CHAPTER IX

WHIRLWIND OF CAUTION

Though the ratification fight consumed only thirteen months, it was hard and the outcome uncertain. Ratification was easy in safe Republican territory (the South, New England, and in most of the Middle West), but the fight was tougher in the middle Atlantic states and in Indiana and Ohio. In Democratic border states and on the Pacific coast, Republicans were paralyzed and did not work hard for ratification.

In clearcut conflicts of interest between state and national Republican party organizations, the national party was everywhere victorious despite the political risks. Mutinies in Rhode Island and Georgia were suppressed. Republicans were in power in Washington and had rich patronage to offer. The national administration, led by President Grant, could and did exert influence. But Republican politicians who held—or who aspired to hold—national office really spurred the ratification drive. The persistence and resourcefulness of Senator Oliver P. Morton, who influenced Indiana ratification and helped secure it for Texas, Mississippi, Virginia, and Georgia, proved as indispensable as Grant’s inaugural endorsement. Grant himself maneuvered to win Nebraska to the cause; Senator Stewart fought with characteristic single-mindedness in Nevada, as did Governor Rutherford B. Hayes and Chief Justice Salmon P. Chase in Ohio, and Congressman Thomas A. Jenckes in Rhode Island. To these and other Republicans the future benefits of the northern Negro vote were worth fighting for, despite widespread opposition among Republicans in the North and white Americans generally. The Amendment received substantial support from veteran abolitionists like Wendell Phillips, old antislavery men like Salmon P. Chase, and Negro reformers like Frederick Douglass. Support was strongest from traditional antislavery strongholds, such as northeastern Connecti-
cut and the Western Reserve of Ohio, where Negroes formed only a small percentage of the population. Though moral and emotional forces were important in these regions, by themselves the antislavery sections could not have secured ratification. The Fifteenth Amendment was ratified because in such closely divided states as Connecticut, Indiana, Ohio, and Pennsylvania it made political sense to shrewd politicians who would benefit from the Negro vote.

If the Fifteenth Amendment divided Republicans during the fight for passage in Congress and then united them during the ratification fight, the opposite pattern plagued Democrats. Tension between the northern and southern wings of the Democratic party was evident when Indiana Democrats bolted the legislature to prevent ratification, while southern Democrats wooed Negro voters. Since only on the Pacific coast and in the border states did Democrats substantially benefit from disfranchising or denouncing the Negro, they opposed ratification. Elsewhere, and particularly in the middle Atlantic states, they were torn between traditional policies and inevitable realities. If it was risky to accept the Amendment and bid openly for Negro votes, it was too dangerous to yell “nigger” and alienate Negroes forever. Where their party could make a respectable stand, Democrats fought; otherwise they capitulated, as in Virginia and Vermont, Mississippi and Maine. Significantly, Democratic temper and tone varied from a shriek in California and Kentucky, through shrill tones and rash tactics in Ohio and Indiana, to moderate talk and flexible consideration in New Jersey and New York. The Chinese scare and white supremacy accounted for the mood in the Pacific and border states, while southern ethnic influences determined temper along the Ohio River. The compromising position in the middle Atlantic states indicated a willingness and ability to undertake a new departure to recruit Negro voters once they started voting.

The alternate bullying and wooing of the Negro voter by Democrats suggested both shrewd maneuvering and acute schizophrenia. The need for power was strong, but so too was the compulsion of prejudice. Doubtless many Democrats were sincere; state rights did matter to them. But they lacked the needed wit and will to play the difficult role of a responsible and responsive party of the opposition. Democrats had been so long out of power that they seemed to cultivate political bankruptcy. Their conduct of the
presidential campaign of 1868 was duplicated in the ratification fight of 1869: they fled to a past of sterile slogans, inert ideas, and constitutional ghosts. In effect, Democrats repudiated Negro suffrage, the fundamental condition of Reconstruction. They became rigid, inflexible, and politically inept—incapable of moving out of their traditional ruts. The Democracy never fashioned a suitable alternative to the Fifteenth Amendment, such as support for qualified Negro suffrage by state action alone; instead, Democrats lost their heads. Their record on the Fifteenth Amendment and their platform of 1868 together brought the war issues to the surface and generated a solid Republican and stanchly Unionist response. Retention of the strong cohesive power of a Reconstruction issue was just what Republicans needed. The Democrats provided Republicans with suitable occasion to unfurl the bloody shirt and helped to relegate the potentially powerful party of 1868 to a demoralized and divided minority in 1872.

If Democrats expressed unfounded fears, other Americans entertained false hopes when the Fifteenth Amendment was adopted. President Grant, for one, told Congress upon proclamation of ratification that the Amendment "completes the greatest civil change and constitutes the most important event that has occurred since the nation came into life." Such a sweeping statement was echoed by a New York Times editor, who wrote that "the final crowning of the edifice of American republicanism" was at hand because the Amendment "italicizes every word of the Declaration of Independence, and harmonizes our Constitution with the highest civilization to which we may aspire."

1 Richardson, *A Compilation of the Messages and Papers of the Presidents*, VII, 55–56. Secretary of State Hamilton Fish, who was away from Washington, was told by telegram to cut short his absence and return immediately to the capital on March 29 to prepare an official proclamation of ratification (J. C. B. Davis to Fish, March 28, 29, 1870, Fish MSS). On March 30 Fish was notified to issue the proclamation, because the bill for the admission of Texas as a state had been received and signed by President Grant (O. E. Babcock to Fish, March 30, 1870, ibid.). Apparently Republican Congressman George F. Hoar of Massachusetts persuaded the President to prepare a special message to impress upon the country the "grandeur of the great victory" (*The New York Freeman*, August 29, 1885). President Grant wrote the original lead-pencil draft, which included mention of Negro officeholding—"having the right to vote and be voted"—but this was later deleted. Secretary of the Navy George M. Robeson and Attorney General E. Rockwood Hoar made some changes in the message, and then it was copied. (Fish Diary, entries for February 4, March 1, 7, 15, 30, 1870, Fish MSS.)


3 Ibid.
ist rhetoric duplicated these starry-eyed and sentimental pronouncements. And great celebrations matched strong words when one hundred guns fired their salute in Washington, while ten thousand Negroes, representing regiments, drum corps, fraternal clubs, secret lodges, and trade unions, marched through the streets of Baltimore. Flags and bunting were displayed in Philadelphia, where Negro women wore shawls of red, white, and blue. Monster rallies were held, fireworks were ignited, and spread-eagle speeches poured forth. Victory prevailed.

The war for Negro rights appeared to be won by placing the keystone of Reconstruction—the Fifteenth Amendment—into position. With the job apparently done, demobilization of the troops proceeded efficiently, as antislavery societies disbanded and their newspapers either ceased publication or dropped the words "anti-slavery" from their mastheads. The war appeared over; the crusade was finished. Effort thus slackened and interest began to fade. Regarding the ballot as a panacea, whites could in good conscience leave Negroes alone now, because Negroes could protect themselves with the ballot and without the help of government. In short, the celebration of the adoption of the Amendment underscored the option of whites to be indifferent rather than to help Negroes to help themselves or to lobby for a civil rights commissioner to undertake needed responsibilities, create new agencies, and fashion bold programs. In other words, instead of thinking about what was needed in the future, there was self-congratulation about the past. What was indeed a modest beginning struck most Americans as a spectacular ending. The widespread assumption that the Amendment was self-executing and thus bound to succeed paved the way for nullification or at least apathy. The ballot was but a tool; upon its use would depend its real value. Federal enforcement could make or break the tool; individual handling and electoral competition would determine its use.

Soon the unreasonable hopes were dashed by the bleak realities, but the response was as negative as the political reaction. Whites seemed no longer to care and now turned their backs on the Fifteenth Amendment as well as on the Negro. Hamilton Fish wrote in his diary in 1877 that Grant "says he is opposed to the XV amendment and thinks it was a mistake; that it had done the

---

negro no good, and had been a hindrance to the South, and by no means a political advantage to the North." There were others who echoed such sentiments, which only seemed to prove that the earlier celebration of ratification was as unwarranted as the subsequent denigration of the Amendment. Illusion had soured to disenchantment.

Shrewd Republican politicians, however, entertained no illusions about the Fifteenth Amendment. After all, it was their pessimism about the reliability of the Negro vote in the South and their doubt about the viability of Reconstruction there that had motivated in part the adoption of the Amendment. During the ratification fight William E. Chandler trenchantly observed, "We are bound to be overwhelmed by the new rebel combinations in every southern state. With the New York Tribune championing Universal Amnesty and all the Chase men and disaffected soreheaded Republicans reechoing the cry, the negroes deceived, coaxed or bullied and the rebels a solid phalanx in the combination there can be but one result." His prediction proved correct. Overwhelming opposition to Negro suffrage resulted in nullification of the Fifteenth Amendment in the southern states. The Amendment became a dead letter everywhere that fraud, bribery, violence, intimidation, difficult registration, literacy tests, read-and-understand tests, poll taxes, grandfather clauses, and white primaries were condoned by public opinion. But if Negro suffrage, the fundamental condition of Reconstruction, was short-lived in the South, it became permanent in the North.

Most constitutional historians have argued that the Fifteenth Amendment failed. It did not guarantee southern Negro voting and, in the former Confederate states, became ineffectual through successful evasion. But it is not altogether fair to condemn the Amendment because of the weakness with which it was enforced. If Presidents, in effect, ignored or repudiated the Amendment after 1874, if Congress failed to provide enough troops, marshals, and money to enforce it, if the Republican party, upon which

---

7 Chandler to Benjamin F. Butler, August 10, 1869, Butler MSS.
8 See Everette Swinney, "Enforcing the Fifteenth Amendment, 1870–1877," Journal of Southern History, XXVIII (May, 1962), 202–18. Swinney has challenged the traditional view that the Enforcement acts were unsound, inefficient,
the success of enforcement rested, did not retain control of both houses of Congress and the Presidency from 1875 to 1889, if the courts declared unconstitutional provisions of the Enforcement Act of May 31, 1870, and if the people lost interest in free and fair voting, then it was no wonder that the Amendment failed to safeguard Negro voting in the South. The Amendment became what Americans by their habits, values, and practices wanted it to be. However, it did succeed in its primary objective: to enfranchise the northern Negro. "The effect of the amendment," wrote its father, William Stewart, "has been what I supposed it would be, to secure for the negro in the Northern States his right to vote without interruption." 8

But Senator Stewart did not live to see how northern Negro voters would exert their power in national politics, and how they and others would intensify pressures on Presidents, congressmen, and judges to induce white southerners to allow Negro southerners to vote. When survival of southern politicians came to depend on the good will of Negro voters, then the days of racist appeal were numbered. Implicit, then, in the Fifteenth Amendment is both the source and the vision of political equality—deduced by generally twentieth-century justices in their decisions and expressed by Negro Americans casting their ballots at the polls. The source and the vision were to outlive evasion and to triumph in both constitutional theory and election-day practice. Thus the Fifteenth Amendment was to prove in its own way both bold and prudent: bold in enfranchising Negroes despite opposition and in ordering change by establishing constitutional guide-lines; prudent, as well, in adapting ethics to circumstances so that the Amendment would not only pass Congress and be ratified by the states but would also be enforced and interpreted by men judging the times on their own terms. In other words, the Fifteenth Amendment was to be as capable of growth as the capacity of Americans to mature.

During the nineteenth century the practical effect of the Amend-
ment was to bring the ballot to the Northern Negro and power to the Republicans. The Negro was started along the road to first-class citizenship. He could vote in the North, and the Republicans benefited from a solid Negro vote in the close elections of the 1870's, 1880's, and later. The significance of the Amendment was roughly distilled by the Negro preacher from Pittsburgh, Reverend Peck, who observed that "the Republican Party had done the Negro good but they were doing themselves good at the same time." Partisan but enlightened self-interest was the motive of most Republican politicians, and mutual interest was to develop as a result. The Fifteenth Amendment was thus a shot-gun marriage of practical idealism to political realism.

In short, the politics of the Fifteenth Amendment represented the needs of the Republican party. The primary object of the Amendment was to get the Negro vote in the North, not, as other writers have insisted, to keep Negro suffrage in the South, which was an important secondary objective. The Amendment was not radical in design, intent, or result. Instead, it was a moderate, modest, and statesmanlike measure, framed, championed, and secured by generally Republican moderates. The designs of both white supremacists and professional reformers were rejected by men who instinctively knew that fundamental reform was too important to be left to the hallowed bias of the reactionaries and the noble sentiments of the reformers. The extremism of those who wanted to do nothing and the radicalism of those who wanted to do everything were rejected. A pragmatic and ad hoc spirit dominated the framing and passage, and the irresistible pressure of political, organizational needs, rather than the remnant of the organized abolitionist movement, secured difficult ratification. Conceived in realism, born in compromise, and raised by partisanship, the Fifteenth Amendment represented a fusion of power and justice.

* See Chap. VI, n. 33.