967, pp.33, 40-41, 45, and 93) and Foner (1970, p.285). Litwack (1961, p.86) cites the PA vote. Although he does not give exact figures, he does say that the provision for a 'whites-only' franchise met with "a decisive vote of approval." Information for CT and IL (1848) comes from Foner (1970, pp.281n51 and 281), but he does not give exact figures. 'Franchise' means voting rights that do not privilege 'whites', while 'exclusion' refers to the exclusion of African Americans. Thus a vote against the franchise and for exclusion was a vote for closure. The number of voters is rounded to the nearer hundred.

[54] Berwanger (1967) reports that in this year Wisconsin voters did vote to extend the franchise to African Americans, but he does not provide vote totals (p.42). However, the vote faced legal challenge for 17 years and "[i]n the meantime, Negroes had not been permitted to vote, and the state's electorate had twice—in 1857 [see Table 6] and 1865 [see Table 7]—defeated suffrage extension" (Litwack 1961, p.92n71).

[55] This 7,559 majority was considerably more than the majorities voting for the constitution (4,000) and a ban on slavery (5,082) (Berwanger 1967, p.93). Aarim-Heriot (2003, p.56) confirms that this exclusion applied to both 'mulattoes' and 'negroes'. I did not find any laws that applied to 'blacks' or 'negroes' but not 'mulattoes'.

Table V: Votes on Suffrage in the North, 1865-1869*

STATE	YEAR	ELECTORAL RANKING	# VOTING	% APPROVING CLOSURE
CO	1865	territory	4,700	90
CT	1865	24	60,700	55
DC	1865	?	7,400	>99
WI	1865	12	10,200	54
MN	1865	30	n/a	55
OH	1867	3	472,300	54
MN	1867	30	56,200	51
CT	1867	24	n/a	>50
KS	1867	32	29,900	65
IA	1868	12	n/a	44(**)
MN	1868	30	n/a	43(**)
MI	1868		n/a	>50
MO	1868	7	129,300	57
NY	1869	1	532,200	53
TOTAL			1,302,900	54%

*The number of voters is to the nearer 100. The source is Fields (1982, p.199) if no vote totals are given, and Gillette (1965, pp.25-26) if they are—except for New York, which is from Fields, and except for KS, MN, and OH, which are from Edward McPherson (1972) <u>The Political History of the United States During the Period of Reconstruction: April 15, 1865-July 15, 1870</u> (De Capo Press: NY), p.354. Fishel (1954, p.19) reports the 1867 results for CT; he gives no exact figures but does say those opposed to equal suffrage outnumbered proponents by 1,000. Wang (1997, p.40) references the 1868 Michigan vote.

**States that voted for equal suffrage. Minnesota is instructive, given the obvious persistence of the legislator in putting the vote to the electorate. This would be surprising were the legislature dominated by Democrats. It was not: From 1862, both senators were Republican until at least 1880 (see sources for 'party influence' in Table III--should be able to say same about Iowa). In Iowa, African-Americans still did not have the right to run for elective office (Fishel 1954, p.24; Gillette 1965, p.127). There was also an explicit denial of social equality, according to p.186 in Mohr (ed) Radical Republicans in the North--but didn't integrate schools in 1860? (see Kousser 2002).

Table VI: Ratio of Republicans to Democrats in the Senate and House, 1869-1895

	'69-'71	'71-'73	'73-'75	'75-'77	'77-'79	'79-'81	'81-'83	'83-'85	'85-'87	'87-'89	'89-'91	'91-'93	'93-'95
S	5.17	3.29	2.47	1.64	1.14	0.79	1.00	1.06	1.24	1.05	1.38	1.21	0.91
H	2.55	1.31	2.26	0.57	0.88	0.94	1.18	0.60	0.77	0.91	1.18	0.36	0.57

Source: Calculated from http://www.senate.gov/pagelayout/history/one_item_and_teasers/partydiv.htm and http://clerk.house.gov/histHigh/Congressional_History/partyDiv.html

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