PREFACE

That the politics of the Fifteenth Amendment might comprise a suitable topic for research was first suggested to me by Professor David Donald, then Harmsworth Professor at Oxford. Professor Donald’s proposal merited consideration for several reasons. In the first place, the study of John Mabry Mathews, published in 1909, needs to be supplemented and qualified in the light of recent scholarly investigations. Then, there is the growing importance of the political power of Negro Americans in both the North and the South in this middle of the twentieth century, so similar in some respects to the role of the Negro voter in the postwar years of the nineteenth century. Moreover, as the one-hundredth anniversary of the ratification of the Fifteenth Amendment approaches, it is particularly appropriate to rediscover a crucial phase of national Reconstruction.

Today our country is attempting to match the promise of the first Reconstruction by the final achievement of its original purpose. The abolition of caste, and commitment to equality, in the Thirteenth and Fourteenth amendments and in the Civil Rights acts of 1866 and 1875 are now beginning to be enforced by executive order and federal intervention, historic decisions of the Supreme Court since 1938, and the passage and acceptance of the monumental Civil Rights Act of 1964. Slowly but surely, the Reconstruction principle of equal treatment and simple justice is now being achieved in the integration of the armed services, schools and housing, employment and welfare services, public accommodations, and transportation. Participating in this massive war on racial discrimination are the civil rights organizations which had their earlier abolitionist counterparts. Similarly, the Fifteenth Amendment and its enforcement acts of 1870 and 1871 are now being effected by the passage of the Hatch Act of 1939 and the Civil Rights acts of 1957, 1960, and 1964, with vigorous federal enforcement as well as ratification of the Twenty-fourth Amendment, which eliminated the poll tax in federal elections.
Federal attempts during the presidency of Ulysses S. Grant to stop political intimidation and prevent mob violence have been and are now being accelerated during the trail-blazing administrations of John F. Kennedy and Lyndon B. Johnson. The voter registration drives now being conducted in states like Mississippi and Alabama parallel the work that was done during Reconstruction by the Union Leagues in the South and Equal Rights leagues in the North. American reality in the present generation, as the late President John Kennedy put it, is beginning to match our rhetoric.

Reconstruction is repeating itself at the polls as well, for the power of the Negro voter is surely now as great as it was a century ago. From 1867 until 1892, southern and northern Negroes provided the margin of victory for Republican candidates in incredibly close elections in critical states. With the advent of the liberal New Deal coalition under Franklin D. Roosevelt, Democrats now retain key southern, border, and northern states because of Negro support in close elections. In 1948, for example, President Harry Truman would not have been elected without the electoral votes of California, Illinois, and Ohio, and his narrow margins in these states were achieved by indispensable Negro voters. Similarly, in 1960 Senator John Kennedy would have lost the election if he had not won Illinois and Michigan. He won in Illinois by only 9,000 votes, while roughly 250,000 Negroes voted. Michigan was carried by 67,000 votes, with 250,000 Negroes voting Democratic. South Carolina also was won in the same manner. Even while President Lyndon Johnson was ahead by a landslide in 1964, he carried most of the South because of the Negro vote. Almost solidly Democratic, it exceeded the Johnson plurality in four of the six southern states (Arkansas, Tennessee, Virginia, Florida), and North Carolina would probably have been lost but for those same voters. Such estimates emphasize the supreme importance of the Negro electorate in close elections, decisively counting in large states like New York, California, Illinois, Pennsylvania, Ohio, Michigan, New Jersey, Indiana, and Missouri.

Negro voting power affects congressional and state races as well. In 1956 the size of the Negro vote was greater than the plurality won by the incumbent congressman in sixty-one congressional districts in the North. Now, with a majority of Negroes living outside the South, the Negro voter in strategic northern and western big cities has eclipsed the importance of the rural southern
Negro voter during the first Reconstruction. As power increases so political prestige mounts as Negroes achieve greater political recognition. That fact is clear whether the politician be the Negro chieftain of Tammany Hall or one of the ninety Negro state legislators—including, for the first time since Reconstruction, 2 Negro state senators in Georgia and 1 in Tennessee—whether it be the present 6 congressmen or the 184 elected Negro officers in 33 of the 50 states. It is only a matter of time before Negroes will sit at the cabinet table, on the Supreme Court bench, or behind a Senate desk, or represent a Congressional district south of the Mason-Dixon line. On the other hand, the negative pattern repeats itself as well in white fears, active opposition to Negro advances, and ugly violence. Such so-called white backlash was considered strong enough by the Barry Goldwater campaign managers in 1964 to adopt the southern strategy of “refined racism,” as Reverend Martin Luther King terms it. Republicans temporarily deserted Lincoln as once Democrats spurned Jefferson, yet the relative failure of nineteenth-century backlash in the twentieth century is an encouraging sign of its moral and political bankruptcy. The continuities in Reconstruction then are striking, but the major changes give ground for greater hope for Negro Americans and for the quality of American life in the future.

The emergence of the modern Negro voter has national implications. It is becoming increasingly evident that the deep South is moving toward modern border state politics, thus discarding racist for interest politics, while the border states are becoming increasingly northern in their orientation. Georgia, for example, is moving closer to a Texan political pattern, while Texas seems in many respects to act more like Missouri, and Missouri in turn, along with Delaware, is starting to approximate the style of Illinois or New Jersey. This changing political pattern, by breaking new ground for genuine two-party politics, not only helps Republican candidates in the South and border states, but strengthens the national Democratic party by ending the domination of southern politics by race. Southern Negro voting is transforming southern politics, because southern politicians love to hold office more than they dislike, or appear to dislike, Negroes. The demise of Jim-Crow politics and the further decline of the solid South presents the opportunity to use the party caucus in Congress, thus unifying, disciplining, and enabling liberal congressional Demo-
crats to govern, and even wresting control of congressional com-
mittees and leadership away from senior conservative southern
Democrats. The increased importance of interest politics in the
South, combined not only with the greater need of Negro voters
by midwestern Republicans but with reapportionment, marks the
disintegration of the conservative coalition in Congress, with its
rural midwestern Republicans and rural southern Democrats. In
other words, the consequence of the power of the Negro voter
is tremendous.

Substantial progress has been made, for example, in the broader
interpretation of voting rights by the courts, congressional ap­
proval of the Civil Rights acts of 1957, 1960, and 1964, and the
vigorous and expanding activities of the Civil Rights division
of the Justice Department. Forthcoming recommendations of
President Lyndon B. Johnson, along with future adoption of
temporary federal voting registrars in the one hundred counties
of lowest Negro registration, future decisions of the courts against
the ability to understand tests, and future registration activities of
various civil rights organizations, will help, but still more is
required. The fact remains that it is extremely difficult to prose­
cute state and local officials who administer state suffrage regu­
lations in a discriminatory manner. Their obstruction and the lack
of agreement about the scope of federal powers over suffrage
make the need for fundamental reform imperative. The right to
vote must be made secure against any racial discrimination or
obstruction; otherwise the very integrity of the democratic process
and national authority are in jeopardy. Almost one hundred years
ago the Fifteenth Amendment was drafted as a step in that direc­
tion, but it necessarily lacked power and scope. Today the mandate
of equal opportunity in registering and voting should be completed
for the anniversary of the Fifteenth Amendment by passage and
ratification of a new constitutional amendment extending the right
to vote in all elections to all American citizens over twenty-one
years of age who have been residents of their voting districts for
at least one month, both conditions to be validated by forms
available at post offices. The time has come for federal qualifi­
cations only; the nation is ready for universal suffrage.

However, it has been argued by some that our political society
would be a better and stronger one if we kept literacy tests and
prevented illiterates, white or otherwise, from voting. Such a view
is open to argument, for the administration of such tests in the past did create a double standard by which illiterate and uneducated whites who were frontiersmen or immigrants were given the franchise under a lenient administration by eager politicians who needed their votes, while illiterate and uneducated Negroes in the South were gradually eliminated from the polls by those who profited by their exclusion. Because such tests in the South today remain open to flagrant abuse by the nature of individual administration, the level of intellectual difficulty, or the lack of equal educational opportunity, it is necessary in the middle of the twentieth century to eliminate the test itself. But even if a non-discriminatory administration of a literacy test were possible, would such a test be desirable today? It is an academic question, for the number of illiterates is relatively small and politically apathetic, but it is hardly certain that the nonparticipation of illiterates, however inconsequential, would enhance the quality of political decision or improve significantly the democratic process in a pluralistic and changing American society. Underlying the qualitative emphasis remains the unanswered question of the standard and measure of value, such as a concept grounded on individual, group, or national interest. If interest politics rather than national interest is assumed to be the criterion, then the question must be answered as to whether a voter can be shrewd enough to know and vote in his own interest if he does not read. Many in answering would perhaps place an inflated value on education by identifying political intelligence with formal education or literacy, and exaggerate the role of rationality in the process by which voters make political decisions. Though now increasingly difficult in an urban and impersonal setting, a shrewd voter can only with difficulty still calculate his interest without recourse to newspaper or book, by watching, listening, and talking with his fellow citizens and by having a seasoned knowledge of human nature, as well as a first-hand acquaintance with men in public life. The American colonial, and early national, experience with greater illiteracy, as well as many public servants' lack of formal training, is not dissimilar to the experience of underdeveloped countries today. A further broadening of the suffrage by abolition of the literacy test would act out the irreversible logic of democratic politics in widening the suffrage in order to broaden the party base to secure victory. In addition to the practical applica-
tion, there is the ultimate consideration of the philosophic demands of democratic theory. In the conflict between the imperatives of equality and the desire for quality, Jefferson placed no qualifications as to intelligence or wealth when he wrote in the Declaration of Independence that "Governments are instituted among Men, deriving their just powers from the consent of the governed." Universal suffrage is the best answer for a democratic society. However, formal suffrage qualifications are no substitute for the sound political judgment of citizens who soberly appreciate both the uses and abuses of power in governing a democratic society.

The roots of the Negro suffrage problem run deep, for the power of the Negro voter is still at stake, while the status of the Negro American remains a vital element in our constitutional politics. In fact, the problem still touches the sensitive nerve of politicians. Richard E. Neustadt writes in *Presidential Power* that the "means can matter quite as much as ends; they often matter more. And there are differences of interest in the means." Forging the means and fashioning the ends, politicians make possible what they consider necessary, but the legislative process and its product bear the seal of their time and place. The story of the Fifteenth Amendment is no exception: the details mattered, and not only because there were differences of interest in the means, but because the differences of interest marked the boundaries of their time and place, not ours. The effort of these politicians to frame and ratify an amendment revealed the tensions of their era in attempting in some measure to accommodate the high aspirations of equality with the harsh limitations of reality. In assessing their concrete problems of possible choice, it is useful to recall Oliver Wendell Holmes's remark: "It is one thing to utter a happy phrase from a protected cloister; another to think under fire—to think for action upon which great interests depend." The politicians of 1869 operated in the world of shadows and sunlight, wrestling with both principle and prejudice, and acting under both the pressure of events and the compulsion of interests.

Specifically, the purpose of this study is to tell the story of how and why the Fifteenth Amendment came to be. It is not a history of Negro voting in the 1860's and 1870's; it is not an account of the Republican party on federal and state levels during Reconstruction; it is not a study of former abolitionists in the same period;
it is not primarily a history of public opinion about the Negro as a voter; nor is it a study of the enforcement or judicial interpretation of the Fifteenth Amendment. Rather, it is restricted to an account of the immediate background, passage, and ratification of the Fifteenth Amendment, a study of one phase of the political and constitutional history of the first Reconstruction.

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Preface

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William Gillette

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