CHAPTER IV

SOUTHERN RECEPTION

To Republican sponsors of ratification the southern states presented a field to be exploited rather than a hurdle to be cleared. Governed chiefly by radical Republican régimes and saddled with Negro suffrage by the Reconstruction acts, southern legislatures could be counted on to ratify the Amendment, and the promise was borne out by performance.

The Fifteenth Amendment provoked no bitter, prolonged, and close fights in the legislatures of the deep South. The percentage of affirmative votes for ratification among southern legislators was higher than that by state legislators outside the South, although ratification was required by Congress as a condition of representation in Congress for the states of Mississippi, Virginia, Texas, and Georgia. The Amendment was passed unanimously by both chambers in Mississippi and by one chamber in Virginia, Arkansas, and Alabama. In Louisiana ratification was carried out without fuss, but no conservative voted affirmatively, as was the case in most southern states. Though the Amendment was duly ratified in Florida, the extent of support was unusually low for the South and reflected a strict party division. One Texan newspaper declared that ratification took place “without scarcely rippling the gently flowing current of Reconstruction,” helped along by many conservative absentees. In South Carolina it was a formality, but again with most conservatives absent. There was more opposition in North Carolina, where conservatives launched a filibuster but then split on the final voting.

1 U.S. Congress, Senate, Ratification of the Constitution and Amendments by the States, 71st Cong., 3rd Sess. (1931), Sen. Doc. 240, p. 8; Republican Congressional Committee, Suffrage and Civil Rights: The Record of the Democracy on the XVth Amendment... (1872), pp. 2–4. See above, Table 2, p. 84.

2 San Antonio Express, February 24, 1870.
The reason for easy ratification went beyond Republican domination of most southern legislatures. By 1869 Negro suffrage was accepted by many white southerners as a fixed fact that could not and, less frequently, should not be changed. White southerners from every political faction believed that the Fifteenth Amendment did not have a practical effect in the South, where Negroes already voted. They felt that the object of the Amendment was the enfranchisement of the Negro in the border states and in the North and West. There were some instances, however, when both friends and enemies of the Amendment argued that ratification would guarantee Negro suffrage permanently in the South by ensuring against local prejudice and against any future attempts to repeal the Negro suffrage provision in the state constitutions or by federal control of state elections. Thus Republican Governor William W. Holden of North Carolina urged ratification primarily because a guarantee of Negro suffrage would be placed in the federal constitution, "where no future change or convulsion can destroy it." But to most white southerners the Amendment appeared irrelevant.

Southern Republicans were generally glad to do their duty for the cause of Negro suffrage and promote partisan interests, though

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*The thrust of the debate in the Arkansas legislature amounted to the observation that the Amendment would not directly affect Arkansas ([Little Rock] Morning Republican, March 16, 1869; [Little Rock] Daily Arkansas Gazette, March 16, 1869). In Alabama one radical newspaper observed that the Amendment did not primarily concern Alabama ([Montgomery] Alabama State Journal, March 10, 1869). A Democratic newspaper agreed and observed, "As to the voting clause, we of the South have no immediate practical concern in this matter" (Mobile Daily Register, 4 March 1869). In Florida a conservative minority report of the Committee on the Judiciary conceded that ratification would not affect suffrage in Florida (Florida, Journal of the Assembly, Ext. Sess. (June, 1869), pp. 17–19). The same opinion was also shared in Texas (San Antonio Express, March 3, 1869; [Galveston] Flake's Bulletin, April 21, 1869). South Carolina newspapers hinted or stated that the South was not vitally concerned with the Fifteenth Amendment (the Charleston Daily News, March 2, 1869; the Charleston Daily Courier, April 4, 1869; [Charleston] The Daily Republican, March 31, 1870). It was also dismissed as irrelevant by Georgia newspapers ([Atlanta] The Daily New Era, March 6, 1869; the Savannah Daily Republican, March 24, 1869; [Augusta] Daily Press, March 3, 1869). [Galveston] Flake's Bulletin, March 10, April 21, 1869; Galveston News, April 1, 1870; the Charleston Daily Courier, April 4, 1870; the Charleston Daily News, March 2, 1869.

a few of them voted against the Amendment and some preferred to be absent when roll calls began. In comparison with the voting pattern in other sections, southern Republicans appeared slightly less cohesive, but the party's overwhelming control of the legislatures combined with bipartisan support and absences to produce high percentages of legislative support for the Amendment.

While Republican support was substantial enough for every Republican legislature in the South to ratify, there was an unmistakable undercurrent of discontent. Southern Republicans had shown in Congress how disenchanted they were with the provisions of the Amendment. By the time of the fight for ratification this frigidity had melted somewhat, but it had not disappeared. Southern Republicans still considered the Amendment defective and impotent. Those politicians who appointed Negro officials and needed Negro votes remained unhappy that the Amendment did not explicitly guarantee the right of the Negro to hold office, nor did it ban poll taxes and literacy tests. The Montgomery State Journal concluded: "We will take the Fifteenth Amendment, not because it is just as we would have had it, but because it is good as far as it goes..." In rare instances southern Republicans even considered the Amendment too strong and too dangerous because of potentially greater federal powers, but a majority of them accepted, where they did not applaud, ratification.

Southern Democrats and conservatives were more seriously divided. Democrats were afraid of antagonizing Negro voters. In states with a high percentage of Negroes among the population, such as Louisiana and South Carolina, most Democrats or conservatives in the state legislatures were absent on the critical vote. Texas, Mississippi, Virginia, and Georgia conservatives in the 1869 vote supported ratification as a necessary, if unpleasant, step toward readmission to Congress. In these states the Democratic parties had a very different interest in the Amendment than

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6 See below, Table 4, p. 96.
8 Daily Richmond Whig, March 2, 1869. There were rare instances in which Republicans in the South opposed the Amendment because it was too strong. Senator John C. Ray of Arkansas voted against it because he felt that Congress, under the second section of the Amendment, could legislate on state suffrage qualifications. ([Little Rock] Morning Republican, March 16, 1869.) Racial prejudice appeared strong enough in some areas for Republicans to be less than enchanted by Negro suffrage.
did the national party. Because the conservative state parties were relatively weak, out of power, and without national patronage, local party interests supporting ratification won out over national Democratic interests opposing ratification, particularly in Texas and Mississippi and less so in Louisiana and South Carolina. But many unrepentant conservatives opposed Negro suffrage outright or had nothing to do with the Fifteenth Amendment. A majority of conservatives in states that had already regained representation in Congress opposed ratification, as in Florida, North Carolina, and Georgia in the 1870 vote.⁹

The arguments against ratification were not new. Southern conservatives rallied around the banner of state rights. The Amendment, they objected, was dangerous because the federal government would henceforth set suffrage qualifications; states would be deprived of their rights. Federal intervention and Republican power would be increased at the expense of the states.¹⁰ Ratification was criticized because it was required of four states and secured by unpopular régimes in others.¹¹ Though Negro suffrage was attacked less often,¹² friends of universal suffrage were labeled cowards and traitors.¹³

A few southern conservative spokesmen actually saw advantages that would accrue to their party from the Amendment. One Alabama newspaper hinted that force and bribery would bring Negro voters into the Democratic camp.¹⁴ A Texas paper predicted that the Amendment might become a dead letter because Congress would prove reluctant to compel obedience through the use of the army. Moreover, the Democratic border states might obstruct its enforcement.¹⁵ Some newspapers hoped that the Negro question would fade away, while others predicted that under the

⁹ See below, Table 4, p. 96.
¹¹ Mobile Daily Register, April 2, 1870; Savannah Morning News, February 2, 3, April 2, 1870; [Milledgeville] Federal Union, February 8, 1870.
¹⁴ Mobile Daily Register, April 5, 1870.
**TABLE 4: RATIFICATION OF THE FIFTEENTH AMENDMENT BY STATES OF THE FORMER CONFEDERACY**

<table>
<thead>
<tr>
<th>Rank by Southern State by Per Cent of Yeas</th>
<th>House</th>
<th>Senate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Per Cent of Vote</td>
<td>Yes</td>
</tr>
<tr>
<td>[Required] Virginia</td>
<td>10 Con. (22)</td>
<td>15 Con. (40)</td>
</tr>
<tr>
<td>South Carolina</td>
<td>20 Rep. (29)</td>
<td>93 Con. (132)</td>
</tr>
<tr>
<td>Arkansas</td>
<td>9 Con. (19)</td>
<td>1 Con. (53)</td>
</tr>
<tr>
<td>Alabama</td>
<td>13 Rep. (18)</td>
<td>1 Con. (67)</td>
</tr>
<tr>
<td>Texas</td>
<td>14 Con. (14)</td>
<td>16 Con. (69)</td>
</tr>
<tr>
<td>[Required] Louisiana</td>
<td>17 Con. (33)</td>
<td>16 Con. (59)</td>
</tr>
<tr>
<td>Georgia [Required]</td>
<td>6 Con. (29)</td>
<td>12 Con. (75)</td>
</tr>
<tr>
<td>Florida</td>
<td>not known (29)</td>
<td>5 Con. (75)</td>
</tr>
</tbody>
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Rep.: Republican
Con.: Conservative or Democratic


• South Carolina, Journal of the Senate, 1868 Sess., p. 418; E. McPherson, p. 497; Tribune Almanac for 1869, p. 77.


• Louisiana, Journal of the Senate, 1869 Sess., p. 192; E. McPherson, p. 492; Tribune Almanac for 1869, p. 80.


• North Carolina, Journal of the Senate, 1868-69 Sess., pp. 401-2; E. McPherson, p. 496; Tribune Almanac for 1869, p. 76.


Amendment's provision states could still exclude Negroes from office and deny any person the vote because of property, tax, education, language, nativity, and religion. The *Daily Richmond Whig* concluded that there were "'loopholes through which a coach and four horses can be driven.'" 16

Four southern states were required to ratify the Fifteenth Amendment. Only a month after it was submitted to the states, the Forty-first Congress passed acts that set the conditions under which these states would be readmitted to the Union and their representatives seated in Congress. The first act concerned Virginia, Mississippi, and Texas. Timing was important. Indiana Democrats had bolted the legislature, and friends of the Amendment were worried about the chances of its adoption, because rejection by Indiana and Ohio might defeat the ratification. At this juncture Senator Morton introduced, on April 9, 1869, an amendment to the Reconstruction bill for Virginia, Mississippi, and Texas, which would require these states to ratify as a condition for readmission.17 His proposal created a storm of protest.

Senator Lyman Trumbull (Republican, Illinois) objected to the proposal because the terms of readmission had been laid down in the Reconstruction acts of 1867 and 1868. To impose a new condition now would be a breach of faith with southerners. When would this sort of thing stop? Would each future Congress set a new condition? Trumbull supported the Fifteenth Amendment, but he questioned the need to require ratification when these states would ratify in any event.18 Republican Roscoe Conkling of New York agreed with Trumbull. Democrat Allen G. Thurman of Ohio, who opposed the Fifteenth Amendment, also opposed Morton's proposal, declaring that Congress could propose an amendment to the Constitution but could not coerce a state into ratifying it. Thurman stressed that Morton's amendment was designed to force Negro suffrage on the North by coercing Virginia, Mississippi, and Texas into ratification.19

Morton bluntly answered the charges. Because the three states had not yet complied with the original conditions required, he dismissed the charge of a broken promise. He felt that it was

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16 *Daily Richmond Whig*, March 2, 1869.
18 Ibid., pp. 653-54.
19 Ibid., pp. 654-55.
the right of Congress “to propose as many conditions as we see fit” as long as they were “proper and just in themselves.” 20 But Morton quickly abandoned the shaky ground of principle for the hard rock of expediency. He emphasized that southerners could not object to ratification of the Fifteenth Amendment because Negro suffrage was already required in their state constitutions. More important, he said, Democrats, by making sure that Virginia, Texas, and Mississippi would not ratify the Amendment, were trying to keep the Negro issue alive in order to hurt Republicans in the elections of 1870 and 1872. The only way to defeat such a plan was to make sure that the three southern states ratified the Amendment and thus undercut the Democratic bolt in the Indiana legislature. The Negro issue would be ended and Negro suffrage guaranteed. Morton concluded that the Amendment was of “vast importance” to both the Republican party and the country, and was “right, proper, and necessary.” 21 Every friend of the Amendment ought to support his proposal.

Morton’s powerful speech made sense to practical politicians. The Senate accepted his proposal, circumvented the wishes of President Grant, who had not requested the condition of required ratification by the three states, and in effect overruled the Judiciary Committee, which had previously rejected Morton’s plan. Actually, the Senate vote on April 9, 1869, badly split Republican ranks, with thirty Senators voting “yes,” twenty “no,” 22 and Morton’s proposal was accepted by the House of Representatives on the same day. 23

Northern reaction to Morton’s requirement divided along party lines. Democratic organs were unfriendly. The Washington National Intelligencer denounced Morton’s scheme as forcing the “odious” Fifteenth Amendment on an unwilling North; the proposition amounted to a “call upon the South to prescribe the people of the North.” 24 A reporter for the New York World observed that “without this enforced ratification its defeat is likely.” 25 The same reporter asserted that northern Republican

20 Ibid.
21 Ibid.
22 Ibid., p. 656. There were 16 absent.
23 Ibid., p. 700. The vote on April 9, 1869, was 107 “yes,” 30 “no,” and 55 not voting.
politicians favored Morton's proposal because it would circumvent rejection of the Amendment by Ohio and Indiana, while southern Republicans supported it because they hoped it would defeat ratification of the Amendment by Mississippi, Virginia, and Texas. Readmission to Congress would then be delayed and these politicians would be assured of continued power and prolonged plunder. The Washington National Republican regarded the Morton plan as "wise and proper," for there would be more trouble in the North over ratification than in the South. While accepting it, the New York Tribune regarded the proposal as unnecessary, because the Amendment would be ratified without the unreconstructed states. The New York Herald considered approval of Morton's plan a personal victory for Morton, because the Senate Judiciary Committee had turned down the idea before and some influential minds had objected to the proposal.

The New York Times predicted that Mississippi, Virginia, and Texas would ratify the Fifteenth Amendment, because southerners in general should consider ratification a good opportunity to punish the North for imposing Negro suffrage in the first place. But the Times was disturbed about coercing these three states into voting for the Amendment since "without such freedom of action all pretense of a vote is sheer mockery." The object of Morton's proposal was to gain universal Southern assent in order to overcome probable opposition to ratification by unreliable Ohio, Indiana, New York, and Democratic states. Though this reckless device might secure the adoption of the Amendment, the newspaper predicted, it would undermine it and ultimately hurt the Republican party.

Southerners grasped the object of Morton's plan. Observing that most southern papers regarded the requirement of ratification as an additional burden upon the South, Flake's Bulletin of Galveston disagreed, finding that ratification of the Fifteenth Amendment could not make any difference, because Negro suffrage was an established fact and the South could not dismiss it. But Negro suffrage "is not an established fact at the North. It is not an established fact in Indiana, nor can it be, save through the agency

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27 New York Tribune, April 10, 1869.
28 The New York Herald, April 10, 1869.
29 The New York Times, April 12, 1869.
of the Southern States. It is for the purpose of coercing the North and fastening negro suffrage upon them, that this proviso was inserted." 30 A Virginia newspaper agreed: "It is the old game of the monkey using the cat to draw the chestnut from the fire. These Amendmenters need us sadly in order to get the fifteenth from its unsafe incubation and settle the matter." 31

Mississippi, Virginia, and Texas complied with the congressional requirement. Only in Georgia was there a real controversy before ratification. Georgia Republicans were disenchanted because the Amendment lacked an officeholding provision. More important, they wanted to overthrow conservative control of the state legislature. Republicans reasoned that if the Fifteenth Amendment were rejected by the legislature, then Congress would become so infuriated as to restore the provisional government, oust some conservatives from the legislature, and restore radical Republican control. Under the leadership of Governor Rufus B. Bullock, Republicans tried to sabotage ratification. First Bullock tried to goad extreme conservatives into opposition to the Amendment by declaring that the Fifteenth Amendment guaranteed Negro officeholding, as it clearly did not. Conservatives were antagonized by Bullock's assertion, because they had dismissed all Negro members from the legislature. 32 Then by the adroit use of patronage for the state roads, Bullock persuaded many Republicans to absent themselves from voting on the ratification or to oppose it. Despite this attempt at sabotage, the House of Representatives ratified the Amendment on March 16, 1869. Ultimately, ratification was defeated only by the Republican presiding officer of the Senate, a good friend of Bullock's, who broke a tie vote on March 17 and cast his vote for postponement and virtual rejection. Thirteen of the seventeen votes for postponement were cast by extremist Republicans. Later the Senate rejected the Amendment on March 18. 33 Governor Bullock subsequently admitted that

31 [Salem] Roanoke Times, April 17, 1869.
Republicans had killed the Amendment in the Republican-controlled Senate, while conservatives had accepted it in the conservative-dominated House.\(^3^4\) Radical Republicans, who wanted to regain power and were unhappy that the Amendment failed to provide for Negro officeholding and wanted to ban literacy tests, had joined forces with extreme conservatives, who wanted no federal amendment concerning Negro suffrage.

In December, 1869, Congress set new conditions for the readmission of Georgia. At the time, the chances of national ratification appeared bleak, and Georgia's vote might have decided the fate of the Fifteenth Amendment. Again, Senator Morton came to the rescue. He offered, on December 16, 1869, a motion requiring Georgia to ratify the Fifteenth Amendment as a condition for readmission to the Union.\(^3^5\)

Objections, similar to those made to Morton's previous proposal, were raised, notably by Senator Matthew H. Carpenter of Wisconsin, who favored the Fifteenth Amendment but not the required ratification.\(^3^6\) Most Republican senators agreed that Georgia should not be readmitted to Congress until she had ratified the Amendment, but there was sincere disagreement among Republicans as to whether ratification by Georgia should be required in law or in fact.

In a powerful reply Morton contended that the fate of the Amendment was at stake. He argued that unless his motion was adopted, Georgia would in effect be told that she would not have to ratify when in fact she would.\(^3^7\) If Congress required ratification by Georgia, then Democratic opposition in the Ohio legislature would collapse; Rhode Island would ratify; New York would not rescind its ratification; and Democrats everywhere would accept Negro suffrage and recruit Negro voters. Morton concluded that "when the ratification hangs on the vote of one single State, when we have come within just one State of securing this amendment, and to secure that we have got to do just what we have done before, now to halt, now to fall back would be regarded by the world as cowardice, would be regarded as a confession,

\(^{3^6}\) *Ibid*.
would be an abandonment of this amendment."  

Congress agreed and adopted his requirement.  

Under the act passed by Congress, Governor Bullock called a session of the legislature and authorized all members elected in 1868, including Negro members who had been expelled, to attend the session. Some conservative legislators were declared ineligible under the jurisdiction of a military board, since they did not meet the requirements of the test oath, and they were ejected. Bullock Republicans were accepted as members of the legislature, and strong Republican majorities were achieved. Then, on February 2, 1870, the Georgia legislature ratified. The percentage of support, however, was unusually low for a southern state. Although Bullock's Republicans had caused initial defeat of ratification, they used that defeat as an excuse to oust conservatives from the legislature. Conservatives then opposed ratification in 1870.

The ratification by Georgia on February 2, 1870, marked success for the Fifteenth Amendment. It became law; the rough road of ratification had been traversed. This could not have been accomplished without the assent of the South for without Virginia and possibly Mississippi and Georgia, it would not have received the required number of twenty-eight assents. In other words, without the resourceful and persistent leadership of Senator Oliver P. Morton, there would have been no Fifteenth Amendment.

In summary, the Fifteenth Amendment caused few sharp controversies in the South. There, the issue of Negro suffrage appeared settled in 1869, for to most southern conservatives Negro suffrage was a necessary evil and to southern Republicans an indispensable need. Many newspapers and legislators observed that the North, not the South, was the primary object of the Amendment. Notable

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88 Ibid., p. 209.
89 Ibid., pp. 224, 293. The vote in the Senate on December 17, 1869, was 38 "yes," 15 "no," and 12 absent. That in the House of Representatives on December 21, 1869, was 121 "yes," 51 "no," and 39 not voting. The vote in the Senate was more partisan than that on Morton's proposal for Mississippi, Virginia, and Texas. Many conservative Republican opponents of the earlier Morton proposal in April were absent for the December vote. Probably the need of Georgia's ratification, the precedence of required ratification, and the disgust with Georgia's expulsion of Negro legislators influenced voting and caused less opposition. The intent of Morton's proposal was grasped by the press; see [Washington] Daily National Intelligencer, December 15, 17, 1869. Significantly, the Times, which earlier in April had opposed required ratification for Mississippi, Texas, and Virginia, endorsed required ratification for Georgia (the New York Times, November 20, 1869).
too was the division among Democrats and the latent discontent of Republicans with regard to it. Democrats were split over bidding for Negro votes. Republicans were angry because the Amendment was not sufficiently comprehensive and was designed primarily to help Republicans in the North, not aid Republicans in the South. The very moderation of the Fifteenth Amendment appealed to some Democrats and annoyed some Republicans. Negro officeholding was not guaranteed; suffrage qualifications remained with the states to set and administer; suffrage was qualified and impartial, not universal and absolute. But southern Republicans had no real alternative. They recognized that the pending Amendment, however imperfect, was a step in the right direction.