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**BETWEEN FREEDOM AND BONDAGE
RACIAL VOTING RESTRICTIONS IN THE ANTEBELLUM
NORTH**

by

CHRISTOPHER MALONE

**A dissertation submitted to the Graduate Faculty in Political Science
in partial fulfillment of the requirements for the degree
of Doctor of Philosophy, The City University of New York**

2002

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Abstract**BETWEEN FREEDOM AND BONDAGE: RACIAL VOTING RESTRICTIONS IN
THE ANTEBELLUM NORTH****by****Christopher Malone****Adviser: Professor Frances Fox Piven**

The United States was the first country to distribute the franchise widely to its citizens. These reforms began at the turn of the nineteenth century and continued throughout the antebellum period. By the middle decades of the nineteenth century, the U.S. could boast of achieving what no other country had - universal white male suffrage. While universal white male suffrage was sweeping across both the Northern and Southern United States in the antebellum period, the franchise was granted to black males on an extremely uneven basis.

This dissertation addresses the problem of racial voting restrictions in the antebellum North. The framework put forth for explaining racial voting restrictions in the antebellum North brings together socio-economic, ideological, and institutional arguments about racial conflict. It addresses these issues through four case studies - four states, all in the North, all with different outcomes with respect to racial voting restrictions: New York, which placed a \$250 property qualification on black males at the same time it dropped property qualifications for white males (1821); Pennsylvania, which disenfranchised black males completely (1838); Massachusetts, which enfranchised black males in the early 1780s and never denied them that right; and Rhode Island, which disenfranchised black males by state statute (1822) and re-enfranchised them in the wake of the Dorr War (1843).

The main argument of this dissertation is that racial voting restrictions across state lines, despite the different outcomes, can be understood by accounting for three overarching factors: how racial conflict is structured through socio-economic competition; how partisan competition is structured by racial cleavages; and how racial coalition formation is structured through a racialized discourse - what is referred to as *race culture*. *It argues that racial voting restrictions in the Northern states occurred when racial conflict took place as an outgrowth of rapid socio-economic and demographic change; when political actors seeking electoral advantage were in a position to successfully prey upon this racial conflict by arousing newly enfranchised white (ethnic) voters; and when an ascriptive race culture became the dominant racial paradigm for understanding citizenship rights.*

Acknowledgments

Not a day has gone by in the last seven and a half years that I have regretted the choice to finish my doctoral work at the Graduate Center of The City University of New York. At a time when this magnificent public institution of higher education has been under assault by deep budget cuts, malicious mischaracterizations, and odious neglect, the students, faculty and staff of the CUNY Graduate Center have persevered and thrived in a way that can only be described as noble. They have shown what a public institution could be during a period in our history when the utility of anything "public" has been called into question at every turn. My gratitude to the many people who populate an institution that has delivered on its promise to provide both access and excellence in education is therefore immeasurable.

I would first like to thank my many colleagues in the Political Science department who have helped my growth and development as an academic, a teacher, and an activist. Included are the members of the Social and Political Theory Students Association: Jocelyn Boryczka, Joao Freres, Roland Marden, Jennifer Disney, Dorinda Tetens, Effie MacLoughlin, Stephen Pimpare, and the two co-founders of SPTSA who have since moved on to other institutions: Fred Montes and Matthew Moore. I will always remember our SPTSA meetings as times when we pushed one another in our scholarly pursuits in a mutually respectful and collegial way. I also would like to thank the members of Professor Frances Fox Piven's dissertation workshop, all of whom have provided insightful comments on parts of this dissertation over the last year and half: Jennifer Disney, Stephen Pimpare, Victoria Allen, Dot Benz, Allen Beck, Dan Cook, Glen Bibler, and Miriam Jimenez. Our monthly dinner meetings at Professor Piven's apartment will forever be known for their lively discussion, good food, plentiful wine, and overall kindheartedness.

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Professor Polsky's guidance I learned more about how to be a college professor than anywhere else. His course preparation is unimpeachable and his organization is legendary. Since that time, Professor Polsky has become much more than a teaching mentor to me - in short, he has become a role model for how to inspire students and carry out great scholarship at the same time.

Finally, words cannot express the gratitude I feel toward Professor Frances Fox Piven. She is the reason I came to the CUNY Graduate Center in the first place. It is rare that a student is afforded the opportunity to study under someone whose writing had previously transformed his views of politics and society. With the completion of this dissertation that transformation is complete. Professor Piven embodies all that I personally strive for in my professional life: excellent scholarship, care for the development of her students, and incessant activism. If I become half the scholar and activist Professor Piven is, I shall have done myself proud.

On a personal note, I want to thank members of my family for providing me the love and support I needed in order to bring this long journey to an end. I include here a wonderful woman I spent more than 10 years of my life with, for she is like family to me: Gianna Chachere. Gianna stood by me as I struggled through endless days of studying and endless years of the financial poverty only a fellow graduate student would understand. She never asked for anything in return except some time together every once in a while to enjoy one another's company. I simply could not have made it through without her.

I want to thank my big brother Mike and my big sister Terri along with her family, whom I love more than I can sometimes express. I know they perhaps don't always understand what it is I do, but their support has always been there, and they have greeted my achievements with the utmost pride and joy. To my stepfather Louis and his family, I cannot express my gratitude for filling my family's life with happiness when emptiness prevailed. This has made my mother a happy woman - and for this alone I am eternally indebted.

Above all, I want to thank my mother, for without her love, her care, and her support, I would be nothing. She is the strongest person I know. And I define strength as nothing more than courage mixed with intelligence. I will never underestimate the simple urge of a son to make his mother proud of him. My only hope is that I have succeeded. It is for this reason that I dedicate this dissertation and all the years of work that went into it to her.

It was about 14 years ago that a young man, working in the sweltering heat under the Louisiana sky, got the crazy dream in his head of getting his Ph.D. one day. No one in his family ever had, and perhaps no one really expected him to make much of himself. This dissertation is also dedicated to that young man, to the dream he kept alive, and to the perseverance he showed in chasing it down.

Table of Contents

<i>Abstract</i>	<i>iv</i>
<i>Acknowledgements</i>	<i>vi</i>
1. Introduction: Racial Voting Restrictions in the Golden Era of Democracy	1
2. Race, Culture and Development: Review of the Literature	25
3. "They Were Whigs Because Their Fathers Had Been Federalists": Racial Voting Restrictions in New York	53
4. "An Asylum for the Oppressed Sons of Europe": Pennsylvania and the Disenfranchisement of Blacks	102
5. "The Vaunted Superiority of the White Race Imposes Corresponding Duties": The Right to Vote for Blacks in Massachusetts	169
6. "Servility is Not Confined to Color": The Disenfranchisement and Re-enfranchisement of Blacks in Rhode Island	241
7. Conclusion: Race, Party and Discourse in the Antebellum North	303
<i>Bibliography</i>	322

Chapter 1

Introduction: Racial Voting Restrictions in the Golden Era of Democracy

Historians and political scientists combine to posit a compelling narrative about American democracy in the nineteenth century. Broadly stated, the story they tell goes something like this: The United States was the first country to begin to distribute the franchise widely to its citizens. These reforms began at the turn of the nineteenth century and continued throughout the antebellum period.¹ The extension of the franchise was initiated in the "laboratories" of democracy, i.e., at the state level, and was consistent with what one scholar terms the "Jeffersonian espousal of decentralized, comparatively democratic republicanism."² The federal government played virtually no part and was actually pulled along with the sweeping changes occurring in both North and South in the antebellum republic. Whereas most states in the Confederation and Federalist years had some type of property and tax paying qualification for voting, the United States, by the middle decades of the nineteenth century, could boast of achieving what no other country had - universal white male suffrage. As early as the 1830s, Alexis de Tocqueville was reflecting upon the virtues of American "democracy" - a term that the Federalists had derided as dangerous only a generation earlier.³

¹ The first state to modify its voting requirements was Maryland in 1796; the last state to hold some type of property qualification for voting was South Carolina, which continued to do so until 1860.

² Rogers Smith, *Civil Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997), p.170. Smith points out that the federal government was propelled to follow suit with the regulation of the territories. For instance, the Northwest Ordinance placed a freehold requirement for the franchise at 50 acres, which disenfranchised nearly everyone. A similar occurrence took place in Mississippi in 1804 and Illinois in 1809. Eventually, Congress eased the property restrictions and adopted taxpaying and residency requirements.

³ Cf., Madison in *Federalist* 10: "Hence, it is, that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security, or the rights of property; and have in general been as short in their lives, as they have been violent in their deaths."

Historians and political scientists assert, moreover, that this transition “from property to democracy”⁴ in the opening decades of the nineteenth century both prompted and was sustained by further democratic reforms. First came what Ronald Formisano called “the arrival of party” - the creation of a fully functioning, deeply partisan political landscape inhabited by robust mass-based parties.⁵ In turn, the arrival of mass-based parties both prompted and was sustained by the direct and constant participation of masses of people (i.e., white adult males). By the 1840s, four-fifths of those eligible to vote in national elections were going to the polls regularly. That figure would remain more or less constant for the next sixty years.⁶ Thus, the transition from property to democracy, the arrival of party, and the turning out of the multitudes at the polls are all part and parcel of what has been romantically labeled the “Golden Era” of American democracy.

The grand narrative of nineteenth-century American democracy told by historians and political scientists is by and large accurate. Property qualifications were dropped; political parties flourished and dominated patterns of political life; white men exercised their right to vote. But having come this far with the narrative, we can go no further with it in illuminating certain questions that tear at the fabric of American Democracy - questions pertaining to race, citizenship, in short, what W.E.B. DuBois later called the intractable “problem of the color-line.” The narrative of the expansion of American democracy conveyed above, as accurate or inspiring as it may be, tells us nothing about race and democracy at a time when the United States was grappling with the most *undemocratic* aspect of its political system: slavery in the South and the rights of free blacks living in the

⁴ Chilton Williamson, *American Suffrage: From Property to Democracy, 1760-1860* (Princeton: Princeton University Press, 1960).

⁵ Ronald Formisano, *Transformation of Political Culture: Massachusetts Parties, 1790s-1840s* (New York: Oxford University Press, 1983). See also Joel Silbey, “Beyond Realignment and Realignment Theory,” in *Beyond Realignment? Interpreting American Electoral Eras*, ed. Byron Shafer (Madison: University of Wisconsin Press, 1991), p.9.

⁶ Silbey, p.10.

North. From an intellectual perspective, it is an oversight that begs attention. From a political perspective, it betrays the bias of a tradition that fails to take seriously the continuous impact race has on virtually all aspects of American political development.

Beneath the pillars upon which this grand narrative rests we find a more complex story about race and voting in antebellum America, particularly in the North where blacks subsisted somewhere between freedom and bondage. While universal white male suffrage was sweeping across both the Northern and Southern United States in the antebellum period, the franchise was granted to black males on an extremely uneven basis. Some Northern states placed no restrictions on black males,⁷ some placed a property restriction higher for black males than for white males,⁸ and most explicitly restricted the vote to white males either through state constitutional revision or statute.⁹ That these developments were also state-initiated and uneven during a period of uniform expansion in American Democracy is clear. But it demands an explanation. In the broadest sense, that is the subject of this dissertation.

While much has been written on the expansion of the suffrage in the early national period - and to a lesser extent the condition of free blacks in both North and South during this time - a comprehensive attempt to explain the uneven changes in voting restrictions within the larger context of race and American political development has not been

⁷Vermont, Maine, New Hampshire, and Massachusetts made no attempt to restrict the franchise to white males in the antebellum period. See Charles Wesley, "Negro Suffrage in the Period of Constitution-Making, 1787-1865," *Journal of Negro History*, vol. 32, no.2 (1947), p.166. Rhode Island's black population was disenfranchised by statute in 1822 and re-enfranchised by the new Constitution of 1842. See Patrick T. Conley, *Democracy in Decline: Rhode Island's Constitutional Development 1776-1841* (Providence: Rhode Island Historical Society, 1977).

⁸In 1821, the New York State constitution was rewritten to require a two hundred and fifty dollar freehold for black males and a forty dollar freehold for whites. In addition, black males were required to have paid taxes and live in the state for three years, while white males could vote after one year of residence and the payment of taxes or the rendering of highway or military service. Wesley, p.160.

⁹Every other Northern state besides those mentioned above placed some type of racial restriction on voting in the antebellum period. This included existing states such as New Jersey, Connecticut, and Pennsylvania, or states entering the union in this period such as Ohio, Illinois, and Indiana.

undertaken.¹⁰ An abundance of descriptions of the transformation exist.¹¹ But a quick glance reveals that transformations in racial voting restrictions before the Civil War do not fit neatly into most accounts of change and continuity in American politics. I shall come back to these accounts in more detail in the next chapter. For now, it should be noted that disenfranchisement of black Americans was occurring across both time and space in an seemingly haphazard manner for most of the first century of the country's history.¹² It spanned the years of the Federalist regime, the Jeffersonian Republicans, Jacksonian Democracy, the rise and demise of the Whig Party, the formation of the Republican Party, and the onset of the Civil War. Racial disenfranchisement even occurred during Reconstruction all the way up to the eve of the ratification of the Fifteenth Amendment in 1870. Disenfranchisement was not necessarily confined to any one section of the country, nor was it exactly uniform in the way it was applied in each section of the country. Finally, when we consider those cases where no racial disenfranchisement was enacted at all, we are left with a number of pieces to a puzzle that requires solving.

I intend to advance a theoretical framework for understanding the problem of racial voting restrictions during the Golden Era of Democracy. The issue of racial voting restrictions opens a window upon the larger dynamic of citizenship and racial conflict in the formative years of the American republic. It allows us to highlight the interaction of race, class, political culture, and the development of institutions at a critical juncture in U.S. history. We need to take note of the fact that the United States was forming its identity as a

¹⁰ On the expansion of the suffrage in the United States, see, e.g., Williamson and Smith, *op. cit.* The seminal work on conditions for blacks in the antebellum North remains Leon Litwack's *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago: University of Chicago Press, 1961).

¹¹ See for instance, Charles Wesley, "Negro Suffrage in the Period of Constitution-Making, 1787-1865," *op. cit.*, or Leon Litwack's *North of Slavery, op. cit.* Litwack contends that his account of racial politics in the North seeks to balance the economic argument with ideological and cultural arguments. I would add that all of these need to be balanced with an institutional argument, which is the framework I set out to define here.

¹² Of course this refers to free blacks only.

new nation at the same time it was greatly expanding its national borders. These developments occurred along several tracks at once. Over the course of the late eighteenth and early nineteenth centuries, the United States became what Lincoln would later describe as "a house divided against itself" - a country half slave and half free. Yet, the backdrop to the simmering racial conflict was the "democratic" push toward universal white male suffrage alluded to above. On the face of it, the move from property to democracy, the arrival of party, and the enhanced levels of voter turnout in the antebellum republic all seem to bear little direct significance on questions concerning race. But as I hope to show, the connection is both real and significant. While many have attached both the expansion of the suffrage and the institutionalization of racial hierarchies to the rise of Jacksonian Democracy in the second party era, we shall see that racial restrictions on voting began well before this transformation was underway. Thus, the connection between the expansion of American Democracy and the institutionalization of racial voting restrictions needs to be revisited and explored further.

Understanding the dynamics of race and voting restrictions in the antebellum North may also help us to better understand and unearth patterns of change and development over time. The changes outlined above occurred during what has been called the "springtime of American federalism" - i.e., when the United States government was state-centered. "Under the constitutional system as it then existed," write Leonard Levy and Alfred Young, "the states had virtually exclusive jurisdiction over almost all matters of concern to the average citizen."¹³ Certainly the extension of the franchise was one of these matters of concern. The question for us to consider is the relationship between racial conflict and a state-centered approach to American federalism. This strikes me as significant today as we enter into

¹³ Foreword to Merrill Peterson, ed., *Democracy, Liberty, and Property: The State Constitutional Conventions of the 1820s* (New York: Bobbs-Merrill Company, 1966), p.v.

another period that has been characterized by states' rights federalism, as more attention is paid to state policy within the larger scope of domestic politics.¹⁴ At base is the question of whether the states are the true "laboratories" of American Democracy when it comes to race matters. If this study seeks clarification on the complex reality of race in the United States in the past, it nevertheless does so cognizant of the fact that this past serves as prologue to the realities of racial conflict in the present and its prospective impact in the future.

Similarly, the present study allows us to explore the relationship between race and electoral politics over time - more specifically, the interaction of racial conflict and patterns of political party development in different periods of U.S. history. Is there a connection between party eras, partisan coalition formation, and racial conflict? How does race impact upon party competition, and how does party competition impact upon race? A detailed study presents the discipline not only with a more complete and accurate account of the antebellum republic, but also a foundation upon which to build a theoretical framework for the study of the interaction of race and party over the sweep of U.S. history.

The framework put forth here for explaining racial voting restrictions in the antebellum North brings together socio-economic, ideological, and institutional arguments about racial conflict. It addresses these issues through four case studies - four states, all in the North, all with different outcomes with respect to racial voting restrictions: New York, which placed a \$250 property qualification on black males at the same time it dropped property qualifications for white males (1821); Pennsylvania, which disenfranchised black males completely (1838); Massachusetts, which enfranchised black males in the early 1780s

¹⁴ Recent Congressional action such as the overhaul of the welfare system in 1996 is evidence of the "devolution" of power to the states. But the most significant move toward states' rights federalism has come in Supreme Court decisions in the last 3 years, most notably a series of decisions handed down this summer granting states immunity from private law suits in federal courts. See *Alden v. Maine*, *Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank*, *College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board*, 67 U.S. Law Week 4536.

and never denied them that right; and Rhode Island, which disenfranchised black males by state statute (1822) and re-enfranchised them in the wake of the Dorr War (1843).

The main argument of this dissertation is that racial voting restrictions across state lines, despite the different outcomes, can be understood by accounting for three overarching factors: how racial conflict is structured through socio-economic competition; how partisan competition is structured by racial cleavages; and how racial coalition formation is structured through a racialized discourse - what I will call *race culture*. *I argue that racial voting restrictions in the Northern states occurred when racial conflict took place as an outgrowth of rapid socio-economic and demographic change; when political actors seeking electoral advantage were in a position to successfully prey upon this racial conflict by arousing newly enfranchised white (ethnic) voters; and when an ascriptive race culture became the dominant racial paradigm for understanding citizenship rights.*

The Contours of Citizenship for Blacks in the Antebellum North

Before I go on to elaborate on these points, how they interact, the terms they engender, and the overall theoretical approach I will employ in pursuing my objectives, I need to contextualize my four case studies within larger developments in the antebellum North. When Alexis de Tocqueville visited America in the early 1830s, he observed that "the prejudice of race appears 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."¹⁵ Without any federal guarantee of life or liberty, Northern blacks were left to the mercy of state politics. Consequently, the conditions for blacks in Northern states varied tremendously - from near-full citizenship rights in Massachusetts, to quasi-

¹⁵ Alexis de Tocqueville, *Democracy in America* (New York: 1945), vol. I, 359-60.

citizenship and quasi-freedom in New York and Pennsylvania, to attempted expulsion in Ohio. As the noted historian Charles Wesley put it, blacks living in the North were always somewhere "between freedom and bondage." If conditions for blacks were not the same across Northern states throughout the antebellum period, neither were they the same *within* Northern states over the course of the antebellum period. Each state underwent its own changes and development on race in the period from the Founding to the Civil War. This is not to suggest that the changes and development were random, haphazard, or unintelligible. On the contrary, I will argue that in fact the development of each state was highly structured. Explaining that path of development within each state is thus crucial and a significant object of this dissertation.

I focus on three larger patterns of development in each state: the ideological; the socio-economic; and the institutional (partisan/electoral). All were essential in structuring racial conflict in the antebellum North. And each provides a certain context within which to understand the specific changes undergone by each of the states I look at.

Race, Ideology, and Race Culture. The ideological and discursive origins of the Revolution unleashed tremendous political forces that had consequences unintended by Revolutionary leaders. One was the degree to which the natural rights rhetoric of the Revolution would be used successfully to justify the abolition of slavery. Revolutionary leaders could not make the case credibly that all human beings were by nature free and equal while continuing to hold nearly three quarters of a million persons of African descent in bondage. Put another way, these early abolitionists argued that the American social contract could not legitimately (i.e., morally) be founded upon what Charles Mills called a "racial contract."¹⁶ However, efforts to write a more racially inclusive social

¹⁶ Charles Mills, *The Racial Contract* (Ithaca: Cornell University Press, 1997).

contract during the Revolutionary Era met with limited success. Most northern states enacted gradual abolition laws in the wake of the Revolution, while some individual slaveholders in the South emancipated their slaves voluntarily. While some Northern states granted blacks certain rights, in others they languished between freedom and slavery.

Despite the ambiguous status of citizenship for blacks at the time of the Founding and its aftermath across the North, the Revolutionary Era marks a significant point in the transformation of racial ideology in the United States. Winthrop Jordan touches upon this transformation in his monumental work *White Over Black*. Jordan argues that "no line of reasoning...could have better typified the changed pattern of thought in the Revolutionary era" than "the flowering of environmentalism."¹⁷ Environmentalist thinking "presupposed that the differences among men were circumstantial, that they were alterable, and that the core of human nature was everywhere, as Benjamin Rush put it, 'the same'."¹⁸ If inequality existed, it was due to the political and social milieu within which men interacted. Environmentalism formed the basis for the ideological protests against slavery that emerged full force in the second half of the eighteenth century throughout the British colonies. At the same time natural rights theory argued for the end to British colonialism, it was being used to argue *against* the very idea that blackness justified slavery. The early abolitionists could not defend the color of the slave; but as Jordan puts it, they found that they "had to defend his character" by arguing that immorality and ignorance was the result rather than the cause of enslavement.¹⁹

¹⁷ Winthrop Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-812* (Chapel Hill: North Carolina Press, 1968), p.287.

¹⁸ *Ibid.*, p.289.

¹⁹ *Ibid.*, p.281.

Environmentalism flowered across the American colonies in the 1760s and 1770s. Jordan is right to assert, first, that environmentalism was characteristic of Enlightenment thinking about human differences and, second, that it shaped the ideological justifications for the end to slavery during the Revolution. I agree that environmentalism formed the logic to the dominant racial ideology in the last quarter of the eighteenth century. But there is more to this dominant racial ideology than Jordan's concept of "environmentalism" allows for. While Revolutionary leaders made the case that skin color did not determine one's destiny, neither were they completely convinced that blacks and whites were perfectly "equal" and could thereby co-exist in a bi-racial society. The ambivalence of Revolutionary leaders across the states on this point is made evident throughout chapters 3-6. For now, it should be noted white Revolutionary leaders sought a way around the gross inequalities between the races by preaching an uplift ideology whereby blacks could be "taught" the virtues of citizenship. The implication, of course, is that it was up to whites to do the teaching. Hence, there is an underside to Jordan's environmentalism which I suggest goes to the heart of the dominant white attitudes and beliefs circulating at the time. I call this set of attitudes and beliefs the *race culture of paternalism* or *racial paternalism*. At its base, racial paternalism held that mental, moral and psychological characteristics were the result of the environment. But these characteristics were to be overcome only under the watchful gaze of paternalistic whites. As we shall see, equality between the races, if it existed, was premised on the notion that blacks could be lifted from of their degraded condition if they were treated - in most respects - as children.

Racial paternalism dominated Revolutionary thinking on race and persisted in various states throughout the antebellum North, as I shall show. In chapter 2 I develop the concept of racial paternalism in detail with the intent of distinguishing it from common

understandings of "political culture" which, I argue, fail to accurately capture racial attitudes and beliefs. If racial paternalism dominated Revolutionary thinking on race, by no means was it omnipresent. In fact, Jordan argues that the environmentalist philosophy was beginning to erode by the first decade of the nineteenth century. George Frederickson picks up on this point and contends that, by the 1820s, another set of racial attitudes had taken hold premised on ascribed differences and "scientific" explanations of race.²⁰ Inequality and low moral and mental capacity were not due to environmental factors, but rather to the moral and intellectual inferiority of blacks to whites. I contend that this set of racial attitudes, which I call *the race culture of ascriptivism* or *racial ascriptivism* was also circulating at the time of the Revolution - though by no means did it have its origins in the Revolution. Indeed, Racial ascriptivism provided the ideological justifications for the institutionalization of hereditary, lifetime African slavery in the mid-to-late seventeenth century. During the Revolutionary Era, however, racial ascriptivism receded but did not disappear. Duncan Macleod makes the case that developments during the Revolutionary Era prompted the reemergence of arguments about racial hierarchy (what I call racial ascriptivism) as the South felt the need to justify the continuation and perpetuation of slavery.²¹ In the North, these arguments were used to justify the denial of the rights of citizenship to blacks. I argue that, throughout the antebellum North, racial ascriptivism competed with racial paternalism as the dominant paradigm in explaining and justifying arguments about race and citizenship. I also develop in more detail the concept racial ascriptivism in chapter 2.

²⁰ George Frederickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914* (New York: Harper and Row, 1971), p.2.

²¹ See his "Toward Caste," in *Slavery and Freedom in the Age of the American Revolution*, edited by Ira Berlin and Ronald Hoffman (Charlottesville, Va.: United States Capitol Historical Society, 1983), p.230.

From an ideological or cultural standpoint, then, racial paternalism and racial ascriptivism structured the thinking on race throughout the antebellum North by forming its boundary conditions. As we shall see, paternalistic or ascriptive arguments were put forth to justify political actions - in this case, the enfranchisement or disenfranchisement of blacks. These two race cultures were in place at the time of the Revolution and continued to frame the discursive development in each of the states discussed study here.

Demographics, Socio-Economic Competition and Racial Conflict. The first federal Census taken in 1790 revealed that about 66,000 out of 757,000 all blacks lived in Northern states - or roughly 8% of the black population. A total of 59,553 free blacks lived in the entire United States, with nearly 60% of them (approximately 34,000) living in the South.²² By 1800 the free black population in the United States nearly doubled to 110,000. Over the course of the opening decades of the nineteenth century, the percentage of blacks living in the Northern states increased dramatically. Manumitted slaves were moving to the North, fugitive slaves were fleeing to the North, and the abolition of slavery was taking hold throughout the North. All worked to further increase the free black population there. In the case of New York, for example, manumission played the largest role. An act was passed in New York in 1799 providing for the manumission of black males at the age of 28 and black females at the age of 25. At the time black males could vote if they owned a freehold of twenty pounds value or if they rented a tenement of the annual fee of forty shillings.²³ In a twenty-year period, the number of slaves in New York decreased from 20,613 in 1800 to 10,046 in 1820.²⁴ By 1840, there were but 4 slaves in the entire state.

²² U. S. Bureau of the Census, *Negro Population, 1790-1915*, p.55.

²³ Wesley, "Negro Suffrage in 1787-1865," p.155.

²⁴ *Census of State of New York for 1855*, viii and xi.

However, while the number of blacks in the North increased in this time period, it is important to note that *the density of blacks in the overall population did not*. In most cases black density either remained stable or decreased throughout the antebellum period. The following tables detail the percentage of blacks in the population by region of the country and by selected Northern states:

TABLE 1.1:
PERCENTAGES OF BLACKS IN THE POPULATION BY
REGION, 1790-1850²⁵

<i>Region</i>	<i>1790</i>	<i>1800</i>	<i>1810</i>	<i>1820</i>	<i>1830</i>	<i>1840</i>	<i>1850</i>
(United States)	19.3%	18.9%	19.0%	18.4%	18.1%	16.8%	15.7%
New England	1.7%	1.5%	1.4%	1.3%	1.1%	1.0%	.8%
Middle Atlantic	5.3%	4.6%	4.1%	3.3%	2.9%	2.6%	2.1%
East North Central	-----	1.2%	1.3%	1.0%	1.1%	1.0%	1.0%
West North Central	-----	-----	17.4%	15.9%	18.3%	15.6%	13.2%

²⁵ U.S. Census Bureau, *Negro Population, 1790-1815*, p.51.

TABLE 1.2:
PERCENTAGE OF POPULATION OF BLACKS BY
STATES, 1790-1850²⁶

<i>State</i>	<i>1790</i>	<i>1800</i>	<i>1810</i>	<i>1820</i>	<i>1830</i>	<i>1840</i>	<i>1850</i>
Massachusetts	1.4%	1.5%	1.4%	1.3%	1.2%	1.1%	.9%
Rhode Island	6.3%	5.3%	4.8%	4.3%	3.7%	3.0%	2.5%
New York	7.6%	5.3%	4.2%	2.9%	2.3%	2.1%	1.6%
Connecticut	2.3%	2.5%	2.6%	2.9%	2.7%	2.6%	2.1%
New Jersey	7.7%	8.0%	7.6%	7.2%	6.4%	5.8%	4.9%
Pennsylvania	2.4%	2.7%	2.9%	2.9%	2.8%	2.8%	2.8%

The tables above indicate that, while different regions and states of the North contained a variance of black densities at the time of the first Census, all of the regions and nearly all of the states highlighted here witnessed declines in black density in the population during the antebellum period. Only Pennsylvania's black density increased - though very slightly. Most of this decline can be attributed to the immigration of ethnic whites in the first half of the nineteenth century into some of the major Northern urban centers such as New York City, Philadelphia, Boston and Providence.

These numbers are significant because they tell us that the influx of blacks into Northern states in the opening decades of the nineteenth century combined with gradual abolition within certain states did not significantly change the racial make-up of those states or the region of the country as a whole. Thus, in terms of what Rodney Hero calls "social

²⁶ *Ibid.*, p.51.

diversity,"²⁷ the North changed ethnically perhaps, but not racially. But the racial and ethnic makeup, along with rapid economic changes in each state, bear heavily on the outcome of black disenfranchisement.

In the wake of the Revolutionary War, most northern states passed gradual abolition laws, referred to as *post nati* statutes. The deliberate nature of emancipation in the post-Revolutionary period took place against a backdrop of tremendous social and economic change in the North. As Ira Katznelson points out in *City Trenches*, those states with port cities underwent the transition from an agrarian and/or mercantile economy to one based largely on manufacturing.²⁸ At the same time, immigration was altering the ethnic makeup of many northern states. By the opening decade of the nineteenth century, for example, New York and Pennsylvania had witnessed a significant influx of immigrants, particularly of Irish descent. By contrast, visible levels of immigration were delayed for several decades in the other two states under study here, Rhode Island and Massachusetts. The timing of immigration played a large role in the levels of racial animosity in each of these states, as we shall see.

After emancipation, blacks were faced with the difficult task of freeing themselves from dependency and providing the economic means of sustenance. As free blacks moved out of their former master's households and into their own communities, they found work anywhere they could. Many times they were shut out of certain occupational opportunities. Many times they were forced into others. Most of the time, however, they competed on the lowest rung of the economic ladder with poor whites, many of whom were themselves recent immigrants. Socio-economic competition thus caused racial tensions in those areas

²⁷ Rodney Hero, *Faces of Inequality: Social Diversity in American Politics* (New York: Oxford University Press, 1998).

²⁸ See *City Trenches: Urban Politics and the Patterning of Class in the United States* (New York: Pantheon Books, 1981), ch. 3.

where urbanization, immigration, and industrialization took hold quickly. The larger the number of free blacks in a particular state, the more they were perceived to be an economic threat and hence the more resentment they faced. Similarly, the more pronounced immigration, urbanization and industrialization, the greater the likelihood that racial animosities would flare up.

By the early decades of the nineteenth century all across the North, socio-economic forces combined to structure racial conflict. Race and class combined and, as we shall see, produced volatile clashes. This dynamic also helped to perpetuate existing racial stereotypes amongst the white working classes and political elites. In this sense, my arguments here mirror those of scholars who focus on the social (and socio-economic) construction of race.²⁹ The "white republic" ideology was fueled by the concept of white egalitarianism, and a coalition formed and united in its animosity against blacks and those who would protect black interests. Thus, if racial conflict was structured through socioeconomic competition, it was expressed through the discursive means available to agents, i.e., *it was expressed through racial ascriptivism*.

Neo-Marxist and new labor history perspectives have gone a long way in helping us understand that the working classes are historical actors who "make (constrained) choices and create their own cultural forms."³⁰ In a word, scholars writing in such frameworks have written history "from the bottom up." At the same time, I agree with Roediger that these scholars have also failed to fully realize the role working classes play in the social construction of race and concepts of "whiteness."³¹ We shall see that, indeed, many

²⁹ See for instance, David Roediger, *The Wages of Whiteness* (New York: Verso Press, 1991).

³⁰ *Ibid.*, p.9.

³¹ See David Roediger, "Labor in White Skin: Race and Working Class History," in Mike Davis and Michael Sprinker, eds., *Reshaping the US Left: Popular Struggles in the 1980s* (London: Verso, 1988), pp.287-308.

immigrants became "white" in the opening decades of the nineteenth century. Their whiteness was a product born of the racial and economic conflict of which they were part. But it also needed to find expression and get channeled through institutional means.

In other words, it needed to become part of a larger narrative constructed around the working classes of which they were of a piece, on the one hand, and located in a specific form of institutional patterning, on the other. Thus, while the working classes are "agents" of history and play a role in the construction of racial identity, leaving the analysis of history at the "bottom" ignores the role that elites play in the construction of that narrative and the form the institutional patterning will take. Writing in a different context, Piven and Cloward understand this point intuitively when they assert, "just as political leaders play an influential role in stimulating mass arousal, so do they play an important role in shaping the demands of the aroused."³² If racial conflict "aroused" white working classes in the early nineteenth century, political leaders played an influential role in both stimulating that arousal and shaping the direction that it took.

Race, Narrative, and Partisan Coalition Formation. As Piven and Cloward also point out, the principal structuring institution of political conflict in the United States is the electoral-representative system.³³ Here I must return for a moment to the grand narrative of American Democracy and the broad contours of political development which took shape in the nineteenth century. As property qualifications were dropped and mass-based political parties sprang up, political life became increasingly structured through partisanship and the electoral-representative system. Aldrich has shown that political parties - in this case, the mass-based political parties that appeared by the 1830s - were creatures of ambitious office

³² Frances Fox Piven and Richard Cloward, *Poor People's Movements: How they Succeed, Why They Fail* (New York: Pantheon Books, 1971), p.17.

³³ *Ibid.*, p.15.

holders and office seekers who turned to parties to achieve their long-term goals and objectives.³⁴ Politicians such as Martin Van Buren saw the benefit of parties in the overall twin goals of organizing voters to gain office and organizing the government once elected. Van Buren and other political actors then set about creating a durable voting coalition to sustain an electoral majority. In order to win office, political leaders needed to create voting majorities; in order create voting majorities, political leaders had to construct narratives that swayed voters to their side. In short, political leaders had to tell voters how the world worked and what place they (the voters) inhabited in that world.

This is not to suggest that political leaders did not use other methods at their disposal in seeking electoral majorities. Piven and Cloward assert that high voter turnout in the Jacksonian era was premised to a large degree on clientelist politics - i.e., the patronage system.³⁵ At other times in history, political leaders have turned to fraud and the threat of violence to achieve their objectives. My point, though, is that the use of discourse and narrative is an important tool in partisan coalition formation which can be used by political actors to compliment patronage and other levers of the political machinery- even fraud and violence.

As the United States transitioned from the first party era to the second party era, and as political parties expanded from parties-in-government to include masses of voters and complex organizations at the local, state, and national level, the tools which political actors used to organize electoral majorities also expanded. I would argue that, with the onset of the mass-party era, discourse and narrative became a more vital means by which political actors sought to organize and then capture a majority of the electorate. It is no coincidence that

³⁴ John Aldrich, *Why Parties?* (Chicago: University of Chicago Press, 1995), especially chapter 4.

³⁵ Frances Fox Piven and Richard Cloward, *Why Americans Still Don't Vote - And Why Politicians Want it That Way* (Boston: Beacon Press, 2000), p.51.

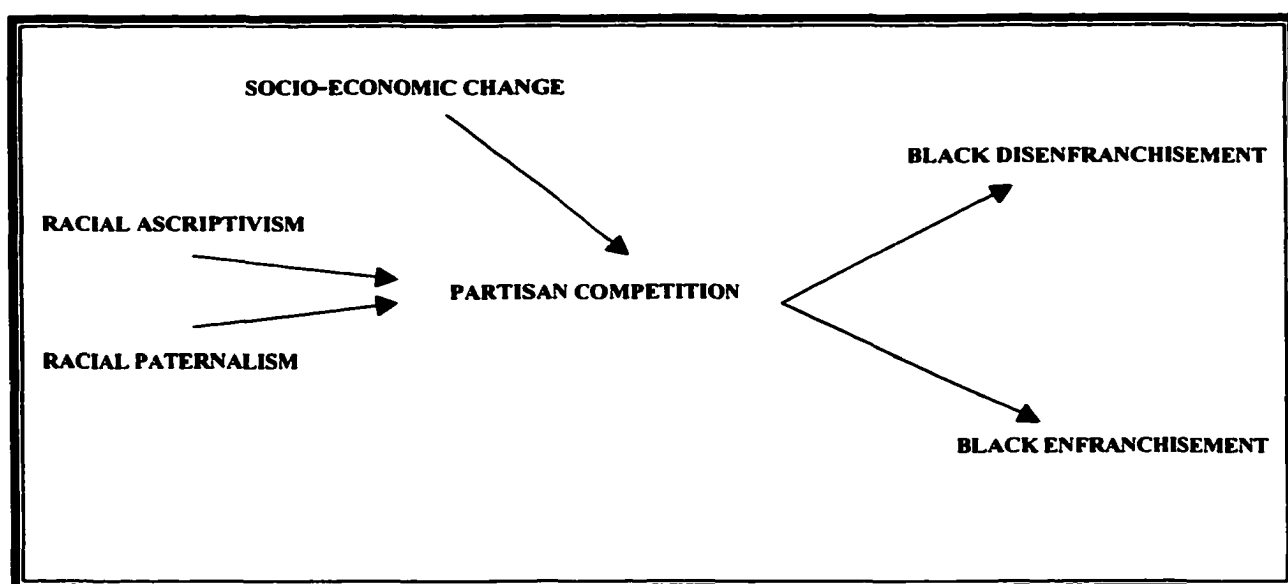
certain fundamental aspects that we equate with political parties today such as the dissemination of party platforms appear at the moment the mass political party comes into existence. For party platforms are nothing more than narratives meant to structure the electoral universe, to say something about how that universe works, and why the political party in question should be put in power to guarantee that that universe will continue to work that way. This is another way of suggesting the importance of narrative in partisan coalition formation - but more importantly its heightened significance in all the developments we equate with growth and development of political parties in the nineteenth century: the expanded electorate, the creation and sustenance of mass-based parties; the continuation of high levels of voter turnout.

As I will show in chapters 3-6, race plays an important role in the development of the political parties in each of the states I analyze. In New York, for example, race plays a key role in partisan conflict as early as 1800 and is brought to a resolution at the tail end of the first party era. In Pennsylvania, it becomes the main sticking point in a state constitutional convention after it appears that blacks tilted an election to a Whig candidate in the late 1830s. In Rhode Island, racial animosity divides Thomas Dorr's populist movement in the early 1840s. Massachusetts never denied blacks the right to vote in the antebellum period, and I show in chapter 5 that it was mainly due to the strength of racial paternalism in the first and second party era which was left undisturbed by partisan competition on the one hand and the relatively little amount of demographic change on the other. Notwithstanding, these different outcomes, racial conflict was structured through partisan competition and served to consolidate the formation of coalitional arrangements in each of the states.

Arguments and Methods

As stated above, this dissertation argues that racial voting restrictions in the Northern states occurred when racial conflict took place as an outgrowth of rapid socio-economic and demographic change; when political actors seeking electoral advantage were in a position to successfully prey upon this racial conflict by arousing newly enfranchised white (ethnic) voters; and when an ascriptive race culture became the dominant racial paradigm for understanding citizenship rights. Figure 1 below sketches out the interaction of the variables and the direction of impact of each.

FIGURE 1.1



We should assume that the movement from left to right in Figure 1.1 is also a movement in time from the Revolutionary Era forward in the antebellum North. In the model above, race culture forms the static boundary conditions through which racial conflict was played out in each state. Electoral partisanship and socio-economic competition are the dynamic variables in the model. At the time of the Founding, racial paternalism was the dominant race culture, while racial ascriptivism was subordinate. The socio-economic

changes in the opening decades of the nineteenth century impacted upon partisan competition. Partisanship served to produce the outcome of either racial enfranchisement or racial disenfranchisement.

The outcome of racial voting restrictions in each state depended on whether racial ascriptivism or racial paternalism became the dominant race culture in the state, which was itself dependent upon partisanship. In turn, the levels of partisanship were framed by the competing race cultures and dependent upon the socio-economic factors each state underwent.

The dissertation proceeds as follows. Chapter 2 reviews relevant literature on race and the two main theoretical frameworks I am engaging. The first part considers the place of race within American political culture. There I contend that the term "political culture" does not get us very far in understanding racial attitudes and beliefs in the antebellum North. Instead, I argue that we need to frame a discourse about race within the context of what I have called race culture. The two race cultures - racial paternalism and racial ascriptivism - offered very different visions of the place of blacks within the overall citizenry. The second part looks at race within accounts of institutional change and American political development. My intent is to show the difficulty of situating racial voting restrictions in the antebellum North within existing explanations of American political development. Without a clear pattern of national development on the issue of racial voting restrictions, I argue we must look at particular states, party competition within those states, and the use of narrative by political actors for partisan advantage. We also need to take into account the ability of blacks and abolitionists to mobilize in response increasing racially restrictive policies.

Chapters 3 through 6 present the case studies. Chapter 3 addresses the case of New York. A property qualification of \$250 was placed on blacks during the Constitutional Convention of 1821 - at the very moment property qualifications were dropped for whites. I argue that the property qualification was a product of the attempts by Martin Van Buren's Bucktail Republicans to gain partisan advantage over what was left of the Federalist Party and consolidate political power in the state. Blacks had voted loyally with the Federalists since the turn of the century. Van Buren and his allies perceived the threat and moved to disenfranchise blacks completely. However, the Federalist delegates in the convention of 1821 would not allow complete disenfranchisement. Thus, a compromise was struck - but one that was struck on racially ascriptive grounds. By the 1820s, racial ascriptivism had replaced paternalism as the dominant race culture in the state.

Chapter 4 looks at Pennsylvania. Of all the states analyzed here, the transformation of Pennsylvania is perhaps the most dramatic. Founded upon the ideology of Quakerism, Pennsylvania was one of the most racially liberal colonies during the middle decades of the eighteenth century. The early abolitionist movement was stronger there than anywhere else in the North. During the Revolutionary Era, it was one of the first states to abolish slavery and grant blacks the right to vote. However, over the course of the next half-century, it became one of the most racially restrictive states in the North. I argue that heavy immigration by the Irish and the migration of blacks into the state by the opening decades of the nineteenth century played a large role in the transition from a paternalistic race culture to an ascriptive one. Yet, as bad as social conditions became for blacks, they were still allowed to vote in the 1830s. All of this changed when a few black votes helped a Whig candidate defeat a Democrat for county office. During the constitutional convention of 1837, blacks were written out of the electorate as Democrats sought to gain electoral advantage. By the

late 1830s, Pennsylvania had completed its peculiar journey from racial paternalism to a "white man's republic."

Chapter 5 addresses Massachusetts. Blacks were granted the right to vote in Massachusetts by constitutional interpretation in the early 1780s and never denied that right. During the first party era, political leaders of both parties were decidedly paternalistic in their racial views. Furthermore, Massachusetts did not experience either the heavy influx of immigrants or free blacks in the opening decades of the nineteenth century. Thus, racial conflict did not materialize due to socio-economic factors to the extent that it did in New York and Pennsylvania. As Massachusetts entered the second party era, it remained racially paternalistic. I argue that the advent of abolitionism in the state in the 1830s furthered the effects of the paternalistic race culture for the remainder of the antebellum period. It is telling that in Massachusetts the rights of blacks were expanded greatly from the 1830s up to the Civil War.

Chapter 6 addresses the case of Rhode Island and the re-enfranchisement of blacks in the wake of the Dorr War. Rhode Island was the only state in which blacks gained the right to vote after being denied that right. Disenfranchisement occurred by state statute in 1822. By then racial ascriptivism had become dominant as the state's small black population endured economic hardship and social ostracization. However, within two decades the black community had earned a modicum of respectability and had amassed a considerable amount of wealth. Thus, when Thomas Dorr and his suffrage followers moved to first institute a new constitution and then take over the government by arms, blacks had become part of the political equation. Initially they were aligned with Dorr and the suffrage association. But against Dorr's own inclinations and urgings, the suffrage movement succumbed to ascriptivism. In response, the black community in Rhode Island - with the help of

abolitionists - aligned themselves with the Law and Order Party. Blacks displayed both their loyalty and their "worthiness" of citizenship by protecting the streets of Providence during the Dorr Conflict. As a reward, the Law and Order Party granted blacks the right to vote - a right which blacks enjoyed in Rhode Island for the remainder of the antebellum period.

In Chapter 7, I conclude by returning to the intractability of the color-line in the antebellum North. I do so by stepping back and discussing race, discourse, and party across the North before the Civil War. The discussion there focuses in a general way on the three main themes that this dissertation addresses with respect to race: the socio-economic structuring of racial conflict, the racial structuring of partisan competition, and the discursive structuring of racial coalition formation.

Chapter 2

Race, Culture and Development: Review of the Literature

These two races are fastened to each other without intermingling; and they are unable to separate entirely or to combine. The most formidable of all ills that threaten the future of the Union arises from the presence of a black population upon its territory; and in contemplating the causes of present embarrassments, or of future dangers in the United States, the observer is invariably led to this as a primary fact.¹

Traveling across the United States in the 1830s, Alexis de Tocqueville went in search of what writers before and since have struggled to find: the distinctive or "exceptional" quality of American Democracy. What set Americans apart, Tocqueville contended, was the basic equality of social condition that Americans enjoyed. Yet, the exception Tocqueville took to his own formula has often been overlooked - particularly by scholars who may be grouped within what Katznelson calls the "national character tradition."² As early as the 1830s, the unique feature of the black experience in the United States - politically, economically, culturally - had come into such sharp focus that Tocqueville believed the white and black races incapable of complete integration or, for that matter, complete separation. "If I were called upon to predict the future," he wrote, "I should say that the abolition of slavery will, in the common course of things, increase the repugnance of the white population for the blacks. The danger of a conflict between the white and the black inhabitants perpetually haunts the imagination of the Americans, like a painful dream."³

¹ Tocqueville, *Democracy in America*, vol. I (New York: Alfred A. Knopf, 1948), p.356.

² See Ira Katznelson, *City Trenches: Urban Political and the Patterning of Class in the United States* (New York: Pantheon Books, 1981), ch.1. There Katznelson provides a thorough review of the various strains of the American Exceptionalist argument.

³ *Democracy in America*, p.375.

History bears out Tocqueville's admonitions. Racial conflict has been one of the most enduring features in U.S. politics. And many have concluded with Gunnar Myrdal that it is the major American "dilemma." Consideration of this fact should then lead us to ponder more carefully the role race has played in explanations of continuity and change in American politics. This chapter surveys these explanations and seeks to situate this study within that literature.

Continuity: Race, Political Culture, and Race Culture

If in fact racial conflict has been one of the enduring features of the American political landscape, it seems self-evident that we need to situate race within some type analysis of political culture. For proponents of arguments about political culture assert that certain sets of values and orientations endure over time, and that political processes and outcomes can be delimited by the "boundary conditions" of political values and orientations. Borrowing from John Stuart Mill, Ronald Formisano defines political culture this way:

"Political culture" refers to all those parts of a culture which are political, but it means especially those aspects of political life that are "obvious and universal facts which," as John Stuart Mill once said, "every one sees and no one is astonished at, [and] it seldom occurs to any one to place upon record"...While political culture can thus be expressed quite tangibly, it is revealed best in the "taken-for-granted." ⁴

A study of what is "taken-for-granted" in U.S. politics would not only include an analysis of both the persistence of racial conflict in U.S. history and political culture, but would also seek to combine them in some integral fashion. The two naturally go hand in hand.

⁴ *Transformation of Political Culture: Massachusetts Parties, 1790s-1840s* (New York: Oxford University Press, 1983), p.4.

But we arrive at another dilemma when we attempt to fit race within traditional interpretations of political culture. This dilemma can be traced at least as far back as the writings of Jefferson, whose ambiguity on the questions of race and political culture is manifested clearly in the contradictions of his thinking. Jefferson was able to pen the soaring words of the Declaration of Independence, only to write less than a decade later in his *Notes on the State of Virginia* that "I advance it as therefore as a suspicion only, that blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to whites in the endowments both of body and mind...This unfortunate difference of colour, and perhaps of faculty, is a powerful obstacle to the emancipation of these people."⁵ Thus, Jefferson set the tone for the place of race in American political culture by giving us two opposing views on the issue. Jennifer Hochschild sums up the dilemma by calling these two opposing views the Anomaly Thesis and the Symbiosis Thesis.⁶

The Anomaly Thesis holds that racism is anomalous to the principles of American liberal democracy. Racial hierarchies and racism never were nor ever should be part of a liberal American Creed that promotes the values of liberty, equality, individualism, and democracy. It is akin to weeds in a garden, and it is only through eradicating this pesky entity that the garden of American democracy can grow to its full potential. By contrast, the Symbiosis Thesis rests on the assumption that racism is every bit an ingredient of the American political culture as those lofty ideals of the American Creed. Racism is not only part of the American Creed; it is also part of the larger thought of the Enlightenment from which the American Creed was born. The notion of universal equality that lay at the foundation of Enlightenment political thought actually rested on the idea that innate

⁵ *Notes on the State of Virginia* (Chapel Hill: University of North Carolina Press, 1955), p.143.

⁶ Hochschild, *The New American Dilemma: Liberal Democracy and Social Segregation* (Princeton: Princeton University Press, 1984).

differences existed between races and cultures. In short, universal equality existed only among those of a certain race or stock of people, not between those of a certain race or stock of people and others. Thus, the Symbiosis Thesis asserts that the tenets of a liberal society can only be maintained if there is one racial/ethnic group which maintains its superiority over other racial/ethnic groups. Or to return to our analogy above, the soil in the garden of American democracy itself is tainted with racism. Most accounts of the place of race in American political culture can be placed within either of the two Theses.

On the Anomaly Thesis side stand proponents of the liberal "consensus" tradition, such as Hartz, Myrdal, and to an extent Tocqueville.⁷ All of these thinkers found it difficult to square the American commitment to equality of social conditions (Tocqueville's term) with practices of racial discrimination. Also grouped into the Anomaly Thesis camp, though for different reasons, are the proponents of the republican tradition in American political culture such as Bailyn, Wood and Pocock.⁸ In their own ways, these thinkers put forth the assertion that racist practices and racial hierarchies are incompatible with the core beliefs found at the heart of Revolutionary ideology. Whether it is the Lockean liberalism of Hartz or the natural rights philosophy and civic republicanism of the revolutionary generation explored by Wood and Bailyn, racial hierarchies have no place in these political beliefs.⁹

⁷ Hartz, *The Liberal Tradition in America* (1955); Myrdal, *An American Dilemma* (1944); Tocqueville, *Democracy in America* (1969).

⁸ Bernard Bailyn, *Ideological Origins of the American Revolution* (1967); Gordon Wood, *Race, Reform, and Rebellion* (1990) J.G.A. Pocock, *Machiavellian Moment* (1975).

⁹ It should be noted that this list of thinkers is not exhaustive. Even Frederick Douglass and Martin Luther King can be placed in the Anomaly Thesis camp. Douglass exemplified the Anomaly Thesis as clearly as anyone when he gave his famous Fourth of July speech in Rochester, New York in 1852: "Americans! Your republican politics, not less than your republican religion, are flagrantly inconsistent. You boast of your love of liberty, your superior civilization, and your pure Christianity, while the whole political power of the nation, as embodied in the two great political parties, is solemnly pledged to support and perpetuate the enslavement of three millions of your countrymen... You discourse eloquently on the dignity of labor; yet, you sustain a system which, in its very essence, casts a stigma upon labor... you notoriously hate (and glory in your hatred) all men whose skins are not colored like your own. You declare before the world... that you *"hold these truths to be*

Those propagating the Symbiosis Thesis are somewhat fewer in number and much more difficult to classify. For example, some of Tocqueville's comments on the issue of race may also lead us to place him in this camp. Recall that in *Democracy in America* Tocqueville devoted a full chapter to the "three races" that inhabited the United States at the time. As mentioned above, he believed that white and black could live neither completely separated nor completely assimilated. Furthermore, he predicted that conditions for black Americans would be as bad if not worse once slavery ended - a prediction that came true as the number of lynchings increased dramatically in the Jim Crow South. At the turn of the century, W.E.B. DuBois put forth his own version of the Symbiosis Thesis. In *Souls of Black Folk*, he asserted that the problem of the twentieth century is the intractable problem of the "color-line." Disavowing a crude Marxist approach, DuBois, at the end of *Black Reconstruction*, argued that racial conflict is more basic in the American context than class conflict, and that a lack of American "liberalism" in the South would impede any broader working-class movement in the United States. "The result is that the South in the main is ranged against liberalism," DuBois wrote. "No liberal movement in the United States or in the world has been able to make advance among Southerners...It is for the most part against unions and the labor movement, because there can be no real labor movements in the South; their laboring class is cut in two and the white laborers must be ranged upon the side of their own exploiters by persistent propaganda and police force."¹⁰

The most recent provocative proponent of the Symbiosis Thesis has been Charles Mills. Mills asserts unabashedly in the first line of *The Racial Contract* that "white

self-evident, that all men are created equal"...and yet, you hold securely in bondage...a *seventh part* of the inhabitants of your country." Quoted in Rogers Smith, *Civic Ideals*, p.243.

¹⁰ *Black Reconstruction*, (Millwood, NY: Kraus-Thomson, 1976), p.704.

supremacy is the unnamed political system in the world today."¹¹ Though Mills' work oscillates between an analysis of western political thought and an indictment of the dominant American political culture, his basic premise is that white supremacy still operates in American society today by "racializing" and hence "normalizing" geopolitical spaces and individual bodies. It occurs on the global level as well as on the localized level of the individual body. Whereas earlier periods of American history were characterized by *de jure* segregation and white supremacy enforced at the barrel of a gun, the contemporary period in American politics is characterized by a *de facto* segregation and a white supremacy enforced through ideological conditioning. The result is the same: racial hierarchies are deeply entrenched in the American "social contract," thus making it a racial contract amongst whites. Any appearance of equality in that contract is but a façade.¹²

This brief review of race and political culture is by no means exhaustive, but hopefully it lets us begin to see the dimensions of the dilemma that an analysis of race and political culture puts us in, of which I spoke earlier. The problems with the Anomaly and Symbiosis Theses are several: first, they both tend to be totalizing accounts of the intersection of race and political culture. Taken together they provide us with an "either/or" choice that may in fact turn out to be a false one. For example, on one side we have a consensus theory about American political culture that has at its core an indelible tyranny of unanimity (Hartz). From this point of view, one must disavow that racism is endemic to the American ethos. On the other side, we have a white supremacy so

¹¹ Charles Mills, *The Racial Contract* (Ithaca, NY: Cornell University Press, 1997), p.1.

¹² Of course, the proponents of the Symbiosis Thesis can be expanded to include David Walker in the early nineteenth century, Malcolm X, and many writers associated with critical race theory (e.g., Derrick Bell, Richard Delgado, and Patricia Williams) who grew disillusioned with the state of race relations after formal equality for blacks was achieved in the wake of the civil rights movement. In their own way, each of these authors essentially argues that the persistence racism goes beyond legal/institutional reform because it is endemic to a pathological white culture.

intractable and pervasive in American political culture that most whites ignore it altogether because they do not see it; or, few whites are willing to become "race traitors" because doing so would mean renouncing the privileges of whiteness instantiated in the racial contract (Mills). It is conceivable that, though fairly accurate on the broadest and most general level, neither thesis presents us with a framework for giving a more precise explanation of the way race and political culture have endured in U.S. politics.

Second, each account offers us an explanation of continuity of values and orientations over time. But neither thesis is very good at explaining changes in values and orientations in race relations in U.S. history across both time and space. And so, there is an ignorance (in the literal sense of the word) on both sides. Anomaly Thesis proponents ignore what Derrick Bell has called the "persistence of racism" in the past as well as in contemporary politics. Symbiosis Thesis proponents ignore (or play down) what progress and advancements have been made in race relations; they argue that any changes are just the same old racism in a different form. Thus, the problem once again is grappling with a totalizing account - though totalizing in the sense that very little has changed over time, or over different regions of the country.

Third, and related to the second point, neither account allows us to analyze degrees and gradations of racism and racial conflict in political culture over time and space. For example, Abraham Lincoln was considered a progressive on the issue of race in his day: he abhorred slavery and eventually came to believe that blacks should be granted the basic rights of citizenship. However, he was adamant in the belief that the white race was superior to the black race, and that therefore the two could never commingle socially. Was he a racist? By the standards of today, he was. By the standards of the day, however, we might say he was ahead of the curve of mainstream thinking.

The point is this: whereas the Anomaly Thesis is utterly ahistoric in that it propounds a universal and unchanging notion of liberty, equality and democracy, the Symbiosis Theses succumbs to a historicism that demands all of the past be understood by the standards of the present. Both do little to further our understanding of how race and racial conflict played out in different periods and in different regions of the country, or to help us analyze when and where "progress" was made on the issue of race and when it was turned back.

Recently there has been a move toward a "Multiple Traditions Thesis" as authors have sought to avoid the totalizing tendencies of previous accounts of political culture. Rogers Smith's *Civic Ideals* is the most notable work that moves in this direction. Smith looks at citizenship laws in the United States from the colonial period to the Progressive Era and points out that the dominant political ideology in America has been neither liberal nor republican in nature. To these two sets of ideologies Smith adds what he calls an American Ascriptivism. Smith argues that elites in each period under examination sought to put in place racial and gender hierarchies designed to exclude persons of color and women from citizenship. Rather than a political culture that is wholly liberal or republican, Smith concludes that there are actually multiple traditions in American political culture, one of which or a combination of which may dominate at a particular period in time. Smith's work is important in that it is the first serious attempt to get beyond the either/or of the Anomaly/Symbiosis dichotomy by arguing for a third way. And Smith's developmental approach also seeks to explain changes in the way that racial conflict played out over time.

However, Smith does not seek to explain why one tradition rises to the surface at any given point in time. The causal factors are not visible in his analysis. In each of the

periods under consideration, Smith points out that a narrative was constructed around notions of citizenship that necessarily included some (white males) and excluded others (blacks, native Americans and women). Thus, liberal, republican, and ascriptive traditions played out simultaneously. His work is an impressive history and compendium of citizenship laws in the United States up to the Progressive Era. But we need to ask some basic questions. Is the Ascriptive Americanism of the Jim Crow Era the same as that of the antebellum period in each region of the country? Is Smith's Ascriptive Americanism more severe, more racist, than the white republic ideology of the Jacksonian period? Is it found in attenuated form? Once again, the point is that both periods displayed horrible exhibits of racist ideology - a racist ideology that many if not most white Americans shared. But if both of these periods are essentially the same, and they were the same everywhere, then there is little point in exploring gradations of racist ideology within as well as between these (and other) periods. Nor is there anything to gain from comparing different regions of the country at roughly the same point in time. Thus, while building on Smith's work, we also need to refine the argument.

In a similar vein, Rodney Hero's recent work has opened up new avenues for scholars seeking to combine race with political culture.¹³ Hero, much like DuBois and others, argues that race and ethnicity is the "exceptional" element and the key to understanding American politics. On the other hand, Hero, like Smith, argues that there are several conflicting political cultures operating in the polity simultaneously. He has refined and narrowed the political culture argument in two significant respects: first, his work focuses on the study of state politics in the United States; second, it seeks to analyze state politics from the standpoint of the racial/ethnic make-up of the given state -

¹³ Rodney Hero, *Faces of Inequality: Social Diversity in American Politics* (New York: Oxford University Press, 1998).

what Hero calls "social diversity." He contends that it is impossible to understand the U.S. political system without taking into consideration that 1) states are the major producers of domestic policy and 2) that states have widely diverse racial/ethnic make-ups. Hero explains that "the ethnic/racial compositions and configurations of the states have a major impact on state politics and policies...Another claim is that social diversity's impacts are manifest in all states and are thus an 'American dilemma' in a somewhat different way than previously understood."¹⁴ An early proponent of Elazar's political culture argument, Hero has grown critical of Elazar's tripartite framework. For one, much of Elazar's early work excludes non-European groups, while his later work does not extensively consider non-European groups in a political culture framework. More significantly, however, Hero's social diversity thesis may actually explain the presence of Elazar's individualistic, moralistic, and traditionalistic subcultures in any given state. In Hero's view, "political culture is heavily shaped by state social diversity," making "the social diversity approach...thus more complete."¹⁵

The social diversity framework allows Hero to analyze every state in terms of its racial/ethnic make-up and note its impact on the formal state institutions, attitudes, and policy outcomes. His findings are impressive: state (racial and ethnic) minority diversity explains more in terms of a state's political orientations than other factors (e.g., political culture, socio-economic arguments or political economy arguments). Indeed, the social diversity framework helps him to make the case that factors such as political culture and economics are dependent upon the racial/ethnic make-up of a state.

Hero's work is important for my own purposes because it gets beyond some of the totalizing aspects of race and political culture and allows us to understand how the racial

¹⁴ *Ibid.*, pp.3-4.

¹⁵ *Ibid.*, p.10.

and/or ethnic makeup of a state affects policy outcomes. Yet, Hero's work presents us with several limitations that we need to get around. First, Hero's argument faces the same danger that all political culture arguments do - the danger of stasis. He does not give us a sense of how the political culture of social diversity changes the politics of a state over time, or how the politics of the state change social diversity over time. Why this is important will become clearer later in this dissertation. But it suffices for now to say that state politics/policy do change over time - sometimes to the benefit of ethnic/racial minorities, sometimes to their detriment. All of this has to be taken into consideration in conjunction with the realization that the racial/ethnic makeup of a state's population changes over time. Second, Hero places little or no emphasis on the way political actors use institutional processes and normative argumentation to enact policies - as if these policies are causally linked to social diversity without the interplay of "politics." And so, we have a host of questions that require answering: How do these ethnic/racial groups affect the politics? Are they well organized? How well do they mobilize in times of crises? How well do politicians mobilize constituencies against them? What are the justifications they give for their positions on policies? Social diversity in state politics is a good place to begin, but social diversity alone does not explain the entire story.

My own view is that both Hero and Smith's versions of the multiple traditions thesis are a more accurate account of the intersection of race and political culture than those I have placed in the Anomaly and Symbiosis camps. Certainly the instantiation of racial hierarchies in U.S. political history is more the norm than the exception to the rule. In addition, it is plainly accurate to say that a state's political culture is affected by the social diversity of the state, and that a state's dominant culture can only be understood by understanding its minority cultures.

What these and the other accounts of political culture I have outlined above miss is the nature of the normative arguments made around the issue of race in the antebellum period. At the center of any political culture lies, first, a widespread set of attitudes, thoughts, and feelings directed toward some specific object, and, second, a widespread normative vision of politics that must not only be verbalized, but also acted upon. Put another way, politics implies both words and deeds; one goes hand in hand with the other. And because politics includes both a use of language and a course of action taken on policy issues, the use of language by political actors becomes an important variable as these ideas are disseminated throughout the polity. As Andrew Polsky points out, history and the discursive movements it contains need to be "subjectivized."¹⁶ Eventually the normative arguments contained in discursive movements become the justification for the course of action taken. Certainly we are free to accept that justification at face value as the motivating principle behind the course of action; on the other hand, we must also look for other motivating factors of political actors. Rational choice theory posits that the most logical place to look is in the calculating ambition of political actors. As Anthony Downs puts it, politicians enact policies in order to get elected - not vice versa. We may agree that a politician will "say anything to get elected..." However, it seems that any analysis of political culture has to take into account first and foremost the verbalized normative justifications of those persons taking the action - whatever that action may be.

When we apply this principle to an analysis of racial conflict and political culture, we see a different dimension to the multiple traditions thesis elaborated on above. And here I think we need to return to the statement made by Tocqueville with which I began this chapter. It was clear to Tocqueville that complete integration, on the one hand, or

¹⁶ Andrew J. Polsky, *The Rise of the Therapeutic State* (Princeton: Princeton University Press, 1991), p.9.

separation on the other, was impossible for whites and blacks. The America he visited in the 1830s had already formed a very specific set of boundary conditions on race. Similarly, throughout the antebellum North we see two different racial orientations which have at their base two very different normative arguments about how racial minorities - and in the case I am outlining here, black Americans - fit into an overall vision of political life in the United States. Both are what I would call "racialized" political cultures. While they both have roots in the "American dilemma" so many analysts have referred to, the two cultures I am speaking of are very different from those accounts that might be classified by either the Anomaly or Symbiosis Thesis. And they are more specific than the versions of the multiple traditions thesis alluded to above. Furthermore, both are extremely race conscious, and sometimes they are outright racist. Both contain a complex blend of normative argument and ideological justification for action. While they have changed over time, contemporary versions of these racialized political cultures can trace their origins back to earlier versions. Thus, the two racialized political cultures in this framework have remained constant in the sense that they have continued to be racialized throughout American political development, but have changed in the degree of that racialization.¹⁷

As a way of delineating my terms from standard accounts of political culture, I will refer in this dissertation to these "political cultures" as "race cultures." I will call the two race cultures in the period I am analyzing: 1) the race culture of paternalism, or *racial paternalism*, and 2) the race culture of ascriptivism, or *racial ascriptivism*.

¹⁷ It is beyond the scope of this dissertation to trace the "development" of these two political cultures over time. But I would contend that later periods of racial conflict, and the seemingly inevitable choice we are faced with when addressing the "problem of the color-line" between integration/assimilation on the one hand and separation on the other, have their roots in this earlier period. In other words, it is impossible to understand later expressions of racial liberalism and racial conservatism in U.S. politics without grasping the political choices that were made available in the closing decades of the eighteenth century and the first few decades of the nineteenth century.

Racial paternalism holds that, while blacks may be “different” from - and even socially inferior to - whites, these differences are due to the social conditions that blacks endured under slavery and discrimination. Thus, the key to lifting blacks up from slavery and integrating them into society is education - both intellectual and spiritual. As Winthrop Jordan points out in *White over Black*, many men of the Revolutionary generation expressed this environmentalist sentiment - even Jefferson himself at times.¹⁸ As we shall see, many calls for the enfranchisement of blacks were justified through this type of normative argumentation. Of course, the education of blacks on various levels is to be carried out by a certain, very upstanding group in society because they know “what is best” for blacks. Hence, the paternalistic - as well as normalizing -sentiment undergirding this view. Yet, while some level of integration is desirable, those advocating the racial culture of paternalism understood the limitations to any attempt at integrating blacks into what was essentially a white society. If the goal is some type of equality and integration of white and black worlds, the values and orientations that go along with this political culture are nonetheless at their base race conscious.

By contrast, racial ascriptivism holds that blacks are essentially different, and thereby inherently inferior to, whites. Blacks should not be part of the “white republic” - not only because they were never meant to be part of its citizenry, but also because they are ill equipped for citizenry. For this reason, blacks should not be granted the franchise. In this view, there is no doubt that the faculties of blacks and whites are fundamentally different, and that no amount of education will lift the black man (in the words of a Pennsylvania delegate to the state constitutional convention of 1837-38) up from “worthlessness.” Racial ascriptivism is found most pronounced in Chief Justice Roger

¹⁸ Winthrop Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968).

Taney's *Dred Scott* opinion of 1857, but its seeds are traceable to before the Revolution and even Jefferson's writings in the 1780s. Jefferson's involvement in the American Colonization Society, founded in 1817 with the express purpose of sending all those of African descent to a designated colony on the west African coast, is testament not only to his ascriptive views, but also to the potency and pervasiveness of these principles in the first half of the nineteenth century.¹⁹ To say the least, the race culture of ascriptivism is highly race conscious, and the goal of racial ascriptivism is to create completely different spheres of existence for blacks and whites.

As we shall see, these two competing race cultures framed the racial discourse in the period I am analyzing, roughly between the Revolutionary War and the Civil War. They were contending and conflicting visions of the place of blacks in the citizenry of northern states that debated changes in the franchise laws, and they served as justifications for the desired policy outcomes of political actors at the time. Certainly there were other justifications at work, but the point here is that these justifications were verbalized by political actors and were at their core normative in nature. The positions that political actors took on changes in franchise laws had to be backed up with a normative argument about why these changes should go into effect. Again, while we have to take into account the interests and ambitions of these political actors, we also must attempt some classification and analysis of the ideological underpinnings to the political actors' positions.

¹⁹ In *Race and Manifest Destiny* (Cambridge: Harvard University Press, 1981), Reginald Horsman argues that the first half of the nineteenth century witnessed the victory of Anglo-Saxon white supremacist thinking, culminating in the publication of Joseph Arthur Gobineau's work on the inequality of the human races in 1854. Horsman asserts that much of the substance of the "special racial destiny" argument can be traced to Jeffersonian thought in the late eighteenth century. The political culture of ascriptive essentialism shares many similarities to Horsman's Anglo-Saxonism.

Change: Race and the Development of American Politics

The second theoretical framework from which I will draw is the subfield of American political development. American political development focuses attention on the American electoral representative system and the factors leading to its transformation in a historical context. Whereas the primary focus in American politics scholarship during the middle decades of the twentieth century centered on social forces and processes, the "new institutionalism" of the last two decades has sought to place political structures and political elites at the center of inquiry. Moreover, the historical dimension to American political development serves as the "proving ground" for the claim that social, cultural and political institutions have an independent and formative influence on politics.²⁰ As Smith has pointed out, there are "new institutionalisms" throughout the social sciences, most of which tend to ally with two different schools of research methodology.²¹ Here political science is no different. On one side, formal or rational choice theory rests on the presumption that a purely instrumentalist view of action on the part of individuals guides all human behavior. Political actors engage in a "political calculus" - skillful strategic conduct such as bargaining when the benefits outweigh the costs, or deploying force when the benefits outweigh the costs. In this view, normative preferences that propel political action are exogenous and epiphenomenal. Hence, political goals are not necessarily causes of political outcomes, but effects of other "first things."²² Rational choice succeeds in showing how structures and institutions make it possible for rational agents to pursue their interest; but rational choice theory essentially leaves unaddressed the basic problem of how these actors come to possess these preferences in the first place.

²⁰ Karen Orren and Stephen Skowronek, "Editors' Preface," *Studies in American Political Development*, 1 (1986), vii.

²¹ Rogers Smith, "If Politics Matter: Implications for a New Institutionalism," *Studies in American Political Development*, 6 (Spring 1992). 1-37.

²² *Ibid.*, p.5

On the other side stands the historical/interpretivist "new institutionalism." In this view, human action manifested through political discourse becomes an important causal variable in explaining political outcomes. Human agents are defined as causally potent, morally responsible actors guided by their own intentions, not external forces.²³ Thus, human action involves not only rational capacities to calculate how preferences might best be fulfilled; it also involves normative decision-making, persuasion, deliberation and self-reflection - all of which may lead to a transformation of those preferences. It may very well be the case that interests and identities in fact change due to normative deliberations and attempts to persuade others via normative arguments. The historical/interpretivist approach then tries to take into account not only how actors pursue their interests, but also what normative judgments and decisions went into the creation of those interests.

There have been attempts to unite these two different versions of the new institutionalist perspective, and political scientists argue both are needed in order to give a richer account of change and development in politics.²⁴ I do not reject out of hand the tenets of formal/rational choice theory and the idea that ambitious political agents engage in a political calculus when choosing a course of action. However, this dissertation derives much of its theoretical framework from the historical/interpretivist school of thought, more particularly through what might be termed "discourse analysis." Close attention needs to be paid to the words and deeds of political agents, to history, to the development of institutions, and to the creation of norms and laws. Changes in voting

²³ *Ibid.*

²⁴ See for instance, Smith, *op. cit.*; Eldon J. Eisenach, "Reconstituting the Study of American Political Thought in Regime-Change Perspective," *Studies in American Political Development*, vol. 4 (summer 1990), pp.169-228; John Gerring, "A Chapter in the History of American Party Ideology: The Nineteenth-Century Democratic Party (1828-1892)," *Polity*, XXVI, number 4 (summer 1994), pp.729-68; J. David Greenstone, "Political Culture and American Political Development: Liberty, Union and Liberal Bipolarity," *Studies in American Political Development* 2 (1986), pp.9-12.

restrictions along the lines of race - indeed, any aspect of American politics that involves the morally contentious issue of race - imply that normative judgments were made and acted upon by political agents who constructed and reconstructed their ideas, identities and interests in accordance with those decisions. I want to make it clear, however, that these normative judgments and arguments are not the sole reason that political actors win political battles. In other words, an emphasis on discourse does not imply that political outcomes are determined by a Habermasian "force of the better argument." Other factors are at work, to be sure. But to leave aside the normative arguments of political actors is to suck the political lifeblood out of politics. An emphasis on discourse restores to rational choice a good deal of what politics is in essence - a playing field populated by agents who engage in normative argumentation in order to win political battles.

The institutional structures of the American electoral representative system allow political agents to pursue their preferences. At the same time they constrain the pursuit of those preferences. This is a fundamental fact of all institutions - political or otherwise. But political agents have to first possess preferences. Preferences change over time, which certainly requires an explanation. An emphasis on discursive practices allows us to understand how agents arrived at their preferences, whether or not those preferences changed, and how the institutions they worked within facilitated or hindered the pursuit of those preferences. The discourse analysis framework, then, is a powerful way to tie ideas to interests, the use of language to actions, and ultimately the choices of actors to political outcomes. If there is a methodological divide in the new institutional framework, it lies precisely in the failure to connect the actor's pursuit of interests with the creation of his/her interests through some type of normative decision-making process. By utilizing

this framework, this project has methodological value for those in American political development that seek a way around the new institutionalist impasse.

Focusing on discourse and normative argumentation and its place in the development of the electoral representative system also allows us to analyze the way in which racial cleavage is woven into coherent justifications about citizenship rights. This point becomes apparent when we consider the narratives about race and citizenship put forth in the antebellum North from the Revolutionary Era forward. To that end, the present work builds on a growing body of literature that argues for the social and (socio-economic) construction of race.²⁵ Such studies connect to accounts that place concepts of "whiteness" at the center of the origins of race discrimination. In *The Rise and Fall of the White Republic*, for example, Alexander Saxton argues that racial difference operated with causal impact in the nineteenth century but was premised on economic (class) conflict. Saxton explains that "the hard side of racism generally appeared in nineteenth century America as a corollary to egalitarianism."²⁶ David Roediger makes similar arguments about the creation or "invention" of whiteness. Roediger follows DuBois and argues for the primacy of race conflict in the United States. Eschewing a strict Marxist interpretation, Roediger concludes that, for northern workers in the nineteenth century, the "pleasures of whiteness could function as a wage."²⁷ Richard Allen and Noel Ignatiev also focus on the creation of whiteness, but fasten their analyses on the ideological transformation of the Irish in America from a racially oppressed group to one that became

²⁵ See for instance, Michael Omi and Howard Winant, *Racial Formation in the United States from the 1960s to the 1990s* (New York: Routledge Press, 1994).

²⁶ Alexander Saxton, *The Rise and Fall of the White Republic: Class, Politics and Mass Culture in Nineteenth Century America* (London: Verso Press, 1990), p.186.

²⁷ David Roediger, *Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso Press, 1991), p.13.

vigorous upholders of slavery and white supremacy.²⁸ As we will see, the Irish role in the creation and perpetuation of racial antagonisms abounds across the antebellum North.

A focus on the way social forces serve to construct racial difference has important institutional, ideological, and policy implications that go well beyond biological or "scientific" definitions of race. Men and women become "white or "nonwhite" as much through the enactment of laws and policies as through skin pigmentation.²⁹ A person in Louisiana, for example, may be told that she is black simply because she has 1/32 "black blood" in her. If the law is changed, then the very concepts of whiteness and blackness change with it. Racial conflict is never fixed for the simple reason that the social construction of race is always in flux. As the following chapters show, racial conflict was premised upon the changing demographic landscape across the North and the ways it impacted and then was channeled through electoral arrangements. I take this point as a given in this study. I also think we need to go further with the analysis to make the point that *the politics of race is both constructed and delimited through discursive normative argumentation*.

Racial Conflict and Periodicity. Some have argued that race is peculiarly geared toward effecting change, and is able to unleash irreversible transformations within the institutions of the political system. In *Issue Evolution*, Carmines and Stimson argue that the debate over civil rights altered the stances of the political parties from the 1950s onward.³⁰ Civil rights made its way on to the national agenda in the wake of World War II, and in response a Republican Congress and a Republican president passed the Civil

²⁸ Theodore Allen, *Invention of the Whites Race* (New York: Verso Press, 1993); Noel Ignatiev, *How the Irish Became White* (New York: Routledge Press, 1995).

²⁹ See, for instance, Ian Haney-Lopez, *White by Law: The Legal Construction of Race* (New York: New York University Press, 1996).

³⁰ Edward Carmines and James Stimson, *Issue Evolution: Race and the Transformation of American Politics* (Princeton: Princeton University Press, 1989).

Rights Act of 1957. Though largely symbolic with little provision for federal enforcement, it was nonetheless the first piece of civil rights legislation since the Civil Rights Act of 1875 - also passed by a Republican Congress and Republican president. Carmines and Stimson assert that in the wake of the passage of the Civil Rights Act of 1957, "liberal" Republicans lost seats in Congress, thus pushing the party ideologically to the right on the issue of race. Less than a decade later, a Democratic Congress and a Democratic president passed the sweeping Civil Rights Act of 1964 and Voting Rights Act of 1965. Essentially the two parties had reversed roles on the issue of race, causing a breakup of the "Solid South" for the Democrat party and a realignment in American politics.

If Carmines and Stimson showed how race has the potential to alter the political system at a critical moment in the 1960s, how do we account for the changes in voting restrictions in the period under consideration here, or across time for that matter? The most convincing account of change over the course of American political development has come from the realignment and regime-period perspective. Undergirding this perspective is the assumption that politics in the United States goes through relatively long periods of stability where choices and options by political actors (elites or masses) are severely constrained by the dominance of a governing coalition or regime and by the inertia-induced feature of the Constitutional system. However, in other shorter periods of volatility - or critical moments - the possibility of change becomes real. Critical moments bring a transformation in electoral arrangements as the ideological perspective of the new ruling coalition is asserted. Thus, each major realignment in American politics becomes a

sort of "revolution," as Burnham puts it.³¹ And each regime change ushers in basic features of a newly found republic.³²

The emphasis in the regime perspective on periodicity and the authority of electoral politics is valuable for grasping the course of American political development. But there have been surprisingly few attempts to place race within the context of party systems, realignments, and regimes in the development of American politics. Those attempts expose the weaknesses of the regime perspective when we apply to them to racial voting restrictions in the antebellum North. Michael Goldfield's *The Color of Politics: Race and the Mainsprings of American Politics* is a recent case in point.³³ Goldfield draws upon realignment theory and argues that the possibilities for a strong working class movement in American politics was manifest at certain critical junctures in U.S. history. Goldfield analyzes five critical periods: the colonial era; the Founding, the Civil War/Reconstruction, the creation of the "system of 1896" and its aftermath, and the New Deal. Goldfield explains that "each of these periods installed new or modified systems of racial domination and new methods of white domination. The key to understanding and solving the old conundrum of American exceptionalism - the peculiarities of American politics and the political weakness of its working class - is the interplay of class and race."³⁴ In essence, each new critical realignment impeded the creation of a working class movement in American politics and re-instituted a system of racial hierarchies, thus paralyzing prospects for progressive, race-based and class-based change.

³¹ Walter Dean Burnham, *Critical Elections and the Mainsprings of American Politics* (New York: W.W. Norton, 1970).

³² Theodore Lowi, *The Personal President* (Ithaca: Cornell University Press, 1985).

³³ Goldfield, Michael. *The Color of Politics: Race and the Mainsprings of American Politics*. New York: New Press, 1997.

³⁴ *Ibid.*, p.30.

Goldfield agrees with DuBois and Hero that race is the exceptional element in American politics, and that the pervasive presence of white supremacy has stultified any fledgling working-class movements of the past. Thus it is highly unlikely that any such movement may take root on American soil in the future. The work presented here agrees with Goldfield and the others in underscoring the importance of the interplay of race and class, and the primacy of race over class. Goldfield's placement of race within the context of realignment theory focuses attention at the national level. Thus his description of racial conflict, while placed within the periodicity of realignment theory, does not produce an accurate description of events on the state level. Goldfield's critical turning points include the Revolutionary period and the Civil War, thus implying that the period of racial politics in between was relatively stable. That he does not include the onset of Jacksonian Democracy in his list of critical turning points may strike us as somewhat peculiar, since many authors have included it in the scheme of realignment theory and still others have noted the period for its blatant defense of racial hierarchies.³⁵ Yet, when we take stock of changes in racial voting restrictions across state lines in the antebellum period, we see that they were occurring before as well as after the rise of Jacksonian Democracy. In fact, they were occurring before Jeffersonian Republicanism as well as after the victory of the Republicans in the election of 1860 - another supposed critical turning point.

³⁵ See for example Burnham, *Critical Elections and the Mainsprings of American Politics*; Aldrich, *Why Parties?* Smith calls the Jacksonian period the "High Noon of the White Republic." *Civic Ideals*, 197-241. He argues, against Hartz, Greenstone (*The Lincoln Persuasion*), and others, that racism became central to American political culture from the 1830s-1850s. I would argue that the racial ascriptivism became dominant during this period on the national level, pushing racial paternalism into the background.

Table 2.1**STATES RESTRICTING THE FRANCHISE TO WHITE MALES³⁶**

Delaware (1792)	Arkansas (1836)
Kentucky (1799)	Michigan (1837)
Maryland (1801)	Pennsylvania (1838)
Ohio (1803)	Florida and Texas (1845)
New Jersey (1807)	Iowa (1846)
Louisiana (1812)	Wisconsin (1848)
Indiana (1816)	California (1850)
Mississippi (1817)	Minnesota (1858)
Illinois and Connecticut (1818)	Oregon (1859)
Alabama (1819)	Kansas (1861)
Missouri and New York (1821)	West Virginia (1863)
North Carolina (1835)	

In terms of voting restrictions, the United States was becoming the white republic before the advent of the high noon of Jacksonian Democracy - that is, well before universal white male suffrage was achieved. And the United States continued to be a white republic after the demise of the Whigs, the rise of the Republicans, and into the Civil War. Thus, the rise of Jacksonian Democracy is part of the larger movement toward universal white male suffrage, but it is not the cause of it. This evidence may seem to suggest that, in one instance, Goldfield's framework of race and realignment is accurate after all - that in fact racial hierarchies were put in place from the moment of the founding and lasted in the same form up to the period of Reconstruction. In broad strokes, no one would disagree with this assessment. For that matter, it is difficult to disagree with the view that racial hierarchies are the norm and not the exception in American politics. Nonetheless, two developments militate against this overarching thesis and to my mind require an explanation. First, the disenfranchisement of blacks occurred so gradually and in such a

³⁶ Wesley, p.166. New York did not restrict the franchise to white males outright, but placed a higher property qualification for voting on blacks.

haphazard manner across state lines that any attempt to explain these changes based on a realignment and regime perspective becomes a stretch. For example, New York and Pennsylvania, two mid-Atlantic states with a number of cultural, geographic, demographic, and institutional similarities, addressed the issue of racial disenfranchisement in different ways and during different periods - the former in the Constitutional Convention of 1821, the latter in the Constitutional Convention of 1837-1838. New York allowed black males to vote if they were residents in the state for three years and had \$250 worth of property. Pennsylvania, by contrast, disenfranchised blacks outright. That one state changed voting restrictions before the critical turning point of Jacksonian Democracy and the other after suggests that other factors were at work in the state politics of each which led to very different versions of black disenfranchisement.

Second, the realignment/regime perspective fails to explain why there were such uneven changes in a region like New England during this period. Connecticut disenfranchised blacks when it adopted the state constitution in 1817. Massachusetts debated racial disenfranchisement in its Constitutional convention of 1821 and decided to continue to allow blacks to vote. New Hampshire, Vermont and Maine made no attempt to disenfranchise blacks. And finally, there is Rhode Island, a case I shall get to momentarily: Rhode Island first disenfranchised blacks in the early 1820s by state statute, only to re-enfranchise them when a new constitution was drafted and ratified in the wake of the Dorr War in 1842. Once again, it is difficult to explain these changes from a regime perspective, and we are forced to look for other explanations.

The upshot is that a realignment and regime-change perspective does not fully help us to explain the changes in racial voting restrictions during the period. To superimpose the former upon the latter is to distort the picture. Thus, I argue that we need

to look more closely at various factors in the politics of each state in order to bring the picture into sharper focus. What I think we shall see is that, though different in individual development, state politics and the identities of political parties competing for power in each of the states were largely shaped by the issue of race. Several factors were necessary in the process, including: the racial diversity of a state, conflicting political cultures within a state, the intensity of party competition, and the strength of abolitionism and/or the level of organization of the black communities within a state.

Other works have approached the issue of race and periodicity from the perspective of coalition formation within a particular regime rather than across regime changes. In *Uneasy Alliances*, Paul Frymer analyzes the impact of partisan competition on the articulation of the interests of African Americans. He argues that parties in the United States have compelling incentives *not* to incorporate and mobilize blacks into the political system because doing so would disrupt existing coalition formation within the political party. "The success of broad-based parties," Frymer writes, "rests on the marginalization of black interests."³⁷ Blacks represent a unique group in U.S. history for the obvious reasons of the history of slavery and discrimination. As a consequence, Frymer contends that blacks, more than any other group, suffer from what he calls electoral capture, which he defines as those circumstances when the group has no choice but to remain in the party."³⁸ Once part of the coalition that forms a political party, blacks have nowhere to go politically. Political leaders are aware of the dilemma blacks face. At the same time, they engage in their own political calculus; electoral incentives to win and maintain political offices lead them to downplay the interests of blacks because articulating these interests would lead to alienating the "median voter." Party leaders

³⁷ Paul Frymer, *Uneasy Alliances* (Princeton: Princeton University Press, 1999), p.7.

³⁸ *Ibid.*, p.8.

maximize votes while minimizing the articulation of black interests. Blacks, on the other hand, remained "captured" because, in a two-party system, there is really no alternative.

Frymer works from a rational choice perspective and makes the compelling case that party leaders from Martin Van Buren in the 1820s to Bill Clinton in the 1990s had little incentive to articulate black interests in seeking and holding on to office. As we shall see, blacks as a voting group were "captured" in many of the states under study here. In this sense, Frymer's work helps our focus on the dynamic of racial coalitions within each state. But what it does not help us understand is how these coalitions formed in the first place. Racial coalition formation was premised on a set of discourses about race and citizenship, and in order to understand how racial coalitions formed we need to understand the substance and logic of those discourses.

Conclusion

The preceding discussion reveals the following: first, traditional accounts of political culture fail us in capturing accurately the set of beliefs and attitudes - in short, the "taken-for-granted" - that circulated in the North from the Revolutionary Era on. We therefore need to go beyond them by positing a more nuanced approach to the study of race and political culture. I have put forth the concept of "race cultures" here and have argued that two conflicting race cultures set the boundary conditions between which racial conflict played out in the antebellum North: racial paternalism and racial ascriptivism.

Second, we need to tie these race cultures to both the demographic changes and the electoral arrangements in each state over time. The method employed here focuses on the words and deeds of political actors who are both empowered and constrained by the

electoral representative system. While the focal point is on human agency, I need to emphasize that the actions of these agents are not unbounded; rather, we shall see that political action is delimited both ideologically and institutionally. I also wish to emphasize that human agents are defined as causally potent, morally responsible actors guided by their own intentions, not external forces. Political actors respond to the (racialized) social world by putting forth racial narratives about citizenship and race that serve to justify political actions and the political world these actions seeks to construct. In pursuing their objectives, political actors tell the rest of us how the world works - i.e., what is and should be the natural order of things. In doing so, the race cultures I have defined here are constructed, disseminated, and perpetuated.

Chapter 3

"They Were Whigs Because Their Fathers Had Been Federalists": Racial Voting Restrictions in New York

Introduction: The Transformation of Race Culture in Old New York

On March 14, 1779, Alexander Hamilton wrote to John Jay, president of the Continental Congress, concerning the conscription of Negro soldiers into the Revolutionary Army. The letter was delivered by Colonel Henry Laurens, who was en route to his native South Carolina to enlist the support of the state's governor and legislature for arming blacks to fight the British. Hamilton reasoned that Revolutionary leaders should make a broad appeal to the slave population of South Carolina before the British beat them to it. In exchange for taking up arms against the Crown, blacks would be "given their freedom with their muskets."¹ He argued that "this will secure their fidelity, animate their courage, and I believe will have a good influence upon those who remain, by opening a door to their emancipation." While asserting the dire need for new troops against the British onslaught, Hamilton also felt compelled to assure Jay that blacks were up to the task. "I have not the least doubt, that the negroes will make very excellent soldiers, with proper management." He went further and defended the mental capabilities of blacks. "I frequently hear it objected to the scheme of embodying negroes that they are too stupid to make soldiers. This is so far from appearing to me a valid objection that I think their want of cultivation (for their *natural* faculties are *probably* as good as ours) joined to that habit of subordination which they acquire from a life of servitude, will make them sooner become soldiers than our White

¹ "Letter To John Jay, " March 14, 1779, *The Papers of Alexander Hamilton* (New York: Columbia University Press, 1961), vol. 2, pp.17-8.

inhabitants."² For Hamilton, granting slaves their freedom along with their muskets was both a moral and strategic decision, a blend of ideology and political expediency, "for the dictates of humanity and true policy equally interest me in favour of this unfortunate class of men."³

Originally Hamilton had written that the natural faculties of blacks were "perhaps" as good as whites, but in the end he crossed it out in favor of the stronger word "probably." The truth of the matter is that Hamilton was not sure if blacks and whites were endowed with the same mental abilities. But like the other Federalist leaders of New York in the Revolutionary years, Hamilton was certain that the "habit of subordination" under the institution of slavery had led to their current degraded condition. Along with John Jay, Rufus King, Gouverneur Morris, and others, Hamilton approached the problem of race through a natural rights philosophical lens, insistently arguing that all men were by nature free and equal. If there were inequalities between the races, it was "probably" due to environmental factors that led to a want of cultivation on the part of blacks.

This cadre of Federalist leaders at the forefront of the Revolutionary cause in New York shaped the dominant racial discourse of that state, and thereby the politics associated with race, in the last quarter of the eighteenth century. All were staunch abolitionists, and nowhere are the paternalistic views of this generation of New York leaders expressed more clearly than in the words and deeds of Jay himself. Before becoming co-author of *The Federalist*, Supreme Court Chief Justice, or Governor of New York, Jay was the first president of the New York Manumission Society, founded in 1785. Hamilton was his vice president. Jay was the author of the Society's constitution and wrote in the preamble that "It is our duty...to endeavor, by lawful ways and means, to enable [blacks] to share equally

² *Ibid.* Emphasis added.

³ *Ibid.*, p.18.

with us in...civil and religious liberty...to which our brethren are, *by nature*, as much entitled as to ourselves [emphasis added]." Throughout the Revolutionary and Confederation years, Jay fought for gradual abolition of slavery in New York. He argued vigorously for an abolition clause in the first state constitution drafted in 1777. On March 21, 1784, Jay manumitted one of his two slaves, Benoit, whom he had purchased just five years prior in Martinique. In doing so he wrote that "whereas the Children of Men are by Nature equally free, and cannot without Injustice be either reduced to, or held in Slavery, And whereas it is therefore right...[Benoit] should be manumitted."⁴ In 1795, Jay was elected Governor of New York. During his first four years in office, many bills were sent up to the state legislature providing for the gradual abolition of slavery. All of them were rejected by the state Senate. Finally, in 1799, both houses passed a gradual abolition bill that Jay signed on March 29th. It provided that all males born after July 4th of that year would be freed on July 4th, 1827, and all females would be freed on July 4th, 1822.

Thomas Jefferson's election to the presidency in 1800 ushered in the first party system in American political history, and along with it a period of stiffened party competition in New York. Despite Jefferson's inaugural assertion that "we are all Republicans, we are all Federalists" in the spring of 1801, rancorous partisanship took hold in New York as the Federalists were overthrown after nearly a quarter century of legislative rule.⁵ On the national level, Federalists had suffered politically from the passage of - and President Adams' support for - the Alien and Seditions Acts. In New York, the policies of the old Revolutionary aristocracy came under increasing attack by Jeffersonian Republicans - including their dominant racial ideology. Despite the complete demise of the Federalists on

⁴ John Jay: *The Winning of the Peace, Unpublished Papers 1780-1784*, edited by Richard Morris (New York: Harper Row, 1980), p.705.

⁵ DeAlva Stanwood Alexander, *A Political History of the State of New York* (Port Washington, NY: 1909), vol.1, pp.78-94.

the national level by 1816, party competition continued in New York over the opening decades of the nineteenth century as competing factions coalesced, disintegrated, and morphed into new political parties more or less along the old Federalist-Jeffersonian Republican lines. In short, there was little in the way of an "Era of Good Feelings" in New York. Though most of these factions referred to themselves as "Republicans" in some fashion and thereby claimed the mantle of Jefferson, the conflicts of this early period persisted. Not until the Van Buren-led victory of the Bucktail Republicans after the ratification of the constitution drafted in the convention of 1821 did the last remnants of the old Federalist Party disappear.

I contend in this chapter is that the first constitutional change in New York in nearly 50 years also consolidated a transformation in the dominant race culture of state politics that had began to materialize in the opening decades of the nineteenth century. If the dominant racial paradigm of the Revolutionary period was one which I have characterized as racial paternalism, founded upon a natural rights philosophy of inalienable liberty and equality, the dominant ideology in New York by the 1820s was ascriptive and essentialist in nature, founded upon racial hierarchy whereby blacks were considered naturally subordinate to whites. We shall examine this latter dominant race culture in detail; but perhaps it suffices for now to offer an example by quoting Samuel Young, ally of Van Buren, at the Constitutional Convention of 1821. When debating the suffrage question for blacks, Young responded bluntly by saying, "The minds of blacks are not competent to vote. They are too degraded to estimate the value, or exercise with fidelity and discretion this important right." Whereas Hamilton and his cohorts believed blacks possessed the mental capabilities for many of the responsibilities of citizenship, Young and his colleagues were deeply skeptical. This transformation in the discourse surrounding race was fundamental, and served as both

pretext and context to the overall ideological differences between the political parties in New York with the advent of Jacksonian democracy and the second party system.

In 1821 Van Buren's burgeoning political machine was successful in partially disenfranchising black males by placing a \$250 property qualification on them while dropping most voting qualifications for white males. Despite incessant petitioning, referenda on the question of black suffrage, and state constitutional conventions over the next half-century, black New Yorkers would not receive the full rights of voting until their black brethren in the South would receive them, i.e., with the ratification of the Fifteenth Amendment in 1870. Like Hamilton a half-century before, the leaders of the Bucktail Republicans were most certainly driven partly by ideology and partly by political expediency. For, even by the time Jefferson had entered the White House, the patron-client bond between Federalists and blacks had already been sealed and molded into an incipient political coalition. According to historian Dixon Ryan Fox, those manumitted black males who had served in Federalist households loyally voted the Federalist ticket once they met the suffrage qualifications before 1821.⁶ The paternalistic relationship formed between Federalists and blacks in the waning days of slavery would assume a more overtly political character throughout the entire antebellum period. To put it simply, the Federalists and then Whigs consistently favored some type of equal suffrage for blacks, and the Bucktail Republicans and later the Democrats favored the complete disenfranchisement of blacks. Such a political arrangement prompted Fox to write in his groundbreaking study of New York party politics that black New Yorkers in the middle decades of the nineteenth century "were Whigs because their fathers had been Federalists."⁷ As early as the opening of the

⁶ Dixon Ryan, *The Decline of Aristocracy in the Politics of New York* (New York: Columbia University, 1919), p.269n.

⁷ *Ibid.*, p.270.

nineteenth century, Democratic Republicans saw the potential impact of the Federalist-black coalition in the political equation for office seekers, and vowed to destroy it. My argument here is that, in order to destroy it as a matter of political expediency, they had to construct an entirely new race culture by creating a new discourse on race, founded upon a certain set of essentialist assumptions about racial difference and citizenship.

Further, the racial alignment of the parties born of the paternalistic relationship between the New York Revolutionary aristocracy and their black servants assumed an overtly class character even as early as the formative days of Tammany Hall in New York City in the late eighteenth century.⁸ It was certainly in place with the ascendancy of Van Buren's political machine. Fox intimated that lower class whites opposing the rights of blacks formed the basis of Bucktail Republican support in the opening decades of the nineteenth century just as the push for an expanded suffrage across the country was taking hold. "The mechanics had opposed emancipation, for they did not like to see the negro change his butler's coat for cap and jeans or his salver for a saw."⁹ Similar views on the construction of "whiteness" as an ideology in the first half of the nineteenth century have been suggested by labor historians of the period, including David Roediger.¹⁰ Roediger takes the name of his book on the creation of American working class consciousness from DuBois' monumental work *Black Reconstruction*. He calls DuBois "essential" in understanding the dynamics of race and class because DuBois correctly centered on the "wages" or privileges that whites received merely because of the color of their skin. In

⁸ See for instance Anthony Gronowicz, *Race and Class Politics in New York City Before the Civil War* (Boston: Northeastern University Press, 1998), ch. 2 and 3. On Tammany Hall, see for instance, Gustavus Myers, *The History of Tammany Hall* (New York: Burt Franklin press, 1917); Jabez D. Hammond, *History of Political Parties in the State of New York* (Buffalo: Phinney and Company, 1850), vol.1, ch.xvii; Alfred E. Young's *The Democratic Republicans of New York: The Origins, 1763-1797* (Chapel Hill: University of North Carolina Press, 1967) mentions in passing the early years of the Tammany Society and both its move away from the Federalists and its support for the French Revolution., p.208.

⁹ Ibid., p.269.

¹⁰ David Roediger, *The Wages of Whiteness* (New York: Verso Press, 1991).

looking at the politics of New York in this period, I have come to a similar conclusion: race became a fundamental factor in the ideological formation of the political parties during this first party system. In the period between the Revolutionary War and the Constitutional Convention of 1821, the politics of race and the politics of class were deeply intertwined, but were played out against the backdrop of partisan conflict and party formation, with each side putting forth competing visions of race and citizenship. Both sides of this conflict were motivated partly by ideology and partly by the desire to win office by maximizing votes come election time.

As to the latter point, I would contend that it is wrong or even impossible to try to separate the two. As we shall see, the political actors and other opinion leaders of this period certainly acted out of naked self-interest and made arguments about race that served to advance their political agendas. But these arguments were nonetheless ideological in nature, and contained within them normative positions on the question of race and citizenship - they were, in short, constructing a narrative about civil society, the meaning of democracy, and the place of African Americans within that vision of civil society and democracy. In advancing their own political agendas, political leaders were both responding to and shaping the racialized world in a period of rapid economic, social, and political change.

For now, more needs to be said about what the convergence of the politics of race and the politics of class looked like in New York in this period. In his *Decline of Aristocracy in the Politics of New York*, Fox portrayed the early period of New York party politics in the progressive tradition of Beard and Hacker: the conflicts of the latter part of the eighteenth century and the first half of the nineteenth century are characterized as a class-based antagonism between conservative or aristocratic forces on the one hand and liberal or democratic forces on the other. In short, the economic character of the conflict informed the

ideological differences between Federalists and Democratic Republicans in the first party system and between Whigs and Democrats in the second party system. Later Fox added a racial component to his analysis.¹¹ By contrast, Lee Benson's *The Concept of Jacksonian Democracy: New York as a Test Case* focused on New York politics in the 1830s and 1840s. He concluded, much like Ronald Formisano in his study of Michigan in the antebellum period,¹² that ethnic and religious considerations were much more important than economic ones in the determination of voting by New Yorkers.¹³ Hence, party formation is a product of ethno-religious politics. Alvin Kass agreed with Benson that economic considerations played little part in the formation of political parties in the early nineteenth century, but went further and argued that neither ethnicity nor religion was the primary motivating factor in party formation. Drawing upon the work of V.O. Key and combining it with a rational choice perspective, he writes:

New York's political parties during the pre-Jacksonian era were simply organizations for the nomination of candidates and for the conquest of administrative and political offices. Founded on no ideological or social basis and including heterogeneous doctrines and elements, the parties were held together by the drive for electoral votes. *Indeed, the winning of seats in political assemblies was the essence of the party's activity, the very reason of its existence, and the supreme purpose of its life.*¹⁴

While Kass has a point that political parties only sought to gain seats in assemblies by helping their candidates to win political office, he is wrong to suggest that New York

¹¹ Dixon Ryan Fox, "The Negro Vote in Old New York," 32 *Political Science Quarterly*, pp.252-275.

¹² Ronald Formisano, *The Birth of Mass Political Parties* (Princeton, N.J.: Princeton University Press, 1971).

¹³ Lee Benson, *The Concept of Jacksonian Democracy: New York as a Test Case* (Princeton: Princeton University Press, 1961).

¹⁴ Alvin Kass, *Politics in New York State, 1800-1830* (Syracuse, NY: Syracuse University Press, 1965), p.9, emphasis added.

political parties in the opening decades of the nineteenth century had no "ideological or social" (or for that matter ethnic) basis. At least not when the issue of voting rights for blacks is taken into account, as I hope to show in this chapter. Perhaps it is a bit facile to suggest that the views of Fox, Benson, and Kass are all at least partially correct. But ultimately that is my own view: race, class, *and* political ambition have to be considered as we seek to explain how blacks were partially disenfranchised in New York in the Constitutional Convention of 1821 and the factors that led up to this event. Race and class constitute the contextual milieu within which the formation of New York's political parties occurred; on the other hand, ambitious political actors used certain issues for their partisan advantage for winning political office. But what is missing in all of these explanations, it seems to me, is how the discourse surrounding race was constructed by partisans on both sides, how these competing visions of race and citizenship were employed for political advantage by each side, and how ultimately a racialized discourse helped to shape the formation of New York's political parties in the opening decades of the nineteenth century.

I first begin by looking at some of the economic and social background conditions in New York in the period leading up to the Constitutional Convention of 1821. Blacks in New York faced many of the same difficulties faced by other black northerners during the wrenching political and social changes associated with gradual abolition. In looking at the question of race from this perspective, we shall see that an emerging free black population on the one hand, and a growing white working class population on the other, presented particular problems to New York political leaders who in turn sought to shape the changing social landscape to their political advantage. Next I turn to look at political conflict and partisanship in the period between the Revolution and 1821. The creation of the first party system in the United States also brought stiffened political competition to New York. My

contention is that two competing discourses surrounding race - one that was dominant and entrenched, the other emergent - were firmly established in this period as the question of black suffrage was debated. Political leaders on both sides blended their racial ideologies with political expediency to maintain hold on political power. Third, I look at the debates of the Constitutional Convention of 1821 surrounding the rights of blacks for the franchise as a way of delineating between the two competing race cultures of this period. In doing so, I point out the final transformation from racial paternalism that had been predominant in the late eighteenth century in New York, to an racial ascriptivism that came to dominate by the 1820s.

African Americans in New York: Economic and Social Conditions from Colonial Period to 1821

The Dutch founded the colony of New Netherland in 1624 and placed its administration under the auspices of the Dutch West India Company. Persons of African descent were among the earliest settlers, arriving through the slave trade as early as 1626. Other settlers of the colony included English, French, Swedish, and Germans, and it is estimated that nearly 20 languages were spoken in the early seventeenth century. Under Dutch rule, persons of African descent were owned not by individuals but by the West India Company. The Dutch gave Africans certain freedoms unknown under the peculiar institution of slavery that emerged in the English colonies. For example, African men and women could intermarry, hire themselves out for a wage, bring suit in courts, raise crops and families, and purchase their freedom.¹⁵ Persons of African descent enjoyed rights usually reserved for white

¹⁵ Peter Christopher, "The Freedmen of New Amsterdam," *Journal of the Afro-American Historical and Genealogical Society*, 5 (Fall and Winter 1984): 109.

indentured servants under Dutch rule. But all of this changed when the English assumed control of the colony in 1664. According to Leon Higgenbotham, African men and women went from "half-freedom to slavery" as New Netherland changed hands from the Dutch to the English and became New York.¹⁶ Upon taking over the colony the English quickly moved to abolish what rights persons of African descent had enjoyed under Dutch rule. In 1684, the word "slave" was first attached to the list of those indentured or encumbered. By this time, slavery had taken on a distinctly racial character, with negroes, indians, and mulattoes relegated to slave status, and whites relegated to indentured status.

In response to a black slave uprising in 1712, the English put in place a new set of laws known as the "Duke's Law" which strictly circumscribed the life of black slaves much like the life of the slave was restricted in the Chesapeake and the lower South. It stipulated, for instance, that slaves could not congregate in groups of more than 3 unless working for their master or face forty lashes at the discretion of the justice of the peace. Moreover, slaves were be put to death for murdering or raping whites, or for "willfully burn[ing] any dwelling-house, barn..." In the wake of another ostensible uprising in 1741 in New York City, known as the "Great Negro Plot of 1741," thirteen blacks were burned at the stake, while sixteen blacks and four whites were hanged by colonial officials after a rash of fires erupted all over the city over the course of a week. The residents of lower Manhattan suspected both blacks and Indians in the cause of the fires and whipped up the hysteria that produced the lynch mobs. By the time of the American Revolution, the agricultural regions of New York state had one of the more restrictive slave codes in the North, while race relations in New York City were severely strained and problematic. Blacks - both slave and free - living in urban centers of New York did not enjoy the same levels of autonomy that

¹⁶ Leon A. Higgenbotham, Jr., *In the Matter of Color, Race and the American Legal Process: The Colonial Period* (New York: Oxford University Press, 1980), pp.100-150.

the black communities in other northern urban centers such as Boston, Philadelphia, and Rhode Island enjoyed.¹⁷

If slavery became more restrictive in New York under English rule, it also proliferated in New York more than in any other northern colony. By the time the Constitution was ratified, New York had the largest black population of any colony north of Maryland. Between 1698 and 1790, the number of blacks in New York increased tenfold, from 2,170 to 21,329.¹⁸ Throughout the colonial period, black density in the overall population of New York remained fairly steady. It peaked in the middle decades of eighteenth century as the demand for labor all across the colonies increased, but began to diminish in the Revolutionary and Confederation years as immigration to New York increased in the wake of the war. In addition, it is estimated that as many as three thousand slaves joined the British forces and were evacuated in 1783 with the signing of the Treaty of Paris.¹⁹

¹⁷ See for instance, Harry Reed, *Platform for Change: The Foundations of the Northern Free Black Community, 1775-1865* (East Lansing, Mi.: Michigan State University Press, 1994), p.81.

¹⁸ Thomas J. Davis, "New York's Long Black Line: A Note on the Growing Slave Population, 1626-1790," *Afro-Americans in New York Life and History* 2 (1978), p.41.

¹⁹ Reed, *Platform for Change*, p.81. Such an unusually high number of black conscriptions in the British army may be strong evidence for the harshness of slavery and the overall conditions of black life in New York in the Revolutionary period.

Table 3.1:
Black Density, 1703-1790²⁰

Year	Percentage Black
1703	11.5
1723	14.8
1731	14.3
1737	14.7
1746	14.8
1749	14.4
1756	14.0
1771	11.8
1786	8.5
1790	7.6

There is scant data on the number of free blacks living in New York before the first national census was taken in 1790. But the evidence seems to suggest that during the Revolutionary and Confederation years there was a sharp increase in the number of free blacks in the state. Census data for 1790 shows 4,654 free blacks and 21,329 slaves in the state, roughly 18% of the overall black population.²¹ We can surmise that some were freeman from before the war, some were freed because of their service during the war, and some had been manumitted in other parts of the country and state and had migrated to New York after the war. Surprisingly few of these free blacks were former slaves in New York City who had been manumitted by slavemasters who caught the abolitionist spirit in the

²⁰ Source: Greene and Harrington, *American Population before 1790*, pp.92-105.

²¹ New York State, *Census of 1855*, p.xi.

wake of the Revolutionary War.²² In 1799, New York passed a gradual abolition law which freed all males born after the Fourth of July of that year when they turned 27; women would be freed upon reaching the age of 22. As of July 4th, 1827, all forms of slavery came to an end in the state. Even before the law took effect, however, the percentage of free blacks in the state rose precipitously and continued to rise over the next three decades. In 1800, the number of free blacks doubled over the previous ten years: there were 8,573 free blacks and 15,602 slaves in New York at that time. By 1810 the free black population had surpassed the slave population, 25,333 to 15,017. On the eve of the Constitutional Convention of 1821, there were 22,332 free blacks and 7,573 slaves in the state.²³ Thus, in the opening decades of the nineteenth century we see the same phenomenon in New York that occurred in other northern states that passed gradual abolition laws in the late eighteenth century - namely, that blacks were emerging from slavery en masse over a relatively short period of time. But just as in other northern states, the density of blacks in the overall population *declined* significantly in New York throughout the antebellum period, as Table 3.2 shows.

²² See Shane White, *Somewhat More Independent: The End of Slavery in New York City, 1770-1810* (Athens: University of Georgia Press, 1991), pp.28-30. According to White, only 76 manumissions occurred in New York City between 1783 and 1800, not a particularly high number considering the high profile New York Manumission Society.

²³ See Rhoda Golden Freeman, *The Free Negro in New York City in the Era before the Civil War* (New York: Garland Publishing, 1994), p.6.

Table 3.2:
Black Density as a Percentage in New York Population,
1790-1860²⁴

Year	Percentage Black
1790	7.6
1800	5.3
1810	4.2
1820	2.9
1830	2.3
1840	2.1
1850	1.6
1860	1.3

Steady immigration to New York in the opening decades of the nineteenth century played a large role in the declining density of blacks in the overall population. At the time of the ratification of the Constitution, New York's population was 340,000. By 1820, the population of the state rose to 1.3 million - a fourfold increase.²⁵ Yet black population growth was minimal in proportion to the overall growth rate. Given this, New York presents us with the same puzzle that we find across much of the North, i.e., why was the black community in New York met with rising forms of political, social, and economic discrimination even though their numbers were declining relative to the overall population of the state?

²⁴ Source: U.S. Census Bureau, *Negro Population, 1790-1815*, p.51.

²⁵ Kass, *Politics in New York State, 1800-1830*, p.18.

Here we must return to the nature of gradual abolition all across the North, and the potential political, social and economic conflicts it embodied. While relatively few in number, an increasing free black population became more visible in every way, particularly in the bustle of an urban center like New York City. In the latter days of slavery, most blacks in New York City worked as domestics in the houses of the old (Federalist) aristocracy. As laborers, they were not in competition for jobs with whites at the lower end of the economic ladder. As "citizens", they were utterly invisible, both in the political and social sense: most lived in white-headed households rather than their own communities on the one hand, and all but a few were disqualified from the vote on the other. With gradual abolition came wrenching political, social, and economic changes that brought with them a backlash against a black community just uplifted from slavery. Economically, blacks were perceived by working class whites as a potential threat to jobs. Socially, there were considered pariahs or outcasts, consigned to the slums of the city. Politically, they were seen by ascendant Republican politicians seeking office as a dangerous voting block. These forces came together powerfully at the turn of the nineteenth century in New York as the old Federalists in power were challenged for the first time. Gronowicz asserts that Irish Republican fervor contributed heavily to the development of the Democratic Republican ideology well before the War of 1812, and that New York Republicans drew upon the competition between Irish and African American labor for political support.²⁶ In short, Tammany Hall taught the Irish that they could climb the ladder of success by shunning any contact with blacks; Tammany leaders rode the wave of this hostility to political power. As early as 1804 Republican newspapers such as the *American Citizen* published parodies of black speech patterns in which "Zambo" degraded himself by comparing his skin to the

²⁶ Gronowicz, *op. cit.*, p.30.

rough rind of a coconut.²⁷ In 1799, the *New York Journal and Patriotic Register* pointed out not only the Federalist detestation of the Irish, but also its enthusiasm for "the black ones of Santa Domingo."²⁸ Republican newspapers also never hesitated to remind its readers that "nineteenth-twentieths" of all black voters voted the Federalist ticket, a point to which we shall return shortly.²⁹

The rather bleak picture we get of black life in New York in the opening decades of the nineteenth century is buttressed by other economic and social data gathered on the period. The federal government only began keeping occupational census information in 1850. But Shane White has meticulously pieced together through various sources profiles of black economic and social life in New York City from 1790 to 1810 which helps to shed light on the some of the economic and social conditions which blacks endured.³⁰ White asserts that roughly a third of all free blacks lived in white households from 1790 to 1810. But while percentages remained constant, the real number of blacks living in white households increased by more than six times.³¹ Most of these blacks lived and worked in the homes of merchants, artisans, professionals, and retail salesmen as domestic laborers - in other words, the homes of prominent New York City Federalists. But in the same period, the number of free black headed households went from 157 to 1,228, or about an eight-fold increase. By 1810, thriving black communities had sprouted up in New York City, particularly in the Fifth, Sixth, and Seventh Wards.³² In the public sphere, blacks were being seen physically - and not only as domestic servants doing the shopping for employees or masters, or as chauffeurs driving horse drawn buggies. It was inevitable that the visibility of

²⁷ *Ibid.*, p.32.

²⁸ *New York Journal and Patriotic Register*, March 16, 1799.

²⁹ Gronowicz, p.32.

³⁰ Shane White, *Somewhat More Independent*, pp. 156-163.

³¹ *Ibid.*, p.156.

³² *Ibid.*, p.176.

an increasingly independent black community would lead to entrenched residential segregation by the middle decades of the nineteenth century. White estimates that in 1810 nearly half of all blacks for whom he found occupation statistics were laborers and mariners. A surprising number were skilled artisans - about a third - though the number of black artisans in New York City declined by a fourth from 1800 to 1810.³³ The high number of skilled laborers is a bit surprising, but the decline over this ten-year period may point to the increasing attacks and discrimination blacks faced by white artisans. Food service such as waiting tables was also one of the main occupations left to blacks. During this time, black workers dominated the oyster industry: of 27 listed in the 1810 directory, 16 of them were black, or about 60%.³⁴

Despite the level of skill blacks possessed, they were increasingly relegated to the most menial jobs and persistently forced to the bottom rung on the economic and social ladder. White immigration to the state made matters worse, but economic downturns were another factor. Jefferson's Embargo of 1804, the depression that followed the War of 1812, and the Panic of 1819 all hit the black community the hardest. In the 1810s and 1820s, white immigrants flooded into the domestic service industry, a field predominantly African American since colonial days. According to Herman Bloch, the number of Irish filing for employment with the New York Society for the Encouragement of Faithful Domestics in the late 1820s was more than three times that of blacks; even the number of other "whites" filing for employment surpassed blacks.³⁵

³³ *Ibid.*, p.158.

³⁴ *Ibid.*, p.161.

³⁵ Herman D. Bloch, *The Circle of Discrimination: An Economic and Social Study of the Black Man in New York* (New York: New York University Press, 1969), p.26. The numbers are as follows: 8,346 Irish, 3601 white, and 2,574 colored Americans.

Harry Reed has argued that free black communities all across the antebellum North looked to five specific areas in order to form a community identity and "consciousness" to ease the harshness of their increasingly isolated status: the church, self-help organizations, black newspapers, the black convention movement, and the ideology of emigration.³⁶ In New York in the opening decades of the nineteenth century, education and religion were the most important socio-economic institutions for blacks. The New York Manumission Society, led by John Jay and Alexander Hamilton, was instrumental in setting up the first school for blacks in New York, the New York African Free School. It was founded in 1806 and had 50 pupils that year. Nine years later a new school for black girls was funded by William Street. In 1820 a second Free African School was erected on Mulberry Street. According to Gronowicz, in 1823 the free African schools educated 866 black children. The Federalist newspaper *Commercial Advertiser* boasted of the schools' successes and stated that the difference between a black child attending the schools and one not educated is the difference between becoming a productive citizen and being "plunged in scenes of sloth, idleness, dissipation and crime, until they pass from step to step, into the state prison, and at last up to the gallows."³⁷ The reporter continued that only 3 of the thousands of black children attending the African Free School had ever been convicted of a crime.

Yet, the success of the African Free School in securing blacks economic opportunities is mixed. According to Bloch, of the thousands of blacks educated in these schools over a ten year period, three of them had become ministers, two had entered the teaching profession, and the "rest had found little solace in having an education."³⁸ Most whites in the abolitionist community advocated education as the surest way to lift blacks out

³⁶ Reed, pp.4-5.

³⁷ Quoted in Gronowicz, p.44.

³⁸ Bloch, p.27.

from under their degraded and miserable condition. Their paternalistic sentiments are hardly unnoticeable when we consider that in the 1821 Convention delegates were reminded that the careful instruction of blacks was important in their moral development. But in fact many abolitionists were reluctant to practice what they preached and hire well-trained, educated blacks in their own business establishments for fear of reprisals from an increasingly hostile white population. Leon Litwack summarized it best when he asked of the abolitionists pushing paternalistically for the rights of blacks: "Of what use, was the right to vote, attend school and to enter the homes of the abolitionists if it was still impossible to gain access to any but the most menial employment."³⁹

Other institutions helped to sustain the New York black community throughout the antebellum period. Black New Yorkers took an early active role in the establishment of black churches. In 1796 blacks started a movement for their own church; five years later the African Methodist Episcopal Zion Church was founded, with Peter Williams at its head. In 1809 the Abyssinian Baptist Church was erected. Over the next two decades a web of black churches would come to provide blacks not only with places of worship, but also homeless shelters, refuges for fugitive slaves, aid to the sick, training grounds for leadership, and meeting places for antislavery struggles.⁴⁰ Moreover, the establishment of black churches was encouraged by white religious leaders as means for the mental and moral uplift of the black race. The first black newspaper appeared in New York City in 1827, and the influential *Colored American* was first printed in 1835.

³⁹ Leon Litwack, "The Emancipation of the Negro Abolitionist," M. Duberman, ed. *The Antislavery Vanguard* (Princeton, NJ: Princeton University Press, 1980), p.141.

⁴⁰ Ralph Watkins, "A Survey of the African American Presence in the History of the Downstate New York Area," in Monroe Fordham, ed., *The African American Presence in New York State History: Four Regional Historical Surveys* (Albany: SUNY Press, 1989), p.7.

Yet, despite the successes of the New York Free African School, the creation of a complex web of black churches, and the like, blacks in New York found themselves faced with the same political, economic, and social barriers that black communities in other northern states were faced with as gradual abolition laws took hold and a free black population emerged from slavery. They had, for the most part, spent the latter part of the eighteenth century under the paternalistic gaze of the old Federalist aristocracy, working and living in its houses as domestics. The Federalists promoted the moral and mental uplift of blacks by encouraging the creation of strong black religious and educational institutions - these were the keys to the integration of blacks into what everyone on both sides of the debate concerning race and citizenship agreed was a white man's society. We might characterize the racial dynamic propagated by these leaders as an early version of the doctrine of "separate but equal": blacks could be granted a certain amount of economic and political equality, but social equality was out of the question. To the teeming working classes and the new generation of Republicans leaders seeking their support, however, blacks were seen as both a threat and an outcaste community in every respect - politically, socially, and economically. Thus they preached a form of "separate and unequal" when it came to race and citizenship. And in order to further diminish the potential impact of blacks, and remake New York society in the image of the white man, this new generation of leaders had to seek a political solution to the social and economic problems that race presented.

Politics, Partisanship and Discourse up to 1821

To date historians still have not ceased to echo Carl Becker's well known dictum that the political struggles in New York in the years leading up to the Revolutionary war were centered around the question of "home rule" on the one hand, and "who should rule at

home" on the other.⁴¹ Becker's doctoral dissertation on the history of New York focused more on the social and economic background forces in New York than on the machinery of politics - parties, committees, conventions, etc. He concluded that the American Revolution was not only a result of a contest for independence, but more importantly a contest for the democratization of American society - that is, a contest between the haves and the have-nots or, in Becker's words, conservatives and radicals. In writing about the significance of the Stamp Act and the riots it unleashed, Becker asserted that they "revealed the latent opposition of motives and interests between the privileged and unprivileged, - an opposition which the war itself only half suppressed, and which was destined to reappear in the rivalry of Federalist and Republican."⁴²

In the years that followed the publication of *The History of Political Parties in the Province of New York*, Becker never returned to analyze the machinery of New York politics - i.e., the political conflict between the Federalists and Republicans in the early national period born of the social and economic forces he had described in vivid detail. Instead he focused most of his attention on the intellectual history of the eighteenth century. But historians subsequently picked up on Becker's class-based analysis of the Revolutionary Era, taking for granted Becker's social and economic analysis in order to fill in some of the details of New York politics. Progressive historian Dixon Ryan Fox is perhaps the most notable of these. His *The Decline of Aristocracy in the Politics of New York* is written in the progressive tradition and argues that the conservatism of the old Federalist aristocracy of the Revolutionary Era succumbed to the democratizing forces swirling in New York in the first three decades of the nineteenth century. But where Becker focused on background forces,

⁴¹ Carl Lotus Becker, *The History of Political Parties in the Province of New York, 1760-1776* (Madison, Wisconsin: University of Wisconsin Press, 1968).

⁴² *Ibid.*, p.22.

Fox was certainly more interested in the machinery of politics. Several years prior to his publication, Fox sought to fold an analysis of race into his historical narrative of New York.⁴³ Fox put racial conflict and political parties into historical perspective when he wrote:

The attachment of the colored citizen to the Republican Party is usually explained by reference to the memory of Lincoln, Stevens, Grant, and Sumner; but in New York, at least, the freedman learned to vote against St. Tammany before most of the apostles of his "rights" were born, and the jealous hatred of poor mechanics helps far more than reconstruction policies to account for the attitude of New York Democrats towards Negro suffrage.⁴⁴

He concluded that "if there had never been a Negro south of the Potomac, still the Negro in New York would never had voted the Democratic ticket." For Fox the reason was clear: the social and economic struggles which gave rise to the first party system in New York also shaped the dynamics and parameters of racial conflict in state politics. This occurred independently of the spread of slavery in the South. Well before the rise of the Republican Party and the subsequent racial alignment of the parties in the third party system, Fox correctly asserted that the politics of race had already been stitched in to the political fabric of New York.

In the last section I focused on some of the social and economic changes in New York in the period leading up to the Constitutional Convention of 1821. In this section I want to pick up on Fox's insights into the politics of race in "old New York" but concentrate the discussion on partisan conflict and the discourse surrounding race in the same period.

⁴³ Fox, "The Negro Vote in Old New York," *op. cit.*

⁴⁴ *Ibid.*, p.252

My focus will be not only on the machinery of New York politics, but also on the political actors pulling the levers.

I mentioned at the outset that the generation of New York Revolutionary leaders was, for the most part, staunchly abolitionist. John Jay and his colleagues all understood that the Revolutionary rhetoric of freedom rang hollow if the natural rights it espoused did not extend to ending hereditary slavery. Concerning the continuation of slavery in New York, Jay wrote in 1780 from Europe to his friend Egbert Benson that "till America comes into this measure [for abolition], her prayers to Heaven for liberty will be impious...I believe God governs this world, and I believe it to be a maxim in his as in our court, that those who ask for equity ought to do it."⁴⁵ In 1777 the first New York Constitutional Convention was held and a constitution was drafted. According to Prescott and Zimmerman, the 66 men who gathered in New York were influential Whigs.⁴⁶ Much like the framers of other state constitutions in the Revolutionary era, the drafters of the New York constitution made no mention of race, creed, or previous condition of servitude as an impediment to the suffrage. The suffrage qualification was afforded to "every male inhabitant of full age" who met the property and residence requirements. For the Assembly, these were: 1) the ownership of 20 pounds freehold, or 2) the leasing of a tenement at 40 shillings. Voting requirements for the Senate were more stringent: property requirements were set at 100 pounds for the latter.⁴⁷ The New York Constitution was peculiar in that it established two bodies that usurped certain powers we now assume to be granted to the executive branch alone or to the people themselves: the Council of Appointments and the Council of Revision. The Council of

⁴⁵ Henry P. Johnston, ed., *The Correspondence and Public Papers of John Jay* (New York: Burt Franklin, 1890), I, 407.

⁴⁶ Frank Prescott and Joseph Zimmerman, *The Council of Revision and the Veto of Legislation* (Albany: SUNY Press, 1972), p.1.

⁴⁷ C.Z. Lincoln, *The Constitutional History of the State of New York* (Rochester, NY: 1906), p.172.

Appointments consisted of the governor and one senator chosen annually from each of the four senatorial districts. It was given the authority to appoint judges, mayors, coroners, district attorney, etc., - in short all the state wide and local government offices that are currently popularly elected. The Council of Revision was granted the power of the veto over legislation. It was composed of the governor, the Chancellor, and the judges of the Supreme Court; the Council could return bills to the legislature for revision - essentially giving it veto power over the legislature - but the legislature could override the Council's rejection with a two thirds majority in both houses. As we shall see, the Council of Revision quickly became an institutional barricade to many of the efforts by Democratic Republicans to disenfranchise blacks in the period leading up to the Constitutional Convention of 1821. In fact, Bucktail Republicans portrayed the two Councils as undemocratic in their persistent calls for a new constitution in the years preceding 1821.

Abolitionists were in the clear majority at the Constitutional Convention of 1777. While the constitution did not explicitly abolish slavery, the convention did adopt a resolution proposed by Governour Morris urging the legislature to take measures committed to the principle that "every human being who breathes the air of the state shall enjoy the privileges of a freeman."⁴⁸ The resolution passed by a vote of 31-5. Four years later, the Assembly passed a law manumitting slaves who had served in the state militia. As we have seen, Alexander Hamilton had urged the legislature of South Carolina in 1779 to take a similar course of action and give slaves "their freedom with their muskets."⁴⁹ A similar situation occurred in the wake of the Dorr War in Rhode Island, where blacks were granted suffrage rights after displaying their loyalty to the Law and Order Party and assisting in quelling the rebellion. Moreover, the history of the U.S. is replete with similar types of

⁴⁸ *Journals of the New York Provincial Congress* (Albany, NY, 1842), I, 887-9.

⁴⁹ See footnote 1 above.

rewards for blacks who have displayed their patriotism. In fact, Klinkner and Smith have argued loyal military service in times of war has been one of the necessary factors in the advancement of civil rights for blacks throughout U.S. history.⁵⁰

Calls were roundly made throughout New York to end slavery in the early 1780s as pressure was placed on political leaders to follow the lead of its neighboring states. In 1784, the *New York Journal* published a letter from an abolitionist in Pennsylvania to a friend in New York. Pennsylvania was one of the first states to abolish slavery. The Pennsylvanian attacked any type of personal slavery, saying that "the argument in favour of personal slavery are so few, and those few so weak, those in behalf of liberty, and the equal right all men have to freedom, so numerous and cogent, that it is really embarrassing to advocate for the latter, to arrange them and apply them."⁵¹ In 1785 the New York legislature sought to make good on the 1777 convention's resolution on abolition and moved to pass a manumission law. A majority of both houses were clearly prepared to end slavery in New York, but two questions remained: 1) how fast should manumission be enacted? And 2) to what extent should blacks be given political rights? Aaron Burr led a group of militant abolitionists and proposed the immediate abolition of all slavery in the state. The Assembly rejected Burr's proposal 33-13, but approved a more moderate plan of abolition by a majority of 36-11.⁵² In actuality, all but one member of the Assembly voted for some form of abolition, since 10 of the members that voted against the moderate bill voted with Burr on the more radical measure.⁵³

⁵⁰ Phil Klinkner and Rogers Smith, *The Unsteady March: The Rise and Decline of Racial Equality in America* (Chicago: University of Chicago Press, 1999).

⁵¹ *New York Journal*, April 15th, 1784.

⁵² *Journal of the Assembly of the State of New York*, February 25, 1785.

⁵³ See Edgar McManus, *A History of Negro Slavery in New York* (Syracuse: Syracuse Press, 1966), p.162.

Yet, the bill that emerged from the Assembly stopped short of granting blacks full political equality. Blacks were denied the right to vote or hold political office, forbidden to intermarry with whites or give testimony against whites in a court of law, and barred from serving on juries. The Senate rejected the bill and went on record against the Assembly's measure, arguing that racial restrictions were not only unfair but also dangerous, and could result in civic disorder if a portion of the electorate was denied the rights of citizenship.⁵⁴ The "stake in society" argument on voting fell on deaf ears in the Assembly; while the latter revised the bill to allow for intermarriage, the holding of public office and the admissibility of evidence in courts, the Assembly would not budge on the Senate's action. Fearing that an emancipation bill would not be passed, the Senate nonetheless signed off on the measure that denied the right to vote to blacks and sent it to the Council of Revision for consideration.⁵⁵

With the old Federalist Robert Livingston presiding over the Council of Revision as Chancellor, the bill was rejected and sent back to the legislature. In issuing the veto, Livingston made a total of five objections that centered around three main ideas. First, Livingston asserted a natural rights philosophy and argued that voting was an inalienable right of citizenship which could not be abridged on the basis of race. Livingston wrote that blacks are "entitled to all the privileges of citizens" and can not "be deprived of these essential rights without shocking the principle of equal liberty which every page in that Constitution labors to enforce."⁵⁶ Since some blacks had already exercised the right to vote in New York, depriving them now "of this essential privilege, and under the idea of political

⁵⁴ *Journal of the Senate*, March 9 and 12, 1785.

⁵⁵ *Ibid.*, March 12, 1785.

⁵⁶ "Objections by the Council of Revision to a Bill for the Gradual Abolition of Slavery, March 23, 1785" in *Messages from the Governors* (Albany: J.B. Lyon Company, 1909), edited by Charles Z. Lincoln, volume II, pp.237-239.

expediency, without their having been charged with any offence, disfranchises them in direct violation of established rules of justice."⁵⁷ Second, Livingston employed a common Revolutionary theme by arguing that disenfranchising blacks deprives them of the very representation that formed the basis of the American insurgency against the British crown. The law passed by the Legislature, in Livingston's words, "either enacts what is wrong, or supposes that those may rightfully be charged with the burdens of government, who have no representative sharing in imposing them." Finally, Livingston warned of the dangers that disenfranchisement would cause in the future: "Because this class of disfranchised and discontented citizens, who at some future period may be both numerous and wealthy, may under the direction of ambitious and factious leaders become dangerous to the State, and effect the ruin of a constitution whose benefits they are not permitted to enjoy."⁵⁸ Livingston and the Council then returned the bill to the Legislature. In doing so he offered to New York's political leaders a vision of society which sought to integrate blacks by giving them a political stake in that society. The alternative was not only political instability and possible insurrection, but also a violation of the natural rights of citizens of African descent.

In his veto address, Livingston did no more than what Hamilton sought to do just a few years earlier amidst the Revolutionary War: i.e., approach the question of race from a standpoint of both policy and humanity. I suggest that questions of political expediency and morality guided Livingston and the other Federalist leaders in the espousal of their racial ideology. Upon resubmission of the bill, however, the Senate was now unwavering in its support for the original bill. Apparently its members wanted an emancipation bill more than the suffrage measure. The Senate passed the bill in unamended form and sent it on to the

⁵⁷ *Ibid.*, p.238.

⁵⁸ *Ibid.*

Assembly.⁵⁹ By now, though, the Assembly had changed its mind. Heeding Livingston's veto message, a majority of the Assembly now strongly favored both emancipation and voting rights, and voted down the unrevised bill forwarded by the Senate by a vote of 23-17.⁶⁰ The bill died on the floor of the Legislature, thus ending the legislative attempt at emancipation.

With the failure of the New York Legislature to act on full emancipation, calls to abolish the peculiar institution once and for all in the Empire State reached a feverish pitch. That same year, in 1785, the New York Manumission Society was founded, with Jay and Hamilton at its head. During the same period, calls were made from the editorial pages of several New York newspapers. The *New York Gazetteer* attacked slavery as "the deprivation of all the rights which nature has given to man."⁶¹ Other newspapers bellowed that slave owners deserved to be plundered, tormented and massacred at the hands of their slaves.⁶² In the face of heated antislavery rhetoric, the state Legislature moved to curtail the practice of slavery as much as possible by liberalizing slave controls, encouraging private manumissions of slaves who were healthy enough to support themselves, and outlawing the slave trade in the state. But slavery would not be abolished completely until 1799, when Federalist Governor John Jay signed an abolition bill gradually manumitting slaves passed into law by a Federalist Legislature. It stipulated that any black male born into slavery on or after July 4, 1799 would be freed on July 4, 1827. Any black female born into slavery on or after July 4, 1799, would be freed on July 4th, 1822. According to Fox, the vote for

⁵⁹ *Journal of the Senate*, March 21, 1785.

⁶⁰ *Journal of the Assembly*, March 26, 1785.

⁶¹ *New York Gazetteer*, February 4, 1785.

⁶² *New York Journal, or Weekly Register*, June 22, 1786.

manumission was on a straight party line in the legislature, with 68 Federalists supporting the bill and 23 Republicans opposing it.⁶³

The election of 1800 swept the Republicans into office in New York, in federal office as well as in the executive branch of the state. In the Legislature, the Assembly went Republican, but the Senate was deadlocked at six senators from each party.⁶⁴ DeWitt Clinton beat Federalist candidate General Van Rensselaer in the governor's race by a solid majority of four thousand votes. Some historians have made reference to the fact that the Republicans began to move to disenfranchise blacks in the wake of election of 1800 because a single black ward in New York City caused the make-up of the government to become Federalist. Citing Fox, Herman Bloch makes this point in his work *The Circle of Discrimination*.⁶⁵ However, nowhere in Fox's work is this assertion made, and no evidence could be found that a single Negro ward in New York caused a change in the makeup of the government at the state or the national level.⁶⁶ As was mentioned, the Senate was deadlocked at 6 senators each after the election of 1800; from this we can gather that whatever black vote there was in New York City may have helped the Federalists hold seats in the Senate's southern district.⁶⁷ But the Republicans clearly won a majority of the seats in the Assembly and took the governor's office.

Nonetheless, the Republican victories that year signaled the onset of party competition in New York in the opening decade of the nineteenth century. It was fueled in

⁶³ Fox, "The Negro vote in Old New York," p.254.

⁶⁴ Jabez D. Hammond's *The History of Political Parties in the State of New York* (Buffalo: Phinney and Co., 1850) is still the definitive work on political party history in New York in the early nineteenth century. See pp.162-3.

⁶⁵ Herman Bloch, *The Circle of Discrimination*, op. cit., p.155.

⁶⁶ None of the secondary literature on political parties in New York make reference to the impact of black voting in the election of 1800, and nowhere in any of the newspapers of the day - Republican or Federalist - is there evidence of black vote that year.

⁶⁷ State senate seats were apportioned according to four districts across the state. At this time, there were three senators from each district in the senate.

large part by issues of both class and race. Leaders of the ascendant Republican Party began to use the political relationship between blacks and the Federalists to stir passions amongst white immigrants for political support. On the other side, Federalist leaders exploited the constituency of the newly formed Republican coalition, while black leaders in New York City decried the bond between the party of slaveholders in the South and the party of Jefferson in the North. In 1807 Federalists protested against the influence of "foreign born" voters in elections.⁶⁸ In April of the next year blacks held what amounted to the first black political convention in New York City, known as the first "General Meeting of the Electors of Colour." They solidly supported the Federalist ticket for elective office across the state in the elections to be held later that month. In 1809, black leader Joseph Sydney urged black New Yorkers to support the Federalists. In a sermon on abolition he bellowed against the party of Jefferson, arguing that it was blacks'

indispensable duty of bestowing our votes on those, and only those, whose talents and whose political, moral and religious principles will most effectively promote the best interest of America...How important, then, that we, my countrymen, should unite our efforts with those of our Federal friends in endeavoring to bring about this desirable change, so all-important to commerce, to our own best interests, and the prosperity and glory of our country...[The Republicans] are the very people who hold our African brethren in bondage [in the South]. These people, therefore, are enemies of our rights.⁶⁹

Republican politicians responded in kind to the growing partisan rancor by playing the race card. In the wake of the Republican embargo against the British, the Federalists rebounded from their legislative loss of 1800 to take control of the Assembly in 1809. That

⁶⁸ See T.E.V. Smith, *Political Parties and the Places of Meetings in New York City* (New York: New York Historical Society, 1893), p.10.

⁶⁹ Joseph Sydney, *An Oration Commemorative of the Abolition of the Slave Trade in the United States* (New York: New York Historical Society, 1809).

same year, Republicans began an all out assault on the Federalist Party, questioning its patriotism in opposing the embargo and asserting that its membership was comprised of Tory (i.e., British) sympathizers. Moreover, Republican newspapers accused the Federalists of being the protectors of blacks at the expense of the Irish immigrants.⁷⁰ In 1809 Republicans created a campaign song which not only played upon racial animosities, but also sought to stir up questions about Federalist motivations in opposing the Republican-led embargo:

*"Federalists with blacks unite,
And tell us wondrous stories;
And after they have spit their spite,
We prove them to be Tories."⁷¹*

By 1809, the racial divide between the Federalists and the Republicans had escalated into physical intimidation at voting places in New York City. In the statewide election of that year, Republican inspectors at polling places began to question the free status of any black man wishing to cast his vote. Many were turned away because black men had no physical proof of their freedom; Republican inspectors thus assumed any black man arriving at the polls was a slave of the prominent Federalists in the city. Federalist newspapers exposed the practice immediately and called upon citizens to fight against the practice as a violation of the natural rights of blacks to vote. The *New York Commercial Advertiser* ran a column on April 26, 1809, stating the following:

⁷⁰ See footnote 32 above.

⁷¹ This broadside is quoted in T.E.V. Smith, *Political Parties and Their Places of Meetings*, p.10.

Shameful violation of the right of suffrage - The Republican inspectors of the Fourth Ward yesterday rejected the vote of a free man of colour, on the grounds that one of the inspectors *deemed it convenient to suspect* that he was born in slavery. The person who offered himself to vote declared that he was born in freedom, and was willing to take the oath prescribed by law. Notwithstanding this declaration, his vote was rejected. The principle assumed by the Inspectors was that every man of colour was presumed to be born in slavery: and in order to entitle himself to vote, he must produce legal evidence of his manumission. This principle, so hostile to the true spirit of republicanism, is the result of a systematic plan to disfranchise a large portion of Electors, who possess every requisite qualification, together with sagacity to discern the magnanimity to resist the late encroachments of our rulers on the constitutional liberties of the people. Men of Color! Friends of Humanity! You are imperiously called on to resist, by every honourable effort, this insidious attempt to destroy the most invaluable principle of Freemen - *the elective franchise*.⁷²

Three days later, the Federalist-leaning *New York Spectator* ran the same column. In response to the continued practice by Republican inspectors, the Federalists organized amongst blacks a chapter of the Washington Benevolent Society, a partisan fraternity that helped blacks deal with the restrictive practices. Meanwhile, Republican newspapers defended the practice.⁷³

The Republicans once again swept into office in the 1810 elections. Daniel Tompkins won the governor's office, and Republicans captured both Senate and Assembly - the latter by a two-to-one margin. In his first hand account of the political struggles of the day, Jabez Hammond asserted that the Federalists lost the election of 1810 for three reasons: first, Congress altered the terms of the very unpopular embargo against the British. Second, hostilities against Great Britain were reaching a heightened pitch, and the Republican attempt to paint the Federalists as "Tories" began to gain traction. Finally, Hammond intimated that Madison's popularity midway through his first term gave the Federalists little

⁷² *New York Commercial Advertiser*, April 26, 1809.

⁷³ See *New York Advertiser*, April 26, 1810.

chance of gaining ground either at the state or national level.⁷⁴ Republicans consolidated their gains in the election of 1811 and once again moved to destroy the impact of black voters in New York City. That year the Legislature passed a harsh bill entitled "a Bill to Prevent Frauds at Elections, and For Other Purposes." Essentially the bill sought to legalize what Republican inspectors in the city had done by force in previous elections. The main provision of the bill was as follows:

Whenever any person of color, or black person shall present himself to vote at any election of this state, he shall produce to the inspectors, or persons conducting such an election, a certificate of freedom under the hand and seal of one of the clerks of the counties of this state, or under the hand of a clerk of any town within this state.⁷⁵

In order to receive the certificate, a black man had to obtain the services of a lawyer and appear before a Supreme Court judge, where proof of freedom could be obtained in writing. The total cost to the black voter included the cost of the lawyer, twenty-five cents to the court and a shilling to the county clerk for filing the certificate. In addition, the black man had to take an oath saying he was the person listed on the certificate.

The Council of Revision once again stepped in on the side of blacks and vetoed the legislation. In the objections, the Council offered several reasons for its veto, ranging from the feasibility of carrying out the law, to questions dealing with the scientific basis for the law, and finally to a deep skepticism of its moral underpinnings. The Council first argued that the description of "persons of color" offered in the bill was too vague for inspectors to follow accurately. The "races" had been mixed over the centuries. Should inspectors go on

⁷⁴ Hammond, *History of Political Parties in New York*, vol. 1, pp.286-7.

⁷⁵ *Journal of the Senate of the State of New York*, 1811, p.143.

differences presented to the eye, or the "quality of the blood"?⁷⁶ In other words, an inspector would have difficulty determining practically who was black and who was not in many cases. But more importantly, the Council was hinting that a science of race was nearly impossible. We must keep in mind that the first modern attempts to construct a scientific racism were just underway in the early nineteenth century. Moreover, the emergence of a science of race that placed blacks in a subordinate position to whites formed the basis of much of the rhetoric that justified the disenfranchisement of blacks during this period, as I have argued in the opening chapter. As early as 1811, the New York Council of Revision was making a legitimate counter-argument to this scientific view of racial difference: how could we really be sure what constituted "race" if the blood of the races was mixed? But perhaps most importantly, the Council of Revision once again relied upon a natural rights argument for most of its objections. Stating that the bill selects certain persons that "under the constitution and laws of the state, entitled to the elective franchise, many of whom were born free," it violated the rights of blacks

whose ancestors have uninterruptedly enjoyed the elective franchise under the colonial as well as this state government, and to whom that right has been transmitted with their freeholds, the humiliating degradation of being challenged in consequence of a supposed taint, and being excluded from voting in common with their fellow citizens, on their own oaths, and thus exposing electors to wanton insult and contumely, merely on account of their complexion, whether produced by the accidental circumstances of birth, climate or disease, while in the act of exercising the noblest right of a freeman.⁷⁷

The bill was not passed over the Council's veto. The War of 1812 - labeled by the Federalists as "Mr. Madison's War" - brought new scrutiny upon the policies of

⁷⁶ *Messages to the Governors, op. cit.*, pp.686-8.

⁷⁷ *Ibid.*, p.686.

Republicans. Federalists termed the slate of Republican officials running across the state that year the "War Ticket," while the Federalists labeled themselves as the "Peace Ticket." Amidst the war, Republicans in other parts of the state continued to support the policy of the disenfranchisement of blacks through statute. However, at the same time Republicans in New York City still made overtures to blacks and courted their votes assiduously. In a letter entitled "Attention!! People of Colour" published in Alexander Hamilton's *New York Evening Post* on April 27, 1813, a "free man of colour" discussed these overtures made by the "Democratic" Party and urged his brethren not to heed party leaders' calls for support. He stated that the courting of blacks by Democrats were meant to "deceive and coax [blacks] to support their detestable system of administration."⁷⁸ He continued by stating that Governor Tompkins was no friend of the black man because he had supported "the law respecting certificates of freedom" that had been proposed two years prior. He closed by urging his fellow blacks to consider what the Democratic Party stood for when it ostensibly supported a law restricting slavery:

[The law] states that liberty is the right of all men, and the gift of God, not confined to climate or complexion [sic] etc. If liberty is a universal right, why did not the Democrats pass an act for the general emancipation of all the slaves? It was not for want of power, for they had a large majority in the national and state legislatures, for many years: if the gift of God to man, how dare they sacrilegiously deprive others of it, except they doubt the existence of the deity, or like their great idol, believe in twenty Gods, or no God at all, for as matters stand, there is no oppression in the law, but lies, notorious lies in their address. *IF THERE IS A SLAVE IN THE UNITED STATES, IT IS THE FAULT OF THE DEMOCRATS!*⁷⁹

⁷⁸ *New York Evening Post*, April 27, 1813.

⁷⁹ *Ibid.*

Blacks once again voted the Federalist ticket in the spring elections of 1813.⁸⁰ It became clear to Republicans that they had no chance of swaying black voters in New York, and they consequently adopted a new hard line strategy. In 1814 the Republican-led Legislature put forth a bill similar to the one proposed in 1811. This later version also forced blacks to present a certificate of freedom upon voting. However, the bill only applied to New York City. Once again, the Council of Revision vetoed it. But this time the Republicans overrode the veto. A year later, new amendments and new restrictions were added to a bill passed on April 11, 1815.⁸¹ Once again, the bill was passed over the objection of the Council of Revision. While the new bill exempted blacks that had obtained certificates prior to the 1815 passage, it did force blacks to register to vote five days prior to the election and deliver their affidavits to the mayor for inspection.⁸²

The impact of the Republican-led assault on the suffrage rights for blacks in New York City was severe. The 1810 census showed 9,823 blacks in the city, 1,686 were slaves.⁸³ By 1820, there were 10,886 blacks in New York City, 518 of whom were slaves.⁸⁴ A delegate at the Constitutional Convention of 1821 estimated that nearly 300 blacks in New York voted in the statewide election of 1813; in the spring elections of 1821, the figure had dropped to 163.⁸⁵ Thus, whereas the number of free blacks increased in New York City by about 20%, the number of black voters decreased by nearly 50%. To a large extent, the Republicans had achieved the goal they set out to accomplish as early as 1800 when the first assault on the Federalist-black coalition took hold: the "Negro" wards of New York City had been all but nullified in electoral politics.

⁸⁰ The election of 1813 received considerable attention in the Constitutional Convention of 1821, as we will see shortly. The results of that election and the electoral impact of blacks is in dispute.

⁸¹ *New York Spectator*, April 19, 1815.

⁸² *Ibid.*

⁸³ *Census of the State of New York, 1855*, p.xi.

⁸⁴ *Ibid.*

⁸⁵ *Proceedings and Debates of the Constitutional Convention of 1821*, pp.197-9.

While the end to the war left the Federalist Party in pieces across the country, two main factions emerged in New York politics by 1816: the Clintonians and Van Buren's Bucktail Republicans. In 1818, the Bucktails presented a bill in the legislature calling for a constitutional convention, which Governor Clinton and his allies blocked outright. But the following year, the same bill was presented, and this time Clinton agreed to the convention if it only revisited appointive power; the Bucktails refused the measure because of its restrictive character. In 1820, Van Buren's Bucktails gained control of the legislature and immediately passed a bill calling for an unrestricted constitutional convention. The Council of Revision altered the bill, arguing that the people should decide for themselves on the need for a convention. For the referendum, the electorate was expanded to include freeholders, taxpayers, militiamen, and men who worked on public roads. In short, the referendum was to be the most democratic in New York State history. The referendum passed by a margin of 3 to 1.

Race and Suffrage in the Constitutional Convention of 1821

The bill to revise the New York State constitution became law on March 13th, 1821. Delegates to the convention were elected a month later on June 13th. Statewide elections had been held in April, and consequently many of the newly elected officials from across the state were elected to attend the convention in Albany. This meant a majority of the delegates to the convention were members of the Bucktail Republicans.⁸⁶ When the Constitutional Convention assembled in late August, four issues for consideration appeared to take precedent amongst the delegates: an alteration of the judiciary system, the abolition

⁸⁶ Hammond, *History of Political Parties in New York*, vol.ii, p.2.

of the Council of Revision, a change in the appointment power (i.e., the Council of Appointment), and an extension of the right of suffrage.

On September 19th, the delegates turned their attention to the elective franchise. For two weeks straight the delegates engaged in a spirited debate over the qualifications for suffrage and the dangers inherent in expanding it. According to Alexander, three views predominated on the question of the suffrage: those who favored some type of freehold qualification; who advocated universal suffrage, and those who sought a compromise between the two and favored abolition of a freehold qualification but opposed universal suffrage.⁸⁷ Federalists were staunchly in the first group, many Bucktail Republicans were in the second group, and Van Buren represented the third group. Eventually the position advocated by Van Buren would prevail. But race cut across all three positions and quickly became one of the biggest sticking points. Notwithstanding the restrictive laws concerning the certificates of freedom passed several years earlier, blacks were allowed to vote alongside whites just as long as they met the same property qualifications. However, the gradual abolition of all slavery in New York was to take effect within a few years, and delegates were faced with prospect that tens of thousands of blacks might be eligible for the franchise by the end of the decade. On the other hand, many delegates had made the expansion of the suffrage a theme in their calls for a constitutional convention. Thus, the question of the suffrage soon turned on whether or not an expansion of the suffrage was to include whites and blacks, or just whites.

The Bucktail Republicans knew well the black vote went overwhelmingly to the old Federalists, and they looked to the convention as their chance to finally diminish the impact of this loyal voting block. In other words, interests and political expediency were at stake

⁸⁷ DeAlva Stanford Alexander, *A Political History of the State of New York* (Port Washington, NY: 1909), vol.i, p.299.

here. But there was also an ideological component to the Bucktails' position when it came to the question of race and citizenship. As Peterson explains: "That the free Negroes had, as far as they could be qualified, generally voted the Federalist ticket of their former masters contributed to the hostility [Bucktail] Republicans like [Samuel] Young and Van Buren felt for the Negro franchise. Underlying this political motive, however, was the conviction that democracy was for whites only."⁸⁸ On the other side, the Federalists walked their own fine line between ideology and expediency, arguing on the one hand that voting was a natural right and could not be abridged on the basis of race, and asserting on the other that the impact of the black vote on the makeup of New York state government was minimal at best.

The ideological divide between the two sides was made abundantly clear on the first day the franchise was debated. Stephen Ross was one of the first Republicans to rise to argue against the enfranchisement of blacks. He began by stating that the concept of "natural rights" only applied to the state of nature and not to the institutions of a civil government that are formed after. Other qualifications for full citizenship had to be considered. Thus, while blacks may be considered "free and equal" theoretically in the state of nature, they were not truly citizens of New York because "they are seldom, if ever, required to share in the common burdens or defence of the state."⁸⁹ Ross then proceeded to argue against black enfranchisement on ascriptive grounds:

They are a peculiar people, incapable, in my judgment, of exercising that privilege with any sort of discretion, prudence, or independence. They have no just conceptions of civil liberty. They know not how to appreciate it and are consequently indifferent to its preservations. Under such circumstances, it would

⁸⁸ Peterson, *Democracy, Liberty, and Property*, pp.137-38.

⁸⁹ *Reports of the Proceedings and Debates of the New York Constitutional Convention of 1821* (New York: DaCapo Press, 1970), p.180.

hardly be compatible with the safety of the state, to entrust such a people with this right...the truth is, this exclusion invades no inherent rights.⁹⁰

He concluded by arguing that, in granting blacks the right to vote in New York, political leaders run the risk of inviting blacks from other parts of the country to the state. The inference is clear: for Ross New York was to be a "white man's" Republic, devoid both of black citizens and representatives. "I fear that an extension to the blacks would serve to invite that kind of population to this state, an occurrence which I should most sincerely deplore...next blacks will claim to be represented by persons of their own colour, in your halls of legislation. And can you consistently refuse them? It would be well to be prepared for such a claim."⁹¹

Soon thereafter Federalist leader Peter Jay rose to counter Ross' argument. He appealed to the principles upon which Jefferson had based his ideas in the Declaration.⁹² Jay argued that this basic right of citizenship was inalienable to anyone born in the state of New York. But going further, he revived the natural rights, environmentalist argument made by his father's generation of political leaders that held at its core that any inferiorities due to race could be conquered through civic education.

Why, sir, are [black males] to be excluded from rights which they possess in common with their countrymen? What crimes have they committed for which they are to be punished? Why are they, who were born free as ourselves, natives of the same country, and deriving from nature and our political institutions, the same rights

⁹⁰ *Ibid.*, pp.180-1.

⁹¹ *Ibid.*, p.181.

⁹² On the face of it this appears odd because the Bucktail Republicans were purported to be the party of Jefferson. Van Buren's ambitions for building the Democratic Party in the late 1820s rested upon the desire to restore the greatness of the Republican party founded by Jefferson and Madison. Aldrich demonstrates that Van Buren's ambition in creating a national party meant he had to disavow some of the political rhetoric of Jefferson himself. See John Aldrich, *Why Parties? The Origin and Transformation of Political Parties in America* (Chicago: University of Chicago Press, 1995).

and privileges which we have, now to be deprived of all those rights, and doomed to remain forever as aliens among us?...It is true that that some philosophers have held that the intellect of a black man, is naturally inferior to that of a white one; but this idea has been so completely refuted, and is now so universally exploded, that I did not expect to have heard it in an assembly so enlightened as this...That in general the people of color are inferior to whites in knowledge and industry, I shall not deny. You made them slaves, and nothing is more true than the ancient saying, "The day you make a man a slave takes half his worth away." Unaccustomed to provide for themselves, and habituated to regard labor as an evil, it is no wonder that when set free, they should be improvident and idle, and that their children should be brought up without education, and without prudence and forethought. But will you punish the children for your crimes; for the injuries which you have inflicted upon their parents? Besides, sir, this state of things is fast passing away. Schools have been opened for them, and it will, I am sure, give pleasure to this committee to know, that in these schools there is discovered a thirst for instruction, and a progress in learning, seldom to be seen in other schools of the state. They have also churches of their own, and clergymen of their own colour, who conduct their public worship with perfect decency and order, and not without ability.⁹³

After making his case on moral grounds, Jay turned to questions of political expediency. He anticipated the argument that the black vote was beholden to Federalists leaders and argued instead that their numbers were significantly small such that no mischief could come from granting them the franchise. "The whole number of coloured people in the state...amounts to less than a fortieth part of the whole population. When your numbers are to theirs as forty to one, do you still fear them?" He then concluded by urging the delegates not to "stain" the constitution with "unreasonable prejudices" that were in "direct violation of the principles you profess."⁹⁴

Bucktail Republican Erastus Root then rose to make the case that blacks, though afforded certain rights, have no real "anchorage" in the country because they are not called upon to defend it in times of war. Thus, they are not true citizens in every sense of the word and should not be granted the right to vote. To Root, it was clear that citizenship rested on at

⁹³ *Ibid.*, pp.183-4.

⁹⁴ *Ibid.*, p.185.

least three aspects: property rights, voting rights, and the duty to defend the borders of the country. And citizenship was akin to a family of which persons of African descent could never be part. In Root's view, blacks could not be allowed "to disturb our political family" by being given the chance to change the nature of the government through elections. Taking a swipe at both the Federalists and the inability of blacks to vote independently, Root asserted:

I should suppose there was some cause for alarm - when a few hundred negroes of the city of New York, following the train of those who ride in their coaches, and whose shoes and boots they had so often blacked, shall go to the polls of the election, and change the political condition of the whole state. A change in the representation of that city may cause a change in your assembly, by giving a majority to a particular party, which would vary your council of appointment who make the highest officers of your government - Thus would the whole state be controlled by a few hundred of this species of population in the city of New York.⁹⁵

The heated back and forth between proponents and opponents of black suffrage continued on the first day the convention focused on the elective franchise. Federalist representative Levi Clarke rose after Root with some embarrassment, claiming that the "elocution" arrayed against him was formidable. He then proceeded to give one of the more impassioned speeches on the rights of blacks and the suffrage. Clarke began by reminding the delegates of the principles laid out in the Declaration and the natural rights it protected. "I am unwilling to retain the word *white* because its detention is repugnant to all the principles and notions of liberty, to which we have heretofore professed to adhere, and to our declaration of independence, which is a concise and just expose of those principles."⁹⁶

⁹⁵ *Ibid.*, pp.185-6.

⁹⁶ *Ibid.*, p.186.

Clarke then recited the Declaration. Continuing on this theme, Clarke admonished his colleagues:

I think you cannot exclude them without being guilty of a palpable violation of every principle of justice. We are usurping to ourselves a power which we do not possess, and by so doing, deprive them of a privilege to which they are, and always have been, justly entitled - an invaluable right - a right in which we have prided ourselves as constituting our superiority over every other people on earth - a right which they have enjoyed ever since the formation of our government - the right of suffrage.⁹⁷

Clarke then questioned his colleagues who asserted that blacks had no stake in American society because they were not called upon to defend its borders during war. "In your late war," he shot back at Republicans, "the contributed largely toward some of your most splendid victories. On Lakes Erie and Champlain, where your fleets triumphed over a foe of superior in numbers, and engines of death, they were manned in a large proportion with men of colour." He went on to refute the argument that blacks were the only ones who did not exercise the right of suffrage judiciously, imploring Republicans to "go on and exclude also the many thousands of whites fawning, cringing sycophants, who look up their more wealthy and more ambitious neighbors for direction at the polls, as they look up to them for bread." Clarke then concluded with an admission that he looked upon blacks in similarly to his opponents. But he sketched out the fundamental differences between his ideological views on race and those of the Bucktail Republicans. The latter viewed blacks with contempt, while Clarke and his Federalist colleagues looked on the same group of humans with pity and even guilt.

⁹⁷ *Ibid.*

I lament as much as any gentleman, that we have this species of population among us. But we have them here without any fault of theirs. They were brought here and enslaved by the arm of violence and oppression. We have heaped upon them every indignity, every injustice; and in restoring them at this late day (as far as practicable) to their natural rights and privileges, we must make but a very partial atonement for the many wrongs which we have heaped upon them...I admit that the blacks are a peculiarly unfortunate people, and I wish that such inducements may be held out as shall induce them to become a sober and industrious class of community, and raise them to the high standard of independent electors.⁹⁸

One of the last speakers of the day was Colonel Samuel Young, a Bucktail Republican and staunch ally of Martin Van Buren. Young began by echoing his colleagues and discounted the notion that voting was a "natural right." He then appealed to his colleagues to consider public opinion in making their decision on the question of black suffrage. He began:

In forming a constitution, we should have reference to the feelings, habits, and modes of thinking of the people. The gentleman last up has alluded to the importance of regarding public sentiment. And what is the public sentiment in relation to this subject? Are the Negroes permitted to a participation in social intercourse with the whites! Are they elevated to public office! No Sir - public sentiment forbids it. This they know; and hence they are prepared to sell their votes to the highest bidder. In this manner you introduce corruption into the very vitals of the government...This distinction of colour is well understood. It is unnecessary to disguise it, and we ought to shape our constitution so as to meet the public sentiment.⁹⁹

Young then reaffirmed the ascriptive ideology to which he and his Bucktail colleagues adhere to in his concluding remarks. He stated flatly:

⁹⁸ *Ibid.*, p.189.

⁹⁹ *Ibid.*, pp.188-9.

The minds of blacks are not competent to vote. They are too degraded to estimate the value, or exercise with fidelity and discretion this important right. It would be unsafe in their hands. *Their vote would be at the call of the richest purchaser.* If this class of people should hereafter arrive at such a degree of intelligence and virtue, as to inspire confidence, then it will be proper to confer this privilege upon them. At present emancipate and protect them; but withhold that privilege which they will inevitably abuse. Look to your jails and penitentiaries. By whom are they filled? By the very race, whom it is now proposed to clothe with the power of deciding upon your political rights.¹⁰⁰

After several more days of debate, it became apparent that the delegates were torn on the issue of black suffrage. The two views heretofore presented - complete enfranchisement on the one hand, complete disenfranchisement on the other - were not favored by a majority of the delegates. But quite simply, there was no other alternative at that point. On the other hand, the delegation as a whole was leaning toward some type of black voting rights. They voted to strike the word "white" out of the original provision for the franchise by a vote of 63 to 59. According to Hammond, Martin Van Buren voted to do away with the racial classification because it would draw revenue from blacks and deny them the right to vote.¹⁰¹ But he realized the potential danger a large black voting block in New York City presented to his political aspirations.

Over the next week the question on the elective franchise was referred to a committee to draft language in light of the votes taken. Bucktail Republican Samuel Young was the chair of that committee. Young adamantly opposed to black suffrage, but realizing that disenfranchising blacks completely was out of the question, Young sought a partial disenfranchisement by placing a \$250 property qualification on blacks while dropping most

¹⁰⁰ *Ibid.*, p.189.

¹⁰¹ Hammond, *History of Political Parties in New York*, vol.ii, p.21.

qualifications for whites. Judge Platt, a Federalist on the committee, objected strongly by saying that Colonel Young delivered a "eulogium on liberty and equality, in our happy state" and then concluded by "moving a resolution, in substance, that thirty seven thousand of our free black citizens, and their posterity, for ever, shall be degraded by our constitution below the common rank of freeman."¹⁰² In short, Platt accused Young of being hypocritical. But when it was brought to the floor of the convention for a vote, the proviso passed overwhelmingly: 71 delegates voted for the racial restriction and 33 voted against. Article II Section 1 of the final constitution would read:

But no man of color, unless he shall have for three years [the residence qualification for whites was one year] a citizen of this state, and for one year preceding any election, shall be seized and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and encumbrances charged thereon; and shall have been actually rated, and paid a tax thereon, shall be entitled to vote at such an election.

While the property qualification on blacks was more restrictive, it should be noted that blacks were not required to perform military service. In addition, blacks who did not meet the \$250 freehold qualification were not required to pay taxes.

Conclusion

In the end, most of the compromises crafted by the convention delegates on black suffrage were positions advocated by Martin Van Buren. To a large extent he got exactly what he wanted. Van Buren and his allies supported the clause on the grounds of long-run incentive - he believed, in other words, that a property qualification of \$250 placed upon blacks would

¹⁰² *Ibid.*, p.20.

lead to the self-improvement of the Negro in New York. Individual black men would become more industrious and less idle, according to this line of thinking, and hence effect an amelioration of the economic condition of blacks as a class. Perhaps what the Bucktails knew but did not outwardly acknowledge was that blacks were doomed at this time to toil in the lowest stations in New York society. The Bucktail Republican party that advocated for hard work and industry on the part of blacks was the same party that drew much of its support from white laborers hostile to the upward social mobility of blacks. A black man could work all his life and not acquire this much property. And even though New York was inundated with poor white immigrants during this period, within five years all restrictions save for a taxpaying qualification were dropped on whites. In the short run, however, Van Buren and the Bucktails achieved specific goals they had set out to accomplish. First, they were able to secure a restricted franchise that essentially disqualified nearly 15,000 potential black voters across the state - including a heavily concentrated black population in New York City which predominantly voted the Federalist ticket. The restrictive access to the ballot remained in place for the rest of the antebellum period in New York. For example, in the thirty year period between 1825 and 1855, the number of free blacks eligible to vote in New York City remained quite small. In 1825 for example, only 68 of the 12,559 blacks in the city were qualified to vote. Ten years later only 255 of the 12,913 black residents met the property qualifications. And in 1855, only 100 of the 11,840 black inhabitants cast a vote.¹⁰³

The second goal Van Buren and his allies accomplished was an expanded franchise for what was the base of his party in New York - propertyless but taxpaying white laborers. Thus, by 1821 the "white man's democracy" we equate the Jacksonian era with was already in place. Martin Van Buren played a crucial role in this transformation - at the very least he

¹⁰³ See George Walker, *The Afro-American in New York City, 1827-1860* (New York: Garland Press, 1993), p.116.

helped to shape racial ascriptivism and use it for political gain that would help keep the Democratic Party in power for the next several decades.

Blacks continued to agitate for the franchise in New York after 1821 as the Democratic Party took hold of state politics. Blacks first sought to align themselves with the emergent Whig Party in the 1830s. But when the Whigs failed to push for black suffrage, they turned to the Liberty Party and the Free Soil Party in the 1840s. The rise of the Republican Party in New York in the late 1850s still did not serve the interest of the black population in New York. Even though New York helped to elect Abraham Lincoln to the White House in 1860, that same year New York voters overwhelmingly turned down a proposal for equal suffrage for blacks; the same occurred as late as 1869, one year before the Fifteenth Amendment was ratified. Thus, similar to Pennsylvania, black New Yorkers were forced to wait until federal intervention for the franchise. But the seeds of the Republican-black relationship in New York were sown in Old New York in the days of Federalist dominance.

Chapter 4

"An Asylum for the Oppressed Injured Sons of Europe": Pennsylvania and the Disenfranchisement of Blacks

Introduction: The Creation of the White Republic of Pennsylvania

The *herrenvolk* ideology of the white republic reached its apex when the Supreme Court handed down the *Dred Scott* decision in 1857. Long and rambling, disjointed and sometimes outright contradictory, Chief Justice Roger Taney's opinion in that case rested firmly on two arguments but went on to imply a third. First, Taney asserted that blacks were not citizens under the proper meaning of the Constitution, leaving Dred Scott without redress in an American court of law. Second, he argued that the federal government did not have the power to regulate slavery in the territories, thus rendering the Missouri Compromise of 1820 null and void. Finally and perhaps most bizarrely, Taney intimated that states did not even have the power to abolish slavery, since doing so amounted to a violation of the constitutional right to private property. All of these conclusions flowed from one ostensibly basic question: "The question is simply this," Taney asked. "Can a negro, whose ancestors were imported into this country, and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guaranteed by that instrument to the citizen?"¹ Taney responded in the negative: "We think that [blacks] are not, and that they are not included, and were not intended to be included under the word

¹ *Dred Scott v. Sandford* 60 US (19 Howard) 393 (1857).

'citizens' in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States."² He continued:

On the contrary, they were at that time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, remained subject to their authority, and had no rights or privileges but such as those who held the power and the Government might choose to grant them...They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect."³

To render these conclusions about race, citizenship, and the Constitution, Justice Taney claimed to engage in the judicial practice of original intent - that is, he sought to understand the words and the meaning of the Constitution as the framers had intended them some seventy years before. But his method and the findings it uncovered amounted to no more than an act of historical erasure: in his dissent in *Dred Scott*, Justice Curtis reminds us that "as free colored persons were then citizens of at least five States, and so in every sense part of the people of the United States, they were among those for whom and whose posterity the Constitution was ordained and established."⁴ The historical record was essentially ignored by Taney because it could not be squared with the construction and perpetuation of a race culture, founded on ascriptivism, which had been on the rise throughout the first half of the nineteenth century. In order to make the case that Dred Scott was not a citizen, Taney first had lay claim to the fact that the United States had *always* been a white man's republic, and that the framers had *never* intended to grant blacks those rights

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

afforded to whites. By the time the *Dred Scott* case made its way to the Supreme Court for oral arguments in 1854, ascriptivism had become firmly embedded as the dominant race culture of the country. And with Taney's decision it was inscribed in to the laws of the land.

Taney's decision was not the first time a court in the United States had based its decision on the race culture of ascriptivism. Some twenty years before *Dred Scott*, the Pennsylvania courts were asked to settle two similar cases concerning the question of citizenship for blacks. Whereas in *Dred Scott* the issue turned simply on a man's right to freedom, both of the Pennsylvania cases dealt with the issue of voting rights, and whether or not the Pennsylvania constitution granted blacks that privilege. One originated in 1835 in Luzerne County; the other in Bucks County in 1837. In the former, a black man was denied the right to vote and petitioned the court for redress. In the latter, two Democratic officials sued, claiming that the illegal votes of several dozen blacks tilted the election to their Whig rivals. Ultimately, both cases were decided against the black voters. And in both decisions, the Pennsylvania courts employed the same argument that would form the backbone to Taney's opinion in *Dred Scott* two decades later: blacks were not granted the right to vote in Pennsylvania because they had *never* been considered part of the political compact formed under the Pennsylvania Constitution. It mattered little that blacks had actually been voting in Pennsylvania for nearly half a century; what mattered was that the words "citizen" and "freeman" were never meant to include blacks in the first place. Twenty years before the Supreme Court determined that the United States was exclusively a white man's republic, the Pennsylvania courts had practiced their own version of historical erasure in coming to the same conclusion about the Keystone state.⁵

⁵ The Luzerne County case is cited as *Hobbs v. Fogg*, 6 Watts 553 (1837). The Bucks County case is referred to only as *Opinion of the Honorable John Fox Against the Exercise of Negro Suffrage in Pennsylvania* (Harrisburg: Barrett and Parke, 1838). The latter was published as the Pennsylvania Constitutional Convention met to draft a new constitution for the state. As we shall see, Judge John Fox's

The *Dred Scott* case cannot be divorced from the explosive national debate over the issue of slavery in the 1850s. Similarly, the Pennsylvania court cases originating in the mid-to-late 1830s must also be placed within the context of race relations in the state and the depths to which they had plummeted at that point. The 1830s were marked by heightened racial conflict across much of Pennsylvania as the state found itself both geographically and politically on the front lines of the simmering national battle over slavery and freedom. Philadelphia, more than any of the major cities of the North - more than Boston, Providence, and even New York - quickly became the major focal point. W.E.B. DuBois put it this way in his excellent but somewhat neglected study on blacks in Philadelphia in the late nineteenth century: "Philadelphia was the natural gateway between the North and the South, and for a long time there passed through it a stream of free Negroes and fugitive slaves toward the North, and of recaptured Negroes and kidnapped colored persons toward the South."⁶ This stream of black bodies moving back and forth across the Mason-Dixon Line and in and out of the streets of Philadelphia provoked a tension with a white population comprised mainly of unskilled immigrants. Throughout the decade, race riots took place with increasing frequency amidst a growing backlash against the efforts of the burgeoning abolitionist movement. Philadelphia thus at once became ground zero of the anti-slavery movement and anti-black sentiment. The first riot took place in late 1829 after Fanny Wright Darusmont had given a number of addresses advocating the emancipation of slaves and social equality between the races. In 1831, not far to the south of the city in Southampton, Virginia, the Nat Turner insurrection occurred, sending fugitives streaming into Philadelphia with horror stories about the possibility of slave revolts spreading throughout the South and

opinion was instrumental in the convention's successful attempt to place a racial voting restriction in the constitution. There is no evidence which would indicate that Justice Taney based any of his findings on either of the Pennsylvania cases, though he came to the same exact conclusions as Judge John Fox.

⁶ W.E.B. DuBois, *The Philadelphia Negro: A Social Study* (New York: Schocken Books, 1967), p.25.

spilling over into northern urban centers where most free blacks lived. The response of political leaders in the Pennsylvania legislature was to propose by statute that free blacks carry passes as proof of their free status; all other blacks would be excluded from the state. Abolitionists were successful in preventing its passage, but the inexorable slide toward further racial restrictions in Pennsylvania had begun. More race riots occurred in 1834 and 1835. When delegates convened in 1837-1838 to draft a new constitution for the state, voting rights for blacks became one of the most heated issues under debate - especially after it appeared that blacks had determined the outcome of local elections in favor of the Whig candidates in Bucks County that year. In the end, Democratic delegates were successful in placing a racial voting restriction in the new constitution, disenfranchising tens of thousands of black Pennsylvanians until the Fifteenth Amendment was ratified in 1870.

The road that Pennsylvania traveled to become one of the most racially restrictive states in the North by 1838 is rather extraordinary if we consider its history from colonial times, through the Revolutionary era, and up to the drafting and ratification of the Constitution. In 1681, Charles II had granted a colonial charter for the land west of the Delaware River, known then as West Jersey, to William Penn, who in turn sought to create a "wilderness Utopia" in the new world for his Quaker brethren.⁷ The prospect of escaping both the political and religious corruption of England appealed to Penn as he looked, in the words of Gary Nash, to "serve at once, God, personal fortune, and fellow Quakers."⁸ While indentured servitude for persons of African descent had been introduced previously in the region under Dutch rule, the practice of slavery in Pennsylvania during colonial times was not without controversy, for several reasons that range from the moral to the economic. For

⁷ See for instance, Gary Nash, *Quakers and Politics: Pennsylvania, 1681-1726* (Princeton: Princeton University Press, 1968), ch.1.

⁸ *Ibid.*, p.10.

one, the Quaker leaders of the colony from the late seventeenth century to the middle of the eighteenth century were unsure that the Golden Rule - "to do as they would be done by" - could be reconciled with the practice of holding other human beings in slavery for life. Even before the Pennsylvania colony was founded, members of the Society of Friends traveled throughout the West Indies advising brethren to treat their slaves mildly and manumit them after a few years of servitude. But even under such moral pressure, the fact remains that most of the slaveholders in Pennsylvania in the first half of the eighteenth century were English Quakers.⁹ In this instance, economic considerations trumped moral ones. By the 1750s, however, this would change as Quaker leaders pressed the Assembly to pass legislation ending the importation of slaves in to the colony. Society of Friends leaders such as Ralph Sandiford, Benjamin Lay, and Anthony Benezet then turned their attention to fellow Quakers who owned slaves, pressuring them to manumit their slaves or else face the risk of being banned from the affairs of the Society. By 1758, the Society had made manumission mandatory for its members.¹⁰

Moreover, from its origin Pennsylvania was populated by Germans who had always been opposed to slavery and consequently refused to own slaves. Germans constituted as much as one third of the overall population of Pennsylvania as late as 1790, exerting a good deal of political and moral influence over its political leaders.¹¹ Aligned religiously with the Friends, they were shocked to find slavery in Penn's colony and issued the first formal protest against slavery in the New World in Germantown, Pennsylvania in 1688.

There was also an economic dimension to the problem of slavery in Pennsylvania. From the opening of the eighteenth century white workers in Pennsylvania objected to the

⁹ Edward Raymond Turner, *The Negro in Pennsylvania, 1639-1861* (New York: Arno Press, 1969), p.65.

¹⁰ *Ibid.*, p.74.

¹¹ Robert Brunhouse, *The Counter-Revolution in Pennsylvania, 1776-1790* (New York: Octagon Press, 1971), p.2.

importation of slaves on the grounds that black slaves lowered their wages by taking potential job opportunities. On several occasions the Pennsylvania Assembly moved to raise the duty charged on slaves to restrict their numbers in the colony. Each time the British crown repealed the laws and lowered the duties. This continued throughout the first half of the eighteenth century until Quaker leaders were finally successful in doing away with importation altogether. While Quakers objected to the importation of slaves on moral grounds, poorer whites gladly went along with the same policies since they promoted and protected their economic interests.

Whether the spread of slavery was opposed for moral or economic reasons, the evidence suggests that, by the middle of the eighteenth century, the dominant political culture of Pennsylvania - rooted in the stark ways of Quakerism - made it one of the more racially lenient colonies in the years leading up to the Revolutionary War and the period immediately following it. Under Quaker influence, Pennsylvania was the first colony to set up schools for black children (1750s) and the first state to pass an abolition law (1780). The constitutions drafted in 1776 and 1790 made no mention of race in the qualification for the suffrage, which lent legitimacy to the argument that blacks were granted the right to vote by those two documents.

The aim of this chapter is to offer an explanation for the disenfranchisement of blacks in Pennsylvania in 1838. I suggest here, as I have done in previous chapters, that we first need to take into account the social and economic transformation of the state from the Founding through the first half of the nineteenth century. DuBois understood the importance of these socioeconomic factors in the political development of Pennsylvania when he wrote in *The Philadelphia Negro*:

A curious comment on human nature is this change in public opinion [in Pennsylvania] between 1790 and 1837. No one thing explains it - it arose from a combination of circumstances. If, as in 1790, the new freedmen had been given peace and quiet and abundant work to develop sensible and aspiring leaders, the end would have been different; but a mass of poverty-stricken, ignorant fugitives and ill-trained freedmen had rushed to [Philadelphia], swarmed in the vile slums which the rapidly growing city furnished, and met in social and economic competition equally ignorant but more vigorous foreigners. These foreigners outbid them at work, beat them on the streets, and were enabled to do this by the prejudice which Negro crime and the anti-slavery sentiment had aroused in the city.¹²

DuBois' analysis implies that a certain set of political outcomes resulted from the socioeconomic changes during these fifty years. By and large that is an accurate assessment: blacks just up from slavery in and around Pennsylvania and fugitives from the South flooded Philadelphia in the opening decades of the nineteenth century at the very moment waves of European immigrants (particularly Irish) were arriving. These forces combined to change the racial and ethnic makeup of Philadelphia, as well as the state. But by themselves these changes alone do not fully explain the *political* transformation that took place. Thus, I think we need to flesh out the political dynamic implied in DuBois' sociological explanation, and analyze how political actors responded to the changing demographics.

Once we do, we shall see that, first, partisan conflict and party competition played a significant role in the disenfranchisement of blacks in 1838. No doubt black communities were under increasing attack in the two decades before the constitutional convention of 1837-1838. Legally, they were allowed to vote across most of the state; by the 1830s, many were nonetheless being intimidated from the polls by hostile whites. But it was not until the re-emergence of party competition after roughly forty years of one-party politics in Pennsylvania that the legal disenfranchisement of blacks was enacted. When actual black

¹² DuBois, *The Philadelphia Negro*, pp.30-1.

votes decided a local election in favor of the ascending Whig Party in 1837, the once-indestructible Democratic Party quickly sought a more permanent political solution to the problem of black voter influence than mere random acts of violence and intimidation.

Second, we will also see that the racial conflicts of Pennsylvania in the years between the 1770s and the 1840s were undergirded by a racialized discourse framed on two sides by competing race cultures. If the dominant view of Pennsylvania's leaders was paternalistic in its outlook toward blacks during the Revolutionary period, this view lost out to the dominant ascriptive ideology of the state's leaders by the 1830s. In short, the "white republic" of Pennsylvania, far from a forgone conclusion during this period, was created discursively by Pennsylvania's political leaders in the opening decades of the nineteenth century. Though contested by a small but ardent group of political leaders and abolitionists espousing their paternalistic views, the white republic was finally institutionalized with the ratification of the constitution in 1838.

The creation of the white republic of Pennsylvania was foreshadowed as early as 1805 when Thomas Branagan, an Irish immigrant who took up residence in Philadelphia at the turn of the century, wrote that the United States was "appropriated by the Lord of the Universe to be an Asylum for the Oppressed, Injured Sons of Europe."¹³ While Branagan had the United States in mind when he wrote these words, he was actually looking at the racial dynamic of Philadelphia as a prime example of what the United States *might* look like if the white republic was *not* institutionalized and brought into existence. We shall return a bit later to Branagan's writings and the role they played in the discursive development of Pennsylvania politics. What is important to understand for now is that his vision of a white

¹³ Thomas Branagan, *Serious Remonstrances* (Philadelphia, 1805), p.78.

republic, put forth in the opening decade of the nineteenth century, was institutionalized nearly forty years later when blacks were written out of the electorate.

I first analyze the demographic changes of Pennsylvania in the period between the Founding and the late 1830s, paying particular attention to changes wrought by gradual abolition in the state and its peculiar relationship to slavery in the neighboring South. Next, I situate racial conflict within the context of party competition in Pennsylvania from the Revolutionary Period to the late 1830s. There I argue that one-party politics from 1800 to the mid-1830s, rather than facilitating the disenfranchisement of blacks in the state, served to prevent the issue from becoming salient. Only when the Whig-Anti-Mason coalition begins to compete for power in the state do Democratic leaders seek the disenfranchisement of blacks. Third, I seek to place both socioeconomic and partisan concerns within the context of a racial discourse framed by two competing ideologies, with a particular emphasis on the heated debates surrounding racial disenfranchisement that occurred on the floor of the constitutional convention of 1837-1838.

Under Increasing Attack: Gradual Abolition And Social Change, 1780-1838

Indentured servants of African descent had been in the region around the Delaware River as early as the 1640s, some forty years before Pennsylvania existed as a colony under the British crown. By the time William Penn was granted the charter by Charles II, hereditary, life-time slavery had become common practice throughout the colonies. In Pennsylvania, the active demand for blacks increased as both the British crown and merchants operating out of the port of Philadelphia found trafficking in slavery to be profitable. The earliest estimate on record for the number of slaves in the colony appears in

1721, which placed the number of blacks somewhere between 2,500 and 5,000.¹⁴ Over the next thirty years, the black population of Pennsylvania swelled to 11,000, with as many as 6,000 blacks residing in Philadelphia alone.

The 1750-1760s mark the beginning of the end to slavery in Pennsylvania. As mentioned earlier, two forces mitigated the spread of slavery over the course of the first half of the eighteenth century: the first was moral in origin, the second economic. There existed in Pennsylvania since its founding a strong anti-slavery sentiment amongst members of the Society of Friends, particularly those of German descent. While most of the slaveholders in the early years of the colony were Quakers, leaders urged their Friends at Society meetings to end the wretched and un-Christian like practice of slavery. As early as 1712 Quakers were petitioning the Provincial Assembly to end slavery.¹⁵ While the legislature refused to abolish the practice of slavery, slaveholding Quakers complied with the calls for voluntary manumission. Gary Nash asserts that, by the 1740s, one out of every three Quakers had released their slaves by will.¹⁶ By 1760, Quaker leaders were successful in getting all their brethren to manumit their slaves or else face expulsion from the Society. Manumission of slaves by Quakers continued to increase in the years leading up to the Revolutionary War as the rhetoric of freedom and slavery forced slave owners in Pennsylvania to reassess their own practices in light of the perceived oppression by the British crown.

On the other hand, the practice of slavery had been a cause of economic concern to leaders of the Pennsylvania colony from the opening of the eighteenth century. It should be kept in mind that indentured servitude included both whites and blacks in the seventeenth century. While indentured, workers of either race did not have to compete with slave labor

¹⁴ Turner, *The Negro in Pennsylvania*, p.11; DuBois, *The Philadelphia Negro*, p.13.

¹⁵ *Ibid.*, p.70.

¹⁶ Gary Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720-1840* (Cambridge: Harvard University Press, 1988), p.32.

for employment. However, once free, laborers found themselves shut out of many opportunities by masters using their own slave labor. By 1708, the economic conflict had taken on an explicitly racial complexion as free white mechanics protested to the state legislature against this custom. In 1712 - the same year Quaker William Southeby petitioned the Assembly to abolish slavery - the duty on slave importation was raised from 20 shillings to 20 pounds. The British crown objected because the slave trade had become a lucrative business for companies operating out of the West Indies. It was consequently reduced to 5 pounds. When the number of slaves increased again in the early 1720s, whites protested against the "employment of blacks," and the legislature responded by declaring that the custom of employing *any* black laborer was "dangerous and injurious to the republic." The Assembly also sought to restrict emancipation in 1726 on the grounds that "free negroes [were] an idle and slothful people."¹⁷ Over the course of the next several decades, Pennsylvania authorities would pass many acts and ordinances criminalizing behavior based mainly on skin color.

Thus, from the colony's origins we see two conflicting views on race in Pennsylvania that nevertheless lead to the same conclusions on the issue of slavery. On the one hand, slavery was perceived by Quakers as a moral evil to be exterminated because it did not coincide with the Golden Rule of Christianity. On the other, slavery was perceived as an economic threat by unskilled free white laborers seeking only to carve out a meager existence for themselves. The former view was based on the sentiment of pity, while the latter rested on the sentiment of contempt. Moreover, the logic of the Quaker disposition would lead to a paternalistic uplift ideology whereby blacks, once freed, needed to be given religious and educational instruction. By contrast, the logic employed by the white laboring

¹⁷ DuBois, *The Philadelphia Negro*, pp.14-5.

classes would lead to the ideology of the "white republic" whereby blacks, due to their inherent inferiority, needed to be kept separate in every way - politically, socially, and economically - from white society. As we shall see, these two conflicting views on race formed the backdrop to the political development of Pennsylvania throughout the rest of the eighteenth century and into the nineteenth, ebbing and flowing with historical events and the demographic changes sweeping across the state.

By the 1760s and 1770s, the cultural logic of Quakerism predominated as Pennsylvania leaders incorporated the natural rights philosophy of Revolutionary rhetoric into critiques against slavery. Calls for abolition had reached a feverish pitch, and on March 1, 1780, in the midst of the Revolutionary War, Pennsylvania passed the first abolition law in the United States.¹⁸ It provided that no child born in Pennsylvania after that date would be a slave; but any child (negro or mulatto) born to a slave mother would be held in service until he/she reached twenty-eight years of age. Furthermore, the bill required that all slaveholders register their slaves with state authorities by no later than November 1, 1780. During roughly the same time, manumission of slaves proceeded apace. Nash asserts that, between 1767 and 1775, the slave population of Philadelphia was halved.¹⁹ Part of the decrease was due high black mortality rates, low black fertility rates, and slaves being sold out of the city. Nonetheless, manumission played a significant role in the decline of slavery as the number of free blacks in the state increased during these years.

But while the free black population of Pennsylvania was on the rise by the 1780s, the *overall* population of blacks declined in Pennsylvania in the forty years between 1750 and 1790. According to the first national census taken in 1790, there were a total of 10,274 blacks in the state, or about 1,000 fewer than in the middle decades of the eighteenth

¹⁸ Vermont had abolished slavery in the constitution drafted in 1777.

¹⁹ Nash, *Forging Freedom*, p.33.

century.²⁰ Of these, roughly two-thirds were free. Much of the decline came amidst the Revolutionary War as the black population in the state, much like in other states, was scattered and decimated by death and flight in the fighting.

The 1790s signal a drastic turning point in the racial makeup in the city of Philadelphia. In the years between the Revolutionary War and the end of the War of 1812, Philadelphia became a refuge for blacks of all backgrounds - for those freed in the state and in the rest of the North on the one hand, and for those escaping the chains of slavery in the South on the other. By the opening decades of the nineteenth century, Philadelphia had become the "gateway" between North and South described by DuBois in *The Philadelphia Negro*. As Table 4.1 indicates below, the black population of the city underwent a fivefold increase in the years between 1790 and 1810. Whereas blacks made up roughly 4% of the population in 1780, by 1820 that figure had tripled to 12%. Black density in Philadelphia declined somewhat in the years after that, but remained around 9% for most of the antebellum period.

²⁰ U.S. Census Bureau, *Negro Population in the United States, 1790-1915*.

TABLE 4.1:
WHITE AND BLACK POPULATION AND DENSITY IN
PHILADELPHIA, 1780-1830²¹

YEAR	WHITE POPULATION	PERCENT WHITE	BLACK POPULATION	PERCENT BLACK	TOTAL POPULATION
1780	30,900	96%	1,100	4%	32,000
1790	42,018	95%	2,078	5%	44,096
1800	63,242	90%	6,436	10%	69,678
1810	82,221	89%	9,656	11%	91,877
1820	100,662	88%	12,110	12%	112,772
1830	149,140	91%	14,554	9%	163,694

Two reasons seem to account for the rapid increase in the black population of Philadelphia. First, blacks residing in other parts of the state and the immediate regions in the North, once freed, were flocking to Philadelphia looking for employment. Second, blacks freed or escaping from slavery south of Pennsylvania also migrated to the city. Nash estimates that two thirds of all blacks living in Philadelphia and working in the maritime industry during this period came from within a one hundred-mile radius of the city. This area would include not only Pennsylvania, New Jersey and New York, but also the slave states of Maryland, Delaware and Virginia.²² Indeed, Pennsylvania was at the geographical crossroads in the ongoing development of slavery in the United States in the opening decades of the nineteenth century, and Philadelphia was its portal. Table 4.2 below indicates the population of whites and blacks in Philadelphia as a percentage of the overall population of the state. By 1800, nearly half of all blacks in the state resided in Philadelphia. By

²¹ Source: Gary Nash, *Forging Freedom*, p.143.

²² *Ibid.*, pp.136-7.

contrast, only 10% of all whites living in the state resided in Philadelphia, making black Pennsylvanians four times as likely to reside in the city than whites.

TABLE 4.2:
**BLACK AND WHITE POPULATION IN PHILADELPHIA AS
PERCENT OF PENNSYLVANIA POPULATION²³**

Year	Percent of Pennsylvania Population	
	Black	White
1790	20.3%	9.5%
1800	43.8%	10.9%
1810	41.7%	10.6%
1820	35.5%	9.9%

While both the black population and black density in the population of Philadelphia increased dramatically during this period, the black density in the overall population of Pennsylvania nudged up only slightly throughout the antebellum period. As Table 3 indicates, blacks made up no more than 3% of the population of the state at any point in the period between 1790 and 1850. Black density peaked in the 1810s and then proceeded to decline for the rest of the antebellum years. At no point did the black density increase by more than half a percentage point in a ten-year period. Thus, while blacks were flooding to the city of Philadelphia in the opening decades of the nineteenth century, the migration of whites into the rest of the state during the same period offset many of these increases (see Table 4.2). White ethnics were moving to Philadelphia, but they were also settling in other parts of the state - particularly in the region west of the Allegheny Mountains.

²³ *Ibid*, p.137.

TABLE 4.3:
BLACK DENSITY IN PENNSYLVANIA POPULATION,
1790-1850²⁴

Year	Percent black
1790	2.4%
1800	2.7%
1810	2.9%
1820	2.9%
1830	2.8%
1840	2.8%
1850	2.8%

As mentioned before, the gradual abolition law passed by the Pennsylvania Assembly in 1780 stipulated that any child born to a mother held in slavery would be freed upon reaching the age of 28. Thus, by 1808 manumission was taking place all across the state. Gradual abolition no doubt played a large role in both the increase in number of free blacks in the state and the black migration to Philadelphia. By 1810, there were only 795 slaves and 22,493 free blacks in Pennsylvania.²⁵

What social and economic circumstances were associated with these demographics changes in the years preceding the state constitutional convention in 1837-1838 when blacks were disenfranchised? Turner, DuBois and Nash all paint for us a stark picture of the black community in and around Philadelphia struggling for survival in the years spanning 1800 to 1840. Despite an emphasis on religious and educational instruction by the Quaker elite and the Pennsylvania Abolition Society from the 1770s through the opening decades of the

²⁴ *Ibid.*

²⁵ Sandiford Higginbotham, *Keystone in the Democratic Arch: Pennsylvania Politics, 1800-1816* (Harrisburg, Pa.: Pennsylvania Historical and Museum Commission, 1952), p.3.

nineteenth century, the public records indicate a large wave of black vagrancy and crime in the city in the years that followed. The 1810 census showed that 45% of the 365 prisoners at the Walnut Street Prison in Philadelphia were black. By contrast, only 3.5% of the cases presented for trial in the city between the years 1798 and 1802 involved black defendants.²⁶ The increase in crime coincided with the transition blacks made from living in white households to living on their own. In 1800, 56% of all Philadelphia blacks lived in white households; by 1810 that number had dropped to 39%. Ten years later only 27% of blacks resided in white households.²⁷ Blacks were forging their own communities in Philadelphia, but were doing so in the face of increasing political and economic discrimination on the one hand and residential segregation on the other. A good indicator as to how drastically race relations had changed in the city as early as 1805 is exemplified by an incident at the Independence Day festivities of that year. In previous years, residents of the city from all racial and economic backgrounds had gathered in front of Independence Hall to commemorate the signing of the Declaration of the Independence and the drafting of the Constitution. However, in 1805 dozens of white citizens turned the festivities into a racial pogrom and attacked numerous free blacks, chasing them from the square. Nash states that the Independence Day celebration in the years following this incident became primarily a white-working class festival, "and black citizens could enter the socially redefined public space in front of Independence Hall only at their peril."²⁸ The practice continued well into the 1830s. Well-meaning, upper class whites of Philadelphia also stayed away from Independence Hall on Fourth of July after 1805, imbuing the Independence Day festivities with both a racial and class bias.

²⁶ Nash, *Forging Freedom*, p.157.

²⁷ *Ibid.*, p.161.

²⁸ *Ibid.*, p.177.

Both white and black leaders were also frustrated in their attempts to provide black children educational instruction during this period. The Quaker abolitionist Anthony Benezet had established the first school for black children in Pennsylvania in the 1750s. In the 1790s the Pennsylvania Abolition Society continued to provide schooling for black children, but with limited success. The Cherry Street School had merely 20 students enrolled in 1799. Black leaders such as Absalom Jones and Richard Allen established their own schools through black churches, but these too met with limited success. An 1805 survey found that the seven schools operating in Philadelphia had enrolled merely 556 students (both children and adults) of the thousands of blacks in the city. By 1813, the number of students had actually decreased to 414.²⁹

The upshot is that in the years before the War of 1812 we begin to see the establishment of a distinct color-line for black residents just emerging from slavery who were migrating to Philadelphia from across the state or from the South. In the years following the war, social conditions worsened for blacks as crime and vagrancy became a major concern throughout the city. It brought further recriminations against the black community by white leaders. In 1821 and 1822, the *Philadelphia Gazette* ran a series of articles depicting the city as dangerous and unsafe.³⁰ A year later, the governor of the state announced in his message to the state that crime amongst blacks over the previous 5 years had increased faster than their numbers; in 1821, there were 113 blacks and 197 whites sent to the penitentiary, an astoundingly high figure for a city whose black population was roughly 12%.³¹

²⁹ *Ibid.*, p.205.

³⁰ Cf., *Philadelphia Gazette*, November 24, 1821, February 11, 14, and 18, 1822.

³¹ *Ibid.*, October 18, 1822.

The rising racial hostility in Philadelphia came amidst the emergence of two movements that swept across both North and South on the heels of one another in the period between 1817 and 1838. The first of these was the colonization movement, the second the abolitionist movement. In 1816, a Federalist legislator from Virginia named Charles Fenton Mercer proposed that the federal government colonize all free blacks from the United States on the West Coast of Africa. Mercer believed, like many whites and blacks at the time, that growing white prejudice would prevent free blacks from gaining any type of social or political equality in the United States. In December 1816, with the backing of notable political leaders of the country such as Thomas Jefferson and James Madison, the American Colonization Society was formed. Philadelphia became one of the major focal points of its activities. Initially, the Society held much appeal for black leaders in Pennsylvania such as Richard Allen, Absalom Jones, and James Forten - who all saw the rising racial animosity in Philadelphia and concluded that migration to Africa was the only solution. Moreover, Forten was close friends with black Bostonian Paul Cuffe who had envisioned a similar solution for all black Americans. On January 15, 1817 black religious leaders called a meeting attended by 3,000 black Philadelphians at the Bethel church to discuss the colonization efforts. After the meeting adjourned, Forten reported back to Paul Cuffe that "not a soul" of the 3,000 assembled expressed support for the Society's activity. Forten asserted that blacks "were very much frightened" that "colonization" amounted to nothing more than "deportation."³² Moreover, blacks distrusted whites who had proposed and supported colonization, arguing that removing all free blacks from the United States only facilitated the perpetuation of slavery in the South. In the end, Forten and the rest of the black leaders of Philadelphia were shocked to find that the black masses at the meeting that evening unanimously rejected

³² Quoted in Nash, p.238.

colonization. Black Philadelphians at once resolved to stay and fight for abolition of slavery throughout the United States.

Several attempts were made by white and black leaders across the country to initiate colonization to Africa in the 1820s, all with very little success. In Philadelphia, the American Colonization Society persuaded only a handful of blacks to board ships headed to the West Coast of Africa. In 1824, with conditions deteriorating for blacks throughout the North, the Haitian Emigration Society was formed. This latest attempt at colonization was met with more enthusiasm in black communities in urban centers such as Baltimore, Boston, Philadelphia and New York. By 1825, some 7,000 emigrants had left for the island of St. Domingue. Yet, within two years, most blacks had returned to their homes in the North, disillusioned by the relatively wretched conditions in Haiti and by their own unrealistic expectations.

Colonization efforts continued well into the 1830s but never amounted to the mass black exodus that its founders had envisioned. Nonetheless, the rise and fall of the American Colonization Society is a curious chapter in United States history. It is the first organized attempt to make the United States a white republic. It did not succeed. But what is perhaps overlooked in the historical record is the role the Society and its progeny played in the emergence of the abolitionist movement. The efforts by the proponents of the American Colonization Society galvanized free blacks all across the North against slavery in the 1820s. Without black abolitionism, we are left wondering how fervent white abolitionism would have been, as James Brewer Stewart made clear in *Holy Warriors: The Abolitionists and American Slavery*:

When identifying the precipitating causes of the white abolitionist commitment, one must instead emphasize the interaction between the spiritual stirrings of these particular young New Englanders and the unprecedented slavery-related crises which opened [the 1830s]. In the early 1830s, well-organized African Americans suddenly began espousing violence in the cause of emancipation...In this respect, black abolitionism was the parent of the white crusade.³³

As the 1830s opened, Philadelphia found itself at the crossroads of the increasingly shrill debate over slavery. The black community was caught between the emerging abolitionist movement on one side and the rising hostility of poor white immigrants on the other. In effect, every move on the part of the abolitionist movement was met with a backlash directed largely at the black community. Beginning in 1829, a series of race riots ensued that spanned the next decade. In 1833 a demonstration of mainly working class Irish took place against abolitionism at the very first meeting of the American Anti-Slavery Society. In the summer of 1834, blacks and whites clashed for two nights in a riot that involved upwards of 500 men. Whites stormed through the black districts of the city burning and looting black homes and churches. Well-to-do blacks such as the son of James Forten were especially targeted. One black man was killed and the property damage was tremendous. DuBois points out that the assault on the black community of Philadelphia was well organized: whites who lived in and around the targeted areas placed lights in their windows, signaling to the marauding crowd not to attack that particular dwelling.³⁴ A year later, in a scene resembling the Boston Tea Party sixty years before, an angry group of whites hurled abolitionist literature into the Delaware River while the mayor of the city stood by and watched. And in 1838, just before the convention that disenfranchised blacks

³³ James Brewer Stewart, *Holy Warriors: Abolitionists and American Slavery* (New York: Hill and Wang, 1996), pp.43-4.

³⁴ DuBois, *The Philadelphia Negro*, p.44.

in Pennsylvania adjourned, thousands of whites gathered at the newly constructed Pennsylvania Hall built by abolitionist supporters and burned it to the ground as prominent abolitionists such as William Lloyd Garrison and the Grimke sisters looked on in horror. Apparently the mob had become overly agitated when blacks and whites walked arm in arm into the hall and sat together without any distinction.³⁵ The next night whites moved on to burn down both the Society Friends' Shelter for Colored Orphans and a black church in another part of the city.

It is against this backdrop of social unrest and racial conflict that the debates concerning black suffrage took place in the constitutional convention of 1837-1838. A period in Pennsylvania history which had begun, in the words of Gary Nash, in an "optimistic spirit of racial harmony" fifty years before had by that time descended into the vilest form of race prejudice and a never-ending spiral of race wars.³⁶ Pennsylvania had been at the forefront of the early abolitionist movement and was instrumental in espousing the natural rights philosophy of the Revolutionary Era. It was the first state to pass an abolition bill, of which the leaders at the time were fiercely proud. By the 1830s, however, it had become one of the most racially intolerant states in the North. Traveling across the North in 1831, Alexis de Tocqueville wrote:

Race prejudice seems stronger in those states that have abolished slavery than those where it still exists...the Negro is free, but he cannot share the rights, pleasures, labors, griefs, or even the tomb of him whose equal he has been declared; there is nowhere where he can meet with him, neither in life or in death.³⁷

³⁵ Turner, *The Negro in Pennsylvania*, p.162.

³⁶ Nash, *Forging Freedom*, p.2.

³⁷ Alexis de Tocqueville, *Democracy in America* (New York: Harper Row, 1966), vol.1, pp.315-6.

By the late 1830s, the racial intolerance Tocqueville witnessed across the North had become manifested most strongly in Philadelphia.

Partisanship in the Democratic Arch, 1770s-1838

That the changing demographics of Pennsylvania in the opening decades of the nineteenth century precipitated much of the backlash against blacks is clear. In his thorough study of the Negro in Pennsylvania from Colonial times to the Civil War, Edward Turner argues, similarly to DuBois, that the influx of blacks into the state hastened the rising racial hostility in the years between the Revolutionary War and the Civil War. Turner explains that

In the background there was always that essential, primitive aversion which the race of one color seems to feel for the race of another, and which during the last thirty years before the Civil War was increased by the fury against "abolitionism" and fear of disunion. Yet the two most real and specific causes which any white man living in Pennsylvania between 1800 and 1861 would have advanced to explain his prejudice, were the immigration of negroes, and the increase of negroes' crime.³⁸

For the most part, Turner's assessment is accurate: Pennsylvania's geographical position made the issue of slavery palpable to all Pennsylvanians. Blacks were streaming into Philadelphia around the turn of the nineteenth century from all directions. Many were destitute and illiterate fugitive slaves with no ties to the white elite of the city and little possibility of finding work. Some had come from as far away as St. Domingue in the wake of the Haitian slave revolt of the late eighteenth century. With little or no alternative, they turned to theft merely to survive. On the other side, this foreign group of blacks frightened

³⁸ Turner, *The Negro in Pennsylvania*, p. 150.

many well-meaning whites who had wholeheartedly supported abolition and the protection of fugitives from slave owners and bounty hunters. Different speech patterns and a more militant attitude toward whites helped to break the bonds of paternalistic duty that had been reinforced under the doctrine of Quakerism.

But as important as these factors were, I suggest here that there is more to consider in the transformation of Pennsylvania and the concomitant disenfranchisement of blacks than merely their influx into the state or the behaviors they displayed once they arrived. For one, we need to also inquire into the shifts in the white population in Pennsylvania in the same period. More importantly, though, we want to understand how political actors interpreted these demographic changes, and how they used them for partisan advantage or political gain. In other words, in this section I want to inquire into the relationship between the demographic shifts and partisanship in Pennsylvania during this period: how did the shifting social and economic conditions of the state affect party formation on the one hand, and how did Pennsylvania's political leaders respond and seek to shape political reality in the face of such changes on the other?

At the same time blacks were coming to Philadelphia in the 1790s, Irish immigrants were arriving in numbers that offset the black migration by as much as seven to one. Edward Carter estimates that nearly 30,000 Irish arrived in Philadelphia between 1790 and 1800.³⁹ Many quickly moved on to other parts of the state and country, but one could nonetheless conclude that Irish migration to Pennsylvania held the black density of the state steady in the opening decades of the nineteenth century (see Table 3 above). Moreover, most of the Irish immediately gravitated to the Republican Party in the 1790s; they remained as one of the most loyal voting blocks of the Jeffersonian Republicans in the first party period and the

³⁹ Edward Carter, "A Wild Irishmen Under Every Federalist's Bed: Naturalization in Philadelphia, 1789-1806," *Pennsylvania Magazine of History and Biography*, 94 (July 1970), 331-46.

Jacksonian Democrats in the second. One need not look very far for the reason: Federalists abhorred Irish migration and sought to put an end to it through the infamous Naturalization Act in 1797 and the Alien and Sedition Acts of 1798. On July 1, 1797, Federalist Congressman Harrison Gray Otis gave his "Wild Irishmen" speech on the floor of the House where he warned against the possibility of these radicals disturbing "our tranquility, after having succeeded in the overthrow of their own government."⁴⁰

As was the case in New York, poor Irish immigrants in Pennsylvania responded to Federalist political leaders by flocking to the ascendant Republican Party. There they found a home; but it is also there that, in the words of Noel Ignatiev, they learned to become "white." According to Ignatiev, Pennsylvania's Irish population took the lead in the rising wave of racial hostilities, playing major roles in the conflicts which began in the first decades of the nineteenth century and lasted through the 1830s.⁴¹ Ignatiev impressively documents the origins of the link between Irish incorporation into the Democratic fold and the latter's White supremacist ideology all across the North in the middle decades of the nineteenth century. He goes on to argue that the creation of Irish "whiteness" played the biggest role in the Democratic Party's continual rejection of nativism from the Jeffersonian Revolution of 1801 through the end of Reconstruction.

But the comparisons between Pennsylvania and New York end there. For, throughout all of the first party period, and part of the second, partisanship in the Keystone state operated in a drastically different fashion than in New York or anywhere else for that matter. In *The Second American Party System*, Richard McCormick explained partisanship in Pennsylvania this way:

⁴⁰ Quoted in Noel Ignatiev, *How the Irish Became White* (New York: Routledge Press, 1995), p.65.

⁴¹ *Ibid.*, especially ch.5.

In no state, surely, did political parties present such indistinct outlines as in Pennsylvania. Although politics was conducted on a partisan basis from a very early date, the parties were loosely organized, rarely reflected sectional or ideological cleavages, and lacked effective state-wide leadership...Political alignments in state elections were often markedly different from those that prevailed in national elections...The manifestations of instability persisted until 1840. Party formation in Pennsylvania, then, cannot be portrayed in terms of sharp and durable alignments, nor can transitions in political patterns be dated with precision.⁴²

McCormick is correct with one exception: the only date that can be marked with precision in the early history of party formation in Pennsylvania is 1799 - the year that the Jeffersonian Republicans seized power once and for all from the weakening Federalists. Carter suggests that the Republican victory that year was ignited in large part by the Irish vote.⁴³ One year later, Pennsylvania politicians gladly took partial credit for the triumph of Jefferson in the presidential election and boasted that the state led the way - for them, Pennsylvania was his "key stone in the democratic arch." From that point until 1840, the party of Jefferson and the party of Jackson held power continuously in the Keystone state. Whereas the Federalist Party remained relatively competitive in other northern states until the War of 1812, Pennsylvania Federalists were in disarray soon after Jefferson ascended to power. As early as 1802, Federalist James Ross, who had lost a bid for governor in three years earlier, looked at the partisan arrangement in the state and lamented: "No possible exertion, nor any grade of talents infinitely beyond mine, can stop the wild career which our affairs are destined to run for a long time to come, and there is nothing to soften the melancholy scenes

⁴² Richard P. McCormick, *The Second American Party System: Party Formation in the Jacksonian Era* (Chapel Hill: University of North Carolina Press, 1966), p.134.

⁴³ Carter, "A Wild Irishmen Under Every Federalist Bed," p.332.

every day exhibited, of the wanton destruction of that fair fabric of social happiness and serenity which had been reared with so much toil and Wisdom."⁴⁴

Jeffersonianism and Jacksonianism held sway in Pennsylvania continually from 1800 to 1840. But one could make the case that it was in name only: both the Democratic-Republicans and the Democrats are hard to define in Pennsylvania politics simply because there was neither continual leadership nor continuing policies to give the parties a durable structure. In fact, the history of Pennsylvania politics from the Revolutionary War to 1800 reveals similar characteristics. When the first constitution of Pennsylvania was drafted in 1776, it was put forth and supported by a group that became known as the Radical Constitutionalists. They were opposed by the more conservative propertied men, who were referred to as Republicans. Thus, in 1776 the Constitutional Party consisted of the radical democratic element of the state, while the Republicans were the aristocrats of Pennsylvania society. After nearly a decade of stiff partisanship, the Republicans succeeded in ushering in what Brunhouse calls a conservative "counterrevolution" when they pushed through the constitution of 1790.⁴⁵ These same Republicans also supported the federal constitution, hence aligning themselves with the Federalists on the national level. By 1790, there was little in the way of an "Antifederalist" faction to speak of in Pennsylvania.⁴⁶ That year Thomas Mifflin was elected governor unanimously and did not take a party label for his entire nine-year tenure. But when the names "Federalists" and "Republicans" took on national significance in the 1790s, much of the propertied, conservative group merely took over the leadership of the Republican Party in Pennsylvania. The rest retired from politics. This explains to a large extent the weakness of Federalism in the state in the 1790s and

⁴⁴ Quoted in Philip Shriver Klein, *A Game Without Rules: Pennsylvania Politics, 1817-1832* (Philadelphia: Historical Society of Pennsylvania, 1940), p.51.

⁴⁵ Brunhouse, *The Counterrevolution in Pennsylvania, 1776-1790*.

⁴⁶ McCormick, p.136.

thereafter. Thus, when immigrants such as the Irish poured in to the state during that decade, there was nowhere else to go, politically speaking. When the Federalists made issue of the naturalization question on the national level, the choice was made all the easier. According to Klein, "The mass of the people cast their ballots for a mere word which they vaguely associated with their personal welfare but which they never were able to clearly define...[therefore] the only concrete evidence of the [Democratic-Republican] party was the voters themselves who upheld the name regardless of what it meant."⁴⁷ In Pennsylvania in the 1790s, the name meant anything but the hated policies of Federalism.

In *The Keystone in the Democratic Arch*, Sanford Higginbotham argues that the one principle which guided politics in Pennsylvania before, during and after the advent of Jeffersonian Republicanism was the notion of popular rule. Standing before the Tammany Society in 1807, Irish newspaper publisher John Binns, who would become alderman of Philadelphia later in his career, argued that the "pillars" of Pennsylvania republicanism rested upon a few simple principles: "*Universal suffrage - frequent elections - rotation of, and responsibility in, office.*"⁴⁸ Certainly Pennsylvania boasted one of the most democratic constitutions of the Revolutionary Era, since it granted the suffrage to all taxpaying males without regard to property qualifications. Beyond this, however, party politics in the first and second party periods was characterized by the incessant creation and dissolution of rival factions under the Democratic-Republican banner that were based more on personality and patronage than on principle. For instance, Klein asserts that in the years leading up to and following the War of 1812 the Democratic Republicans were split largely between William Duane and John Binns; nothing separated them except a mutual dislike for one another.⁴⁹ At

⁴⁷ Klein, *A Game Without Rules*, p.43

⁴⁸ Quoted in Sanford Higginbotham, *Keystone in the Democratic Arch: Pennsylvania Politics, 1800-1816* (Harrisburg: Pennsylvania Historical and Museum Commission, 1952), p, 13.

⁴⁹ Klein, pp.45-6.

other times strict adherence to the party principles of Republicanism was abandoned. During the War of 1812, Pennsylvania Republicans came to advocate the Hamiltonian policies of the protective tariff, internal improvements and the chartering of the Second Bank of the United States. The first protected the burgeoning industrial base of the state, the second helped to connect the western part of the state to the east and to upstate New York, and the third was housed in Philadelphia. In 1816, the Federalist *Lancaster Weekly Journal* pointed out the contradiction when it bellowed: "These [Democratic Republicans] are now in one breath commending the measures formerly abused, and in the next vilifying the men who taught them those measures. They do not even acknowledge that they have changed their ground!"⁵⁰ Democratic-Republicans in Pennsylvania were the heirs of Jefferson, but they advocated the policies of Hamilton.

A decade later, Pennsylvania was one of the first states to jump on the Jacksonian bandwagon, having preferred him for president in the 1824 election by a margin of 6 to 1 over his nearest opponent, John Quincy Adams. In 1828, the state rallied behind Old Hickory again when it chose his slate of electors by a two-to one margin.⁵¹ Personally Jackson remained very popular in his first term as president. But his policies were detrimental to the interests of the state - particularly with respect to those that the Democratic-Republicans had adopted in the wake of the War of 1812: the tariff, internal improvements, and the Second Bank. The fact is that Jackson opposed all three vehemently, vetoing bills on the first two and draining the funds from the third. As popular as he was, his stance on these issues was not lost on Pennsylvanians. In March 1831 the *Crawford Messenger* bluntly stated: "Pennsylvania stands diametrically opposed to Andrew

⁵⁰ May 17, 1816

⁵¹ Jackson's electors received 101,652 votes to Adams' 50,848.

Jackson."⁵² When he stood for re-election in 1832, Jackson won by a margin of only 20,000 votes out of 180,000 cast, mainly on the sheer force of his personality. The Anti-Mason candidate for governor lost that year by only 3,000 votes. The Democrats continued to dominate state politics in national elections, but their power was waning on the state level.

McCormick picks up on this exact point. Throughout the rise of Jacksonianism, Pennsylvania operated under a dual system of politics: in national elections, the state was pro-Jackson, while on the state level the Democrats were consistently pressed by the Anti-Masons.⁵³ After 1832, the divide deepened. And the state Democratic Party strained to express continual support for Andrew Jackson on the one side and play down the effects of his unpopular policies on the other. But in Jackson's second term the state parties of Pennsylvania began to come into rough congruity with the parties on the national level as the Anti-Masons and Whigs entered into an uneasy coalition and exploited the blatant contradictions in the state Democratic Party ideology. How could Democrats retain power on the state level while the national party proposed policies unpopular in the state? In effect, the politics of Pennsylvania were at last becoming nationalized, just as elsewhere in the country in the second party period, and it was placing strains on the once-indestructible pillars of Jacksonian Democracy. In 1835, the Anti-Mason-Whig coalition won the governorship and the House in the Assembly; it moved closer to taking the Senate as well. The next year, that hated New York politician and Jackson's hand-picked successor Martin Van Buren narrowly squeaked out a victory in the presidential race by just 3,000 votes out of 176,000 cast.⁵⁴ But four years later, William Henry Harrison would beat Van Buren in

⁵² March 24, 1831.

⁵³ McCormick, p.141.

⁵⁴ Klein explains that Pennsylvanians had despised the Little Magician for a whole host of reasons: first he had kept then Pennsylvania Governor Simon Snyder from the vice presidential candidacy in 1816; second, he was instrumental in overthrowing DeWitt Clinton in New York, someone popular amongst Pennsylvania political leaders for his alliance with Jackson in the 1820s; third, he supported the caucus system in 1824, fourth he had jumped on the Jackson bandwagon only after Pennsylvania had raised him from political

Pennsylvania in a rematch by just 400 votes out of nearly 300,000 cast. After nearly a half-century, party competition had finally been restored to the Keystone state.

Thus, one could argue that the advent of Jacksonian Democracy in Pennsylvania really did two things at once, the one reinforcing the other. First, rather than establishing Democratic dominance in the state, Jacksonian Democracy helped to break one-party politics and *reintroduce* party competition in the state after forty years of indistinct and loosely organized partisan arrangements. It did so by forcing the political parties to focus on a set of issues rather than on personalities and patronage. Second, Jacksonian Democracy assisted in doing away with that "dual system" of politics McCormick speaks of that had emerged in the state over the previous two decades by bringing the state parties in line with the national parties on these issues. Once it did, the cleavages between the state Democratic Party and the national Democratic Party were exposed, giving the Anti-Masons and the Whigs the opening they needed in order to ascend.

More could be said about each of these points, but I want to return to the question of race to ask once again: what impact did racial conflict have on partisanship on the one hand, and what impact did partisanship have on racial conflict on the other? Put another way, if the "Democratic" Party had been in power, albeit nominally, since 1799 with the Republican victory of that year, and it had gained victory on the wave of immigrant support that tilted the party toward a more ascriptive essentialist racial ideology, why were blacks not legally disenfranchised until 1838?

My answer to this question is twofold. First, the Democratic-Republicans were not fully committed to the racial ideology of ascriptive essentialism in the opening decades of

obscurity; fifth, he chased the only member of Jackson's cabinet from Pennsylvania out of the administration; sixth, he joined in the attacks against the Second Bank which was housed in Pennsylvania; and last but not least, he was from New York, Pennsylvania's main rival for national power.

the nineteenth century, just as the party of Jefferson in the state was not wholly committed to a Jeffersonian vision of an agrarian society of yeoman farmers operating with little intrusion by the national government. While politically omnipotent in state politics, the Democratic Republicans were not altogether of one mind on the issue of race. Second, and more importantly, the Democrats finally became the party of the white man's republic *only after party competition was reintroduced in the state in the mid-1830s*. Race and the question of black suffrage became significant when blacks not only were loyally voting for the Whig Party, but could also actually affect the outcome of elections (as we shall see). Party competition not only divulged the cleavage on the issue of race between the parties, it actually forced members of the party to choose on the issue of race. Ascriptive essentialism became the discursive tool by which the Democrats blocked black suffrage. The (re)aligning of the parties that had begun in Jackson's first term over issues such as internal improvements, the Second Bank and the tariff, culminated in 1838 when the word "white" was placed in the qualification for the suffrage. In a word, the Democratic Party at that point became the party of white supremacy in Pennsylvania.

Given the dominance and the ethnic makeup of the Democratic Republican Party in the early 1800s, we would be led to assume that racial disenfranchisement would have been one of the first moves the party would make. Furthermore, with no Federalist Party to either contend for black voters or to protect their rights, the situation would have been made that much easier. It should be recalled that, in New York, the old Federalist aristocracy was instrumental in protecting blacks' rights in the opening decades of the nineteenth century against increasing attacks by the Republicans. As I pointed out in the last chapter, it was the party of the Livingstons, the Jays, the Hamiltons and the Morrisises that kept a paternalistic watch out for blacks and argued that they were by nature "probably" (in the words of

Alexander Hamilton) equal in faculties to whites. By contrast, Pennsylvania had no old aristocratic families that inhabited the world of politics to cast their long shadows over the Revolutionary Era the way New York did. The greatest Pennsylvania politician, Benjamin Franklin, lived long enough only to see the constitution of the state revamped in 1790. But what Pennsylvania did have was what might be described as an early form of interest group, or a sort of political party by proxy on this one issue of race. Imbued with the doctrine of Quakerism, the early abolitionists fought valiantly for the rights of blacks throughout the period under consideration here. Thus, the leaders of the early abolitionist movement and their successors cast, in their own way, long shadow across Pennsylvania politics.

Founded in 1775 and reorganized in 1784, the Pennsylvania Abolition Society's (PAS) complete name was "The Pennsylvania Society for Promoting the Abolition of Slavery, for the Relief of Free Negroes, Unlawfully Held in Bondage, and for the Improvement of the African Race." It did work in each of these areas, but perhaps it was most successful in helping free blacks. The Society assisted blacks in purchasing their freedom, gave them recommendations for employment, provided education, and generally tried to ensure that free blacks were well treated. In 1789, the PAS organized what it called visiting committees to inquire in to problems blacks faced. The PAS was not only the first abolition society founded in the United States, it was also called upon time and again by abolition societies in other states to assist in their particular fight against slavery. Several southern slaveholders intent on freeing their slaves even sent them to Pennsylvania to receive religious and educational instruction from the organization's leaders. The PAS was more effective on the protection of blacks in many ways than the Federalists had been in other states. Despite the dramatic demographic shifts that the state underwent, they dutifully

filled a void left there by the absence of a viable opposition Federalist Party such as in New York.

As racial hostilities surged in the state in the opening decades of the nineteenth century, the PAS sought to block any policy that was detrimental to blacks. It used the tactics of moral suasion and political pressure by petitioning political leaders and increasing public awareness. An example of this is the question of fugitive slaves and kidnapping. The kidnapping of free blacks and fugitive slaves was a concern in Pennsylvania as early as the 1780s and would continue to be an issue well past the 1830s. The first act against kidnapping passed by the Pennsylvania legislature was in 1788, when imprisonment and a fine of 100 pounds were imposed.⁵⁵ In 1791, Governor Mifflin publicly chastised two white men indicted for the crime in Washington County. After the Fugitive Slave Act of 1793 was passed, questions were raised as to whether or not the federal government would protect blacks in the state. The PAS soon pressed for legislation guarding against the kidnapping of free blacks. Several kidnapping incidents in the state which had occurred around the turn of the century received much publicity. The legislature considered strengthening the kidnapping laws several times between 1803 and 1807. In 1812, the PAS once again petitioned the legislature for a stronger penalty but concluded four years later at its annual meeting that little had been done to rectify the problem.⁵⁶ Despite their pessimism, their efforts met with success. In 1818, a white man from Philadelphia was sentenced to three years in prison and a 300-pound fine for luring three blacks to Delaware who were never seen again. Finally, public sentiment against kidnapping forced stronger action, and in 1820 Governor Findlay pressed the legislature to pass a tough anti-kidnapping bill. Entitled "An Act to Prevent Kidnapping," it provided for a penalty of not less than \$500 or more than

⁵⁵ Dallas, *Laws of Pennsylvania* II, 589.

⁵⁶ *Journal of the Senate, 1811-1812*, p.109.

\$2000, one half of which was to go to the prosecutor. It forbade justices of the peace or aldermen to involve themselves in any fugitive slave case, bringing the law into conflict with the provisions of the Fugitive Slave Act of 1793. A kidnapper could be imprisoned anywhere from seven to twenty one years. If a fugitive slave was remanded to the South under the Fugitive Slave Act, the judge was required to file a description and report with the clerk of the Quarter Sessions.⁵⁷

Due to increasing pressure from southern states and over the objections of the PAS, Pennsylvania was forced to comply with the national laws. In 1826, after a Maryland delegation had traveled to Harrisburg to meet with Pennsylvania legislators, the state passed a law allowing a claimant to imprison an alleged fugitive slave pending a trial. However, the law strengthened the penalties against kidnapping.⁵⁸ It was this piece of legislation that placed the issue of slavery before the Supreme Court for the first time. In *Prigg v. Pennsylvania*, decided in 1842, the Court held that Pennsylvania had no say whatsoever in the issue of fugitive slaves - in other words, the return of slaves was a federal question that did not concern the states.⁵⁹ In 1847, the legislature redoubled its efforts against the kidnapping of fugitive slaves when it passed a law forbidding any state official to issue a warrant for the return of a fugitive slave.

The constant presence of a strong abolitionist movement in Pennsylvania thus restricted the effects of racial animosity that had been on the rise since the beginning of the nineteenth century. Contempt was heaped upon blacks during this period; in response, the PAS preached an ethic of pity. On many occasions political leaders responded positively, with the backing of public opinion. This in part explains why Pennsylvania appears as a

⁵⁷ *Acts of the Assembly, 1820*, pp.104-106.

⁵⁸ *Acts of the Assembly, 1825-26*, pp.150-5.

⁵⁹ 16 Peters 542 (1842). Chief Justice Taney agreed in this case that the federal government had full authority in these matters concerning slavery - in contradiction to his decision in *Dred Scott*.

bundle of contradictions during this period. To return once again to the astute observations of Edward Turner:

In the treatment of the Pennsylvania Negro after 1800 there is seemingly a strange contradiction, for he was the victim of violent prejudice and at the same time received the liveliest sympathy and aid. During the whole period, while funds were being raised to ship Negroes to Africa, while the Legislature was overwhelmed with petitions for their exclusion, while one race riot followed another, and while everything was done to convince the world that Pennsylvania desired no negroes, or at least no more of them, there was witnessed the curious spectacle of action on the part of the state, which betrayed an apparent desire to have them after all. From 1830 to 1860, almost never was assistance refused to a fugitive slave from the South, even when he was known to be such; and during this time with what was the greatest difficulty a master could recover his property. In the course of this conduct men and women of Pennsylvania went any length of risk and self-sacrifice to assist runaways. Toward the end of the period the state was brought to the threshold of nullification. All this was for the most part the outcome of the abolitionist and anti-slavery movements, which at last overran the state.⁶⁰

In short, Pennsylvania was caught between the racial ideology of paternalistic environmentalism, propounded mainly by the members of the PAS on one side, and the racial ideology of ascriptive essentialism, put forth by proponents of the white man's republic, on the other. Ironically, while the Democrats held complete power in the state, this battle was fought to a political standstill. It is no coincidence that the issue of black suffrage came to the fore at the very moment party competition resurfaced in Pennsylvania - simply because now blacks posed a real threat to the proponents of the white republic in the Democratic Party. With the racial cleavages between the parties visible, each side would have to make their appeals for and against the suffrage based upon these competing racial

⁶⁰ Turner, *The Negro in Pennsylvania*, p.227.

ideologies. It is to these competing racial ideologies that I now return in order to investigate the role they played in the development of state politics. I do this with an eye turned toward the outcomes of the constitutional convention of 1837-1838, which shall follow. As I intimated at the outset, the competing racial ideologies are as old as the Pennsylvania colony itself.

Race and Discourse to 1837

In 1686, a ship carrying Quakers from the Palatine region in Germany sailed in to the port on the Delaware River at Philadelphia. It had been pursued over the high seas by another vessel filled with Turkish pirates, intent on capturing the Quakers and selling them in to slavery. The German and Dutch Quakers had been invited to Pennsylvania by William Penn personally on his missionary journeys to Germany and through his reports of Pennsylvania that were translated in to German and circulated widely. They had arrived in the colony and the New World safe and sound. But what they found there shocked them.

The leader of the new settlers was Francis Daniel Pastorius. What Pastorius and his followers found was slavery - moreover, slavery that was being perpetuated by their Quaker brethren. After settling in what became known as "Germantown" just outside of Philadelphia, Pastorius finally spoke out on the practice of slavery. On April 18, 1688, he scribbled down a letter denouncing slavery and presented it at the meeting of the entire community that evening. In it Pastorius asserted that slavery violated the fundamental laws of Christianity, since the difficult but nonetheless unyielding creed of "do unto others as ye would that they should do unto you" was utterly disregarded by anyone engaged in the practice. Such conduct may have been expected by the Turkish barbarians who chased them across the Atlantic - but to see Christians steal and traffic human bodies across the Atlantic

was unacceptable. Moreover, Pastorius chastised his fellow Quakers for violating the Seventh Commandment by breaking up black families and bringing together those already married in new combinations. Finally, he said that slavery violated the natural laws of humanity that Penn's colony was created to uphold:

There is a liberty of conscience here which is right and reasonable, and there ought to be likewise a liberty of the body, except for evil doers, which is another cause. But to bring men hither, or to rob and sell them against their will, we stand against.⁶¹

The protest issued by Pastorius was wholeheartedly embraced by his Germantown followers. It was the first call to end slavery in the New World and began a long debate amongst Quakers that would not be resolved for nearly a century. While Pastorius' handwritten letter was forwarded to the Annual Meeting of the Friends that same year, the Quaker leadership was slow to respond; Quakers were in fact profiting from the slave trade and would continue to do so. By the opening decades of the eighteenth century, most of the slave holders in the colony were in fact Quakers.

The letter also reveals at an early stage the racial ideology of paternalistic environmentalism in Pennsylvania. Rooted in the Quaker views of Christianity and humanity, it would evolve over the course of the next century as Quaker leaders such as John Woolman, Ralph Sandiford, Benjamin Lay and Anthony Benezet modified it by adding particular aspects of the natural rights philosophy of eighteenth century Enlightenment thought. Benezet was one of the first to argue consistently that the degraded condition of blacks was due to the evils of slavery and not to the color of their skin or mental

⁶¹ In S.W. Pennypacker, *The Settlement of Germantown* (Philadelphia: 1899), 145ff.

capabilities. He was also one of the first to advocate for the educational instruction of blacks to prepare them for society after slavery. On the eve of the Revolution, Benezet expressed the racial ideology of paternalistic environmentalism most clearly in his many writings on slavery when he wrote:

I can truly and with sincerity declare that I have found amongst the negroes as great variety of talents as among the like number of whites; and I am bold to assert that the notion, entertained by some, that blacks are inferior in their capabilities, is a vulgar prejudice, founded on the pride or ignorance of their lordly masters, who have kept their slaves at such a distance as to be unable to form a right judgment of them.⁶²

Benezet played a large role in combating notions of black inferiority of the middle decades of eighteenth century in Pennsylvania. He greatly influenced the leaders of the Revolutionary generation in their thinking about slavery with his educational work. On the eve of the Revolutionary War, Dr. Benjamin Rush published a pamphlet entitled *An Address to the Inhabitants of the British Settlements on the Slavery of Negroes in America* at Benezet's urging. There Rush argued:

I need hardly say any thing in favour of the Intellects of the Negro, or their capacities for virtue and happiness, although these have been supposed, by some, to be inferior to those of the inhabitants of Europe. The accounts which travelers give us of their ingenuity, humanity, and strong attachment to their parents, relations, friends and country, show us that they are equal to the Europeans...Slavery is so foreign to the human mind, that the moral faculties, as well as those of the understanding are debased, and rendered torpid by it. *All the vices which are charged upon the Negroes in the*

⁶² In *Views of American Slavery: Anthony Benezet and John Wesley* (New York: Arno Press, 1969), pp.24-5.

*southern colonies and the West-Indies, such as Idleness, Treachery, Theft, and the like, are the genuine offspring of slavery, and serve as an argument to prove that they were not intended for it.*⁶³

Benezet's work also indirectly influenced the thinking of the patriarch of Pennsylvania politics throughout the Revolutionary Era, Benjamin Franklin. From his earliest writings in the 1730s and 1740s, Franklin had been advocating for the humanitarian treatment of slaves. He was caught up in the whirlwind of the First Great Awakening and appealed to Pennsylvania's slaves to seek redemption by converting to Christianity. By the 1740s, the Anglican evangelical minister George Whitefield was visiting Pennsylvania and promoting educational instruction for black children - an act that was met with considerable ridicule amongst most whites (even Quakers) in the colony who believed that slaves were savages and did not have the moral capacity that whites possessed. The work of Whitefield and later Benezet greatly transformed Franklin's view on the capability of blacks. In 1758, Franklin enrolled one of his own slaves, Othello, in a school run by a group affiliated with the Anglican Church called the Bray Associates. After visiting the Bray Associates school in 1762, Franklin wrote to his friend John Waring:

I was on the whole much pleas'd, and from what I then saw, have conceiv'd a higher Opinion of natural Capacities of the black Race, than I had ever before entertained. Their Apprehension seems as quick, their Memory as strong, and their Docility in every Respect equal that of white Children.⁶⁴

⁶³ In *Benjamin Rush: An Address on the Slavery of Negroes in America* (New York: Arno Press, 1969), pp.1-2, emphasis added.

⁶⁴ Letter to John Waring, December 17, 1763, in *Benjamin Franklin: Writings* (New York: Library of America, 1987), p.800.

Both during and after the Revolutionary years, Franklin remained a staunch abolitionist and defender of the capabilities of blacks. The last public office he held was the presidency of the Pennsylvania Abolition Society. A year before his death in 1790, Franklin issued a public statement on slavery on behalf of the PAS. In it he stated:

Slavery is such an atrocious debasement of human nature, that its very extirpation, if not performed with solicitous care, may open a source of serious evils. The unhappy man who has long been treated as a brute animal, too frequently sinks beneath the common standard of the human species. The galling chains, that bind his body, do also fetter his intellectual faculties, and impair the social affections of his heart...To instruct, to advise, to qualify those, who have been restored to freedom, for the exercise and enjoyment of civil liberty, to promote in them habits of industry, to furnish them with employments suited to their age, sex, talents, and other circumstances, and to procure their children an education calculated for their future situation in life; these are the great outlines of the annexed plan, which we have adopted, and which we conceive will essentially promote the public good, and the happiness of these our hitherto too much neglected fellow-creatures.⁶⁵

By the 1770s, the views expressed by these political and religious leaders had begun to dominate the thinking on race throughout the Pennsylvania colony. The natural rights rhetoric of freedom was everywhere as political leaders subscribed to the theory that slavery was the cause of the debasement of blacks, not their inherent inferiority. At the same time, a democratic impulse had swept over the colony amidst revolutionary fervor. In 1776, Pennsylvania drafted a constitution on the heels of the publication of Jefferson's Declaration of Independence. It provided for the most liberal suffrage clause of any of the new state constitutions, stating that "every freeman of the full age of twenty one years, having resided in this state for the space of one whole year next before the day of election for

⁶⁵ "An Address to the Public From the Pennsylvania Society for Promoting the Abolition of Slavery," in *Benjamin Franklin: Writings* (New York: Library of America, 1987), pp.1154-5.

representatives, and paid taxes during that time, shall enjoy the right of an elector." Any male could vote as long as he met the residence and tax-paying requirement. The constitution also made no reference to race, a point which both opponents and proponents of black suffrage argued in the constitutional convention of 1837-1838 reinforced their views on the subject, as we shall see.

Four years later, Pennsylvania became the first state to abolish slavery through state statute. The influence of the natural rights philosophy of the Revolutionary Era was made evident in the preamble to the Abolition Act of 1780. In Section II, it stated that:

And whereas the condition of those persons, who have heretofore been denominated negro and mulatto slaves, has been attended with circumstances, which not only deprived them of the common blessings that they were by nature entitled to, but has cast them into the deepest afflictions, by an unnatural separation and sale of husband and wife, from each other and from their children, an injury, the greatness of which can only be conceived by supposing that we were in the same unhappy cause....

Furthermore, the Abolition Act of 1780 went on declare that free blacks were in all respects to be treated as free men and free women.⁶⁶ Even as partisan conflict heated up between the Constitutionlists and the Republicans during the latter years of the Confederation, the political leadership of Pennsylvania nonetheless remained dedicated to the abolitionist cause and its underlying racial ideology of paternalistic environmentalism. Republicans were successful in ushering in the "counterrevolution" in 1790 by drafting a new constitution that modified some of the democratic impulses institutionalized in the previous document. Yet, the suffrage qualification remained the same; what is more, it did not explicitly exclude

⁶⁶ Cf., Turner, p.182, footnote, 48.

blacks from voting. Albert Gallatin, who later would become the staunch Republican ally of Thomas Jefferson, was successful in the constitutional convention held in 1789 in getting the word "white" stricken from the suffrage clause. Even as he became an avid defender of Republicanism, Gallatin remained sympathetic to the plight of blacks. Several years after the ratification of the Pennsylvania constitution, Gallatin reflected on the recent slave revolt in Haiti in a letter to his friend. There he wrote:

Who has been right or wrong in the lamentable scene of Hispaniola nobody can tell; but to view the subject independently of the motives and conduct of the Agents who may have brought on the present crisis, I see nothing but the natural consequences of slavery. For the whites to expect mercy either from mulattoes or negroes is absurd and whilst we may pity the misfortunes of the present generation of the whites of that island, in which, undoubtedly, many innocent victims have been involved, can we help acknowledging that calamity to be the just punishment of the crimes of so many generations of slave traders...⁶⁷

Nearly fifty years after the convention of 1789, seventy-seven year old Gallatin would write a letter to a delegate to the constitutional convention of 1837-1838 explaining that he had in fact been responsible for keeping a racial voting restriction out of the Constitution of 1790. The letter was read on the floor of the convention as proof that the framers of the constitution of 1790 had in fact intended to include blacks in the polity.

The meaning behind the words in the constitutions of 1776 and 1790 would come to play a central role in the conflict over black suffrage in 1837 and 1838. Both sides engaged in the hermeneutical act of reconstructing original intent, arguing that the framers of those constitutions had both legal and moral intentions that supported the respective positions on

⁶⁷ "Letter to Jean Badollet," February 1, 1793, in *Selected Writings of Albert Gallatin*, ed. E. James Ferguson (New York: Bobs-Merrill, 1967), pp.64-5.

the issue. The question, simply put, was the one posed by Chief Justice Taney in *Dred Scott* at the outset of this chapter: can a Negro be considered a citizen under the original meaning of the constitution of Pennsylvania? Each side claimed to have evidence supporting their position, as Turner makes clear.⁶⁸ But what is made plain by the discursive record of the pre and post Revolutionary years is that paternalistic environmentalism became the dominant racial paradigm in Pennsylvania. It formed the normative arguments underlying the calls for abolition and went so far as to provide equal citizenship for blacks. However, by the opening of the nineteenth century, the dominant paradigm of paternalistic environmentalism was replaced by the ideology of ascriptive essentialism as the state underwent the wrenching social and demographic changes I spelled out earlier in the chapter.

The racial ideology of ascriptive essentialism also had its origins in the early colonial period in Pennsylvania. As mentioned at the outset, slavery was opposed in the early eighteenth century on both moral and economic grounds. Whereas German Quakers provided the initial impetus for the moral objections to slavery, it was the poor white laborers of the state who provided the impetus for the economic objection. In the opening decades of the eighteenth century, the provincial assembly began passing laws differentiating between slaves and servants. The assembly also passed legislation restricting the interaction between whites and blacks. In 1712, whites began petitioning the assembly to restrict the importation of slavery because slave labor was beginning to severely limit the economic prospects of poor free whites. The assembly responded by increasing the duty imposed on each slave, but the British crown soon repealed the law and reinstated a significantly smaller duty. In 1725-1726, an important colonial law was passed that forbade the mixture of the two races. No black was to be joined in marriage with any white.

⁶⁸ Turner, *The Negro in Pennsylvania*, ch.10.

Furthermore, the law sought to regulate the movement, actions, and behaviors of both slaves and free blacks. No black slave was to go farther than ten miles from home without written leave from his master; nor could he be caught from his master's house after 9PM without permission. Whites were severely restricted in employing free blacks, and free blacks were not allowed to meet in company of more than four together. The preamble to the law provided the justification for the racially restrictive elements to the law when it began: "free negroes are an idle, slothful people, and often burdensome to the neighborhood and afford ill examples to other negroes..."⁶⁹

Thus, ascriptive essentialism had its origins in a conflict that from the beginning had both economic and racial dimensions. Blacks - both slave and free - posed a threat to the economic well-being of lower strata whites from the earliest days of the colony's existence, and attempts were made on the part of colonial leaders to respond to the pressure by limiting the number of slaves brought in to the colony. In other words, we see traces of the white republic ideology from the opening of the eighteenth century in Pennsylvania. As Nash asserts, this thinking formed the "majority" opinion on race for most of the middle decades of the century: blacks were seen as slothful, idle, vagrant, and inherently inferior.⁷⁰ Consequently, they were unwelcome. No amount of religious or educational instruction could change these ascriptive characteristics. Pushed to the background during the Revolutionary Era, ascriptive essentialism resurfaced in the opening decade of the nineteenth century in Pennsylvania as the free black population exploded in Philadelphia

Perhaps not surprisingly, the first individuals to draw upon these ascriptive views on race in the early 1800s were Pennsylvanians of Irish descent. One such figure was Thomas Branagan. Both Ignatiev and Nash point to the extraordinary writings of Branagan and the

⁶⁹ See DuBois, (page number); Turner, ch.1.

⁷⁰ Cf., Nash, p.31.

influence they had on the perceptions of political leaders and the white masses in the state.⁷¹ Branagan was born in Dublin in 1774. In 1790 he sailed to Africa from Liverpool on a slave ship where he remained for several months among the African natives. From there he traveled to the West Indies and stayed in Antigua for four years. Watching the slave trade firsthand for over five years, Branagan began having serious moral doubts about slavery. He returned to Dublin within a year to settle his father's estate, but then like so many of his countrymen, he set sail for Philadelphia, arriving there in 1799.

In 1804, Branagan published a blistering attack on slavery entitled *Preliminary Essay on the Oppression of the Exiled Sons of Africa*. In keeping with the natural rights rhetoric of the Revolutionary era, he based his attack on the natural equality of all human beings, asking whether or not blacks

Possess the same specific nature, the same faculties and powers, corporal and mental, the same attachments and aversions, sensations, and feelings with the inhabitants of Asia, Europe, and America? Is it not a prevailing sentiment among all the nations of mankind, that all men, as they come into the world, are equal...Are not the innumerable millions of mankind, members of one family and children of one father?⁷²

Branagan called for the immediate abolition of slavery in the United States. Years later he reflected that Thomas Jefferson had received his *Preliminary Essay* with great admiration and warmth.

However, the very next year Branagan published another work on race that moved in an entirely different direction. Entitled *Serious Remonstrances Addressed to the Citizens*

⁷¹ Ignatiev, *How the Irish Became White*, pp.51-7; Nash, *Forging Freedom*, pp.178-80.

⁷² Quoted in Ignatiev, p.53.

of Northern States, and Their Representatives, the work expressed alarm at what Branagan saw in the North as gradual abolition was taking hold and fugitives were migrating from the South. *Serious Remonstrances* began by denouncing slavery because it "destroys moral rectitude and natural justice."⁷³ He thereby renewed his calls for moral instruction of blacks by whites. But about halfway through the 100+ page pamphlet the argument shifted from a denouncement of slavery to the impact the black population was having on the North. Everywhere Branagan looked he saw an amalgamation of the races wreaking havoc upon the morals and economic possibilities of whites - particularly the Irish and the Germans. He argued that America was "appropriated by the Lord of the Universe to be an Asylum for the Oppressed, Injured Sons of Europe."⁷⁴ Furthermore, the recent slave uprising in Hispaniola should give white northerners pause not only in their treatment of blacks, but the extent to which they should want to continue to accept them in to northern cities. At the current pace of migration, Branagan contended, there may be as many as 50,000 blacks in the city of Brotherly Love by the year 1865.⁷⁵ This would have had disastrous consequences for the North:

On they come with all the accumulated depravity which they have been long accustomed to; such as lying, pilfering, stealing, swearing, deceit; and a thousand meaner vices, the fruits of slavery. When they arrive, they almost generally abandon themselves to all manner of debauchery and dissipation, to the great annoyance of many of our citizens. Indeed, the depredations many of them commit on society, is too tragical to mention...⁷⁶

⁷³ Thomas Branagan, *Serious Remonstrances* (Philadelphia, 1805), p.58.

⁷⁴ *Ibid.*, p.78.

⁷⁵ *Ibid.*, p.44.

⁷⁶ *Ibid.*, p.68.

For Branagan, Blacks posed both a threat to both the economic well-being and the "purity" of the white republic. He continued:

And indeed there has been some respectable families, and many laborers (though poor white people) have been necessitated to leave their abodes, and some the place of their nativity to seek employment in their back woods...as hundreds are employed by a particular class of people who profess to be friends to blacks...in preference to poor reputable whites.⁷⁷

And again:

I would again ask such: would thee be very contented for to have a negro for thy daughter's husband, a negress for thy son's wife, and in short have them assimilated into the family as well as the general and state governments, and methinks I hear a negative answer to this question...I solemnly declare I have seen more white women married to, and deluded through the art of seduction by negroes in one year in Philadelphia, than for 8 years I was visiting [Africa and the West Indies]...⁷⁸

Branagan concluded his rant by arguing that the "co-mingling" of servants in the well-to-do homes of whites had further caused the low morale of poorer whites.

Given this, what is the solution? Branagan concluded that the only possible way out of having the North overrun by lascivious and ignorant blacks was to colonize them in the recently purchased territories of Louisiana. "If slaves were sent to that fertile country of Louisiana, the climate of which is particularly congenial to their natures, I am confident not only thousands in the South, but numbers of Africans in these states would rejoice if my plan was adopted by congress, or one similar to it instituted."⁷⁹ Hence, a dozen years before

⁷⁷ *Ibid.*, p.72.

⁷⁸ *Ibid.*, p.68 and p.73.

⁷⁹ *Ibid.*, p.64.

the American Colonization Society was founded, Thomas Branagan proposed his own version of the white republic ideology.

Whereas his earlier writing focused squarely on the evils of slavery and the moral blight it cast on American society, Branagan now shifted his attention to the dangers of black citizenship in the United States. There was no call here for continued religious and educational instruction that would provide blacks with a hand up and out of slavery and in to the ranks of the citizenry. On the contrary, the emphasis was on the debauchery and idleness of blacks. And while Branagan did indeed assert that these behavioral characteristics are a result of the pathologies of slavery, it is not a far jump from this assertion to the conclusion that *blackness* as such is equated with idleness and debauchery. Put another way, the chasm between environmentalism and essentialism has been crossed. In Branagan's view, citizenship for blacks in the United States is simply out of the question. Such an attempt would have led to an amalgamation of the races. And here we come to the central idea that underwrites Branagan's ascriptive views: the United States in general, and Pennsylvania in particular, was intended to be an "Asylum for the Oppressed, Injured Sons of Europe" - or in other words, a white man's republic.

Branagan's *Serious Remonstrances* reinforces the race threat hypothesis put forth by V.O. Key in *Southern Politics* and Rodney Hero's population thesis. It also marks the reemergence of the ideology of ascriptivism in the discursive development of Pennsylvania. All Branagan did was take a look around Philadelphia and bear witness to the changes it had undergone: if current trends held up his vision of a white republic would be swept away in the tide of black bodies streaming in to the city. He thus made an appeal to ascriptive essentialism to make his case. Other Irish Philadelphians with influence over public opinion would also come to make similar ascriptive arguments. The Irish publisher of the newspaper

Democratic Press John Binns is another case in point. An early and fervent supporter of Jeffersonianism, Binns was a fierce defender of the ideology of the white republic. In articles in his paper he consistently argued against the rights of citizenship for blacks. During the War of 1812, he called the free black people of Philadelphia "a very numerous and useless class" which "could be better spared [for the war] than any other."⁸⁰ For Binns, not even military service provided blacks with the rights of citizenship. In the wake of the Missouri crisis, he was one of the first to argue that Congress did not have the right to regulate slavery in the territories. As he ascended the Republican ladder and became one of the main power brokers in state politics, Binns remained a fervent supporter of the white republic ideology.

In the midst of the changing demographics of the state, ascriptive views on race came to the fore in Pennsylvania politics. Political leaders were faced with the fundamental question of black citizenship as gradual abolition took effect and migration continued. In 1807, the first motion was made in the state legislature to exclude blacks from the electorate. It was denied. In 1826, Governor Shulze asked the legislature if the definition of "freeman" should include "persons of colour." Calls to disenfranchise blacks were consistently spurned by leaders who argued against racial disenfranchisement, mostly at the behest of the Pennsylvania Abolition Society. But amidst the race riots of the 1830s, the right to vote for blacks came under heavy attack. Evidence suggests that blacks had been voting in the state since the Revolutionary years in at least seven counties in the state.⁸¹ But blacks were increasingly intimidated from the polls in other regions. In 1837 an English traveler in

⁸⁰ *Democratic Press*, January 13, 1813.

⁸¹ *Proceedings and Debates of the Convention of Pennsylvania, 1837-1838*, ix, 380.

Pennsylvania inquired of a white citizen about black suffrage. "Just let them try [to vote]!" was the response he received.⁸²

By then the issue of black suffrage had made its way to the Pennsylvania courts. In 1835 a black man by the name of William Fogg was denied the right to vote in Luzerne County on account of his race. He sued Hiram Hobbs, the election inspector in Greenfield who had turned him away from the polls, on the grounds that his vote was "fraudulently and maliciously refused."⁸³ Judge Scott of the county court was asked to decide whether or not the Pennsylvania constitutions of either 1776 or 1790 or any state laws passed had explicitly or implicitly granted blacks the right to vote. Fogg argued that the constitution granted him such a right, while Hobbs countered that "a free negro or mulatto is not a citizen, within the meaning of the law of the constitution and the laws of the United States and the state of Pennsylvania, and therefore is not entitled to the right of suffrage."⁸⁴ In his opinion, Judge Scott concluded that blacks did in fact have the right to vote under Pennsylvania law. He wrote:

We know of no such expression in the constitution or laws of the United States, nor in the constitution or laws of the state of Pennsylvania, which can legally be construed to prohibit free negroes and mulattoes, who are otherwise qualified, from exercising the rights of an elector. The preamble to the act for the gradual abolition of slavery, passed on the 1st of March 1780, breathes a spirit of piety and patriotism, and fully indicates an intention in the legislature to make the man of color a *freeman*.⁸⁵

⁸² Litwack, p.84. In 1831, Tocqueville observed similar treatment of blacks in Philadelphia. "What becomes of the reign of law in this case?" Tocqueville asked. "The law with us is nothing," was the reply of a white citizen.

⁸³ *Hobbs et al. v. Fogg*, 6 Watts (1837), 553.

⁸⁴ *Ibid.*, p.554.

⁸⁵ *Ibid.*

Hobbs immediately appealed the case to the Supreme Court of Pennsylvania. But while Scott's decision was the first shot fired in the debate that would grow in intensity for the next three years, the case itself received relatively little attention. State political leaders were concentrating on the presidential election of 1836 and the state-wide vote on the delegates to the constitutional convention. In 1835, the same year *Fogg v. Hobbs* was decided in Luzerne county court, the Whig-Anti-Mason Coalition took control of both the House of Representatives and the governor's mansion and made significant gains in the Senate. But in October of the following year, the Democrats swept back into power in the House, taking seventy-two seats to the Coalition's twenty-eight. One month later, delegates to the convention were elected separately. Democrats were greatly disappointed as they won only sixty-seven delegates seats, while the Coalition took sixty-six.⁸⁶ With the death of a Democratic delegate shortly thereafter and the election of another member of the Coalition, the Democrats surprisingly found themselves in the minority at the constitutional convention. As the spring of 1837 neared and the state prepared for the convention, the question of black suffrage was relegated to the background. Meanwhile, the *Fogg* case was awaiting a hearing from the state Supreme Court. But the Supreme Court made the cautious choice of not ruling on the case until the constitutional convention revised the suffrage article.

The Constitutional Convention of 1837-1838

One hundred and thirty three delegates convened at Harrisburg on May 2nd, 1837. On May 17th, the committee on the suffrage article presented its report to the whole delegation. It

⁸⁶ Charles McCool Snyder, *The Jacksonian Heritage: Pennsylvania Politics, 1833-1848* (Harrisburg: Pennsylvania Historical and Museum Collection, 1958), p.104. The number of delegates to the convention reflected the number of seats in both House and Senate.

contained no mention of the question of suffrage for blacks. Furthermore, the "minority" report of the committee also ignored the question. The entire convention considered the suffrage article as it was presented out of committee on June 19th. Democratic delegate John Sterigere rose and moved to add a racial restriction in the suffrage article. He argued that most other states in the union had adopted such a provision, most recently Tennessee and North Carolina. Phineas Jenks of Bucks County opposed Sterigere's motion, countering that no one in Bucks County opposed the right of blacks to vote. Furthermore, he contended that there were many blacks in Bucks County who had large property holdings and thus a vested interest in government. Consequently, they should retain the right. Benjamin Martin of Philadelphia County then took the floor to passionately defend Sterigere's position. Martin argued that blacks were not capable of voting responsibly; furthermore, granting blacks the right to vote would essentially grant the black man the same prestige as the white man in what was intended to be a white republic. Drawing upon the ideas first spelled out by Branagan some thirty years before, he asserted that

It is in vain to tell me, that these individuals are on the same scale in society, and gifted with the same intelligence, as ourselves...when I look at them, and then at myself, and what the world is composed of, I cannot but see a vast difference...We are the descendents of Europe...we have been in advance, and have given a tone to civilization throughout the world, and why are we now to think of retrograding and going down?⁸⁷

After Martin yielded, several other delegates rose to voice their objections to the motion put forth by Sterigere. At this very early point in the debate it was not clear that the anti-black suffrage delegates had enough votes to pass the racial restriction. Consequently, at the behest of his political allies, Sterigere withdrew his motion from the floor.

On Friday, June 23rd, Benjamin Martin once again took up the case of the racial restriction. He appealed to ascriptive notions of race and made the case that black suffrage was a violation of the laws of nature. Other delegates countered that adding the word "white" was too vague and requested that Martin yield until a later date while the convention attended to other business. This time Martin called for a vote, and in an extraordinary move the motion was defeated by a vote of 61-49.⁸⁷ A majority of the Coalition was joined by twelve Democrats in opposing the motion. The suffrage article was consequently dropped and the convention moved on to other matters until it reconvened on July 14th. Black suffrage would not be raised until the convention reconvened on October 17th later that year.

When the convention adjourned in the summer of 1837, few Pennsylvanians were deeply concerned over the issue of black suffrage. There are no newspaper accounts of the convention that mention any of the debate on race which had taken place earlier that year. Yet all of this was to change within a few months. The local elections held on the eve of the convention's reconvening caused an uproar around the question of black suffrage. That October two Democratic officials in Bucks County filed suit in county court arguing that they had lost election because dozens of blacks had voted illegally, thus throwing the election to their Whig counterparts. Democrat Jacob Kachline lost the election for commissioner by 25 votes, while Democrat F.L. Boder lost the election of auditor by a mere 2 votes. Newspapers across the state picked up on the story and fanned the flames of racial hostility. The *Bedford Gazette* claimed that blacks had come to the polls with guns and

⁸⁷ *Proceedings and Debates of the Pennsylvania Constitutional Convention of 1837-38*, vol.iii, p.85.

⁸⁸ See Henry Mueller, *The Whig Party...*, p.37; also Edward J. Price, *Let the Law Be Just: The Quest for Racial Equality in Pennsylvania, 1780, 1915* (Ph.D. thesis, Pennsylvania State University, 1973), p.105.

forced their way to the ballot box, threatening to shoot anyone who stopped them.⁸⁹ It also accused abolitionist Thaddeus Stevens of inciting blacks to violence in their attempts to vote. The *Pennsylvanian* made much of the fact that blacks had changed the outcome of elections elsewhere because they were allowed to vote in many localities all over the state - though it proudly pointed out that blacks were not allowed to vote in Philadelphia since they were not assessed taxes.⁹⁰ By the time the delegates reconvened, the question of black suffrage had become the major constitutional issue with which they were confronted.

Delegates cautioned against deciding the issue until Judge John Fox in Bucks County and the Supreme Court had handed down their respective decisions in the two cases involving black voting rights. The Supreme Court sat on its hands and awaited the outcome of the convention; however, in December 1837 Fox assertively took the issue head on and handed down a decision.

The central question Fox contended with was, once again, whether or not blacks were considered "citizens" or "freemen" under the meaning of the previous Pennsylvania constitutions or state laws. Displaying his impressive knowledge of the history of Pennsylvania, Judge John Fox went all the way back to the original charter granted to William Penn to discern whether at any point blacks were meant to be considered "freemen" like their white counterparts. Fox concluded that at no point did the previous political leaders of Pennsylvania ever intend to include blacks in the status of "freemen" or "citizen" as the terms were defined - not the constitution of 1776, not the gradual abolition law of 1780, and not the constitution of 1790. Predating Justice Taney's argument by twenty years,

⁸⁹ November 17th, 1837.

⁹⁰ October 30th and 31st, 1837.

Fox argued that "the negro race was then, and still is, a degraded caste, and inferior in rank to the white."⁹¹ He continued by inquiring:

What white man would not feel himself insulted by a serious imputation that he was a negro, and who, having believed himself to be of the white race, if he should be found so strongly tainted with black blood, would not feel and experience, that he had fallen greatly in social scale? What white parent, if he had any affection for them, could contemplate without deep grief and mortification the probable social condition of his mulatto children...Is it possible that an inferior and degraded race were called in to take part in these high function [of voting]?⁹²

Fox went further to argue that the U.S. constitution also does not bestow citizenship on blacks. His legal reasoning predated that of Justice Taney's by asserting that the word "people" in the preamble of the Constitution is equated with "citizen;" furthermore, "citizen" under the original meaning of the Constitution was equated with "white." Fox concluded by saying that

The people of Pennsylvania, who framed the present constitution were a political community of white men exclusively, and that colored persons of African blood, were not contemplated by that constitution. That the latter have not, and never had, any *chartered* or constitutional rights, but have always been, and still are, subject to such laws as the sovereign power may make for their government.⁹³

⁹¹ *The Opinion of the Honorable John Fox Against the Exercise of Negro Suffrage in Pennsylvania* (Harrisburg: Packer, Barrett and Parke, 1838), p.8.

⁹² *Ibid.*, pp.8-9.

⁹³ *Ibid.*, p.13.

Essentially Judge John Fox reaffirmed the ascriptive views underpinning the white republic. His opinion was published immediately and distributed to every member of the delegation, as well as all through the state. Now armed with Fox's decision and the support of the public that had been whipped up in to a frenzy over the issue, Democratic delegates in the convention moved immediately to place a racial voting restriction in the suffrage clause.

On January 17, 1838, the convention turned its attention back to the suffrage article. Immediately Benjamin Martin rose to make a motion adding the word "white" in the article. This time he pressed his case harder on ascriptive grounds:

I would preserve [blacks] and theirs, by the laws, and by the constitution; but to hold out to them social rights, or to incorporate them with ourselves in the exercise of the right of franchise, is a violation of the law of nature, and would lead to an amalgamation in the exercise thereof, that must bring down upon them, the resentment of the white population. Sir, the divisionary line between the races, is so strongly marked by the Creator, that it is unwise and cruelly unjust, in any way, to amalgamate them, for it must be apparent to every well judging person, that the elevation of the black, is the degradation of the white man.⁹⁴

The debate on the suffrage article quickly became heated as delegate after delegate expressed interest in the "excitement" over the issue and rose to either defend the motion or argue against it. Whig delegate William Maclay of Mifflin County rose to counter Martin's argument. Maclay reminded the delegation of the paternalistic views that had predominated during the Revolutionary Era and countered that disenfranchisement would stigmatize blacks rather than secure prestige for whites:

⁹⁴ *Proceedings and Debates*, ix, p.321.

I feel altogether averse to the proposition now before us...No such proposition, as the one now made, could have passed in any law of Pennsylvania in the time of the revolution, or during the time that the men of the revolution held the government of the commonwealth in their hands...I do not, however, oppose the present motion so much on the ground that it could not have been passed in former times in Pennsylvania, as on the ground that it is unjust at any time...[disenfranchisement] is calculated to fix a stigma upon the people on whom it is intended to operate. It is throwing an obstacle in the way of their improvement. It is, in fact, adding another item to the long catalogue of wrongs which these people have endured. It should be recollected that the coloured people among us are a poor and helpless race; they are entirely in our power; we may pass such laws as we please respecting them; and if we do them an injustice they have no redress⁹⁵

Thomas Earle of Philadelphia County reverted back to the Golden Rule in Christianity and then picked up on Maclay's point by sarcastically mocking the other side in their "wisdom" about the founders: "What did the Declaration of Independence of the United States say? Did it mean what it said? Did the gentleman from Luzerne [George Woodward] mean to assert, that Jefferson, Madison, Franklin, Patrick Henry, Hancock, Judge Marshall, and in short, all the patriots and wise men of the former and present age, did not mean what they have said?"⁹⁶ Soon thereafter the convention was adjourned, but debate resumed the very next morning in the same spirited manner.

John Sterigere of Montgomery County rose on the morning of the 18th and contended that the great majority of the public was against black enfranchisement. He further argued that enfranchising blacks would lead to more black migration in to the state:

After our adjournment in July, I passed through near half the counties in the state, and found opposition to negro suffrage, was almost unanimous...The people of this state are for continuing this commonwealth, what it always has been, a political community of white persons...the people of my own

⁹⁵ *Ibid.*, ix, pp.332-3.

⁹⁶ *Ibid.*, ix, p.335.

county, of all parties, with few exceptions, are opposed to investing our own negroes with this valuable right, and to a policy which will bring upon us hords [sic] of negroes from other states, to participate in the privileges which have been enjoyed by white freemen only, for upwards of one hundred and fifty years"⁹⁷

Sterigere then cut to the point and argued from the viewpoint of electoral politics. He contended that the masses of black voters would be swept up into one of the political parties by a demagogue or "abolitionist" and fundamentally alter the balance of power in the state between the competing parties. Whereas other loyal voting blocks in the electorate were deemed legitimate, for Sterigere the notion of a black electoral constituency was wholly unacceptable. He concluded passionately that

It is an insult to the white man to propose this association, and ask him to go to the polls, and exercise the right of a freeman with negroes...This number would produce 10,000 voters. These will, in the mass, join one of the greatest political parties, or be controlled by some political demagogue, or modern abolitionist, and must become the umpire between the two great political parties in the state...reject this amendment, and we shall have tens and hundreds of thousands of this base and degraded caste, vomited upon us.⁹⁸

Supporters of black suffrage could only counter the vitriol of Sterigere and his anti-black enfranchisement colleagues by arguing from a paternalistic perspective and pointing out that blacks had worked their way up to respectability despite all the obstacles thrown in front of them. Walter Forward of Allegheny County rose to make the case for black suffrage: "I find that they are regarded as morally responsible beings," he began, "and that we never excuse

⁹⁷ *Ibid.*, ix, 357.

⁹⁸ *Ibid.*, ix, 365.

them for any offence they may have committed against the laws of the land, on the ground that they are an inferior race of beings." He continued:

I find this to be the case, and I infer from this, that the rights of the coloured man are as precious as my own, and that the government under which he lives may influence his happiness as much as it may influence my own; and that therefore if he has equal intelligence, virtue, patriotism, he has the same right to vote as I myself possess. I set up no claim to superiority in the eye of Him who created both, and I dare not place my vote on that ground.⁹⁹

By this time, each delegate who rose to speak was met with an uproar by the other delegates. At several points in the convention record, the convention reporter explains that the noise in the hall was too loud to record accurately everything each speaker was saying. Each side dug in and made their points by mocking the other side's position. William Darlington from Chester County rose to speak out on behalf of black suffrage and forcefully chastised opponents who argued that the framers of the constitution of 1790 did not intend to include blacks in the political community. He took out a letter written to him on December 21, 1837 by seventy-seven year old Albert Gallatin. In it Gallatin recollects that the word "white" was struck from constitution in 1790 at his urging. "It was no part of their plan to exclude coloured persons from the right of suffrage, and hence it is, that they so framed the provision as to suffer 'every freeman' to vote in the choice of those who should represent him."¹⁰⁰ Darlington then mocked Sterigere and his fellow Democratic delegates by reading a proclamation issued by their leader Andrew Jackson addressed to free blacks in Louisiana during the War of 1812. In it Jackson urges blacks to defend New Orleans: "I expected much from you; for I was not ignorant that you possessed qualities most formidable to an

⁹⁹ *Ibid.*, x, p.15.

¹⁰⁰ *Ibid.*, x, p45-6.

invading enemy, " the letter stated. Darlington then concluded passionately: "I ask in the name of God and of our common country, is this the age - is this the time - is this the day in which we, the people of Pennsylvania, having gone so far in the glorious march of civilization, improvement, and christianity - is this the time in which we will take away from any portion of our fellow citizens, the rights which they have enjoyed for a period of fifty years?"¹⁰¹

The debate raged on as each speaker was given the opportunity to express his opinion on the suffrage article. But soon the tone reached a breaking point. The animosity between the sides was so intense that at one point the convention doorkeeper, Thomas Jefferson Becket, became overzealous and ejected three prominent blacks from the spectators' gallery. Amidst the growing rancor most speakers appealed to the same principles in varying ways: opponents of black suffrage argued that blacks were inferior, that they were never intended to be part of the political community, and that to grant them the vote would not only debase the white man but would lead to a flood of blacks in to the state. Supporters of black suffrage countered that blacks had made substantial moral and economic progress since the abolition of slavery, that the Golden Rule forbade treating blacks differently, and that the men of the Revolutionary Era had intended to include blacks under the term "citizen" or "freemen". Black suffrage supporters further pointed to a document published by the Pennsylvania Abolition Society in late 1837 on the condition of blacks in the state - a document the Society prepared specifically for the delegates of the convention. It was read on the floor of the convention on January 5th, 1838. The document painted the most comprehensive picture of the black community in Philadelphia at the time

¹⁰¹ *Ibid.*, x., p.49.

and contended that, despite a hostile environment, blacks were prospering in the city.¹⁰² While alluding to the injustice of the move to disenfranchise blacks, the Society's document appealed to blacks of the state not to resort to violence if the convention moved to place a racial restriction in the new constitution. "We most earnestly exhort you, in the present alarming crisis, to give to all around, clear and practical evidence, in life and conversation, that you are followers of the PRINCE OF PEACE. Take him as an example; cleave to him as the captain of your salvation, and he will conduct you safely through the conflict." But it concluded by reasserting the paternalistic values that had underwritten the PAS's stance toward blacks since its inception:

Your friends, instead of avoiding an investigation into your respectability, property, taxes, and mutual support, also into the talents and attainments of your children in school learning, would rejoice to see an unprejudiced comparison made with white citizens whose advantages are equal.¹⁰³

When a vote was finally called on the suffrage question on January 20, 1838, the motion to insert the word "white" in to the new constitution was approved by a 77-45 margin.¹⁰⁴ The vote was largely decided along party lines: only three Democrats voted against the suffrage restriction, while nineteen members of the Whig-Anti-Mason coalition defected to vote with the Democrats. In his unpublished doctoral dissertation, Edward Price argued that the absence of the staunch abolitionist Thaddeus Stevens proved to be a serious blow to the cohesiveness of the coalition. Stevens left earlier that month to return to the legislature in Harrisburg to fight for the Gettysburg Railroad and bank reform. He had been

¹⁰² Pennsylvania Abolition Society, *The Present State and Condition of the Free People of Color of the City of Pennsylvania and Adjoining Districts* (Philadelphia: PAS, 1838).

¹⁰³ *Ibid.*, pp.5-6

¹⁰⁴ *Proceedings and Debates*, vol. X, p.106.

instrumental in securing the right to have blacks read their petitions before the delegates at the convention; he also worked hard behind the scenes to block the first attempt to disenfranchise blacks before the convention adjourned for the summer.¹⁰⁵ Without his leadership on the suffrage question, rank and file members of the Whig-AntiMason coalition voted to amend the suffrage article.

Two days later, Whig delegate James Dunlop of Franklin County proposed to allow blacks to vote if they met a property qualification and a three year residency requirement - essentially mirroring the racial restriction adopted by neighboring New York in 1821. The motion failed by just four votes. Several other coalition members proposed similar compromise amendments, but all to no avail. On Saturday, February 15th, the delegates voted for the last time on the suffrage article as it was proposed. It passed by a vote of 87-27.¹⁰⁶

Together with white abolitionists, the black community in Pennsylvania fought against the suffrage restriction and brought their case to the people of Pennsylvania. In a report entitled *Appeal of Forty Thousand Citizens, Threatened with Disenfranchisement, to the People of Pennsylvania*, drafted by Robert Purvis, the black community implored the people of Pennsylvania not to ratify a constitution which took from black citizens "a right peaceably enjoyed during forty seven years under the constitution of this commonwealth."¹⁰⁷ The document countered the arguments of Democratic leaders by drawing upon all the best virtues of the American Creed. It argued that Pennsylvania was too noble a place to deny such a "birthright" to its citizens; it argued that "taxation without representation" was the main reason for the war against the despotic British crown; it even

¹⁰⁵ Edward Price, *Let the Law Be Just*, p.116.

¹⁰⁶ *Proceedings and Debates*, xiii, p.36

¹⁰⁷ Robert Purvis, *Appeal of Forty Thousand Citizens, Threatened with Disenfranchisement, to the People of Pennsylvania* (Philadelphia, 1838).

argued that their homes and churches were testament to the character and industriousness of the black community - directly countering the charge of "worthlessness," "inferiority" and "laziness." Summing up, Purvis asked: "Is Pennsylvania, which abolished slavery in 1780 and enfranchised her tax-paying colored citizens in 1790, now in 1838, to get upon her knees and repent to her humanity to gratify those who desecrate the very name of American liberty, by holding our brethren as goods and chattels?"¹⁰⁸

These pleas on behalf of the black community were to no avail. On October 9th, 1838, the new constitution was ratified in a popular referendum by the slimmest of margins - 113,971 to 112,759. Blacks sought to keep the suffrage question alive for the remainder of the antebellum period, sending petition after petition to the state assembly in those years. When the state house failed to act, blacks sought the assistance of the federal government. In 1855, a petition entitled *Memorial of Thirty Thousand Disenfranchised Citizens of Philadelphia to the Honorable Senate and House of Representatives* was sent to Washington. In it black Philadelphians asked Congress to get involved on their behalf in the struggle for the franchise. The public conscience of Pennsylvania was against them, and they therefore turned to the national government for help. But the federal government was incapable of handling the race issue decisively at that time: the Kansas-Nebraska Act had been passed the year before, superceding the Missouri Compromise and allowing for "popular sovereignty" in those states carved out of the territories. Also, the previous year oral arguments in the *Dred Scott* case were heard. One year later, in 1856, the Republican Party ran its first candidate for President as the Whigs disintegrated over the slavery issue. And as the country slid toward Civil War, black Pennsylvanians remained second class citizens.

¹⁰⁸ *Ibid.*

Conclusion

After the Pennsylvania State constitutional convention adjourned in the late winter of 1838, the Pennsylvania Supreme Court finally moved to settle the *Hobbs v. Fogg* case that had been pending for nearly three years. The court reversed the ruling from the Luzerne County court and held that William Fogg's rights were not violated when election commissioner Hiram Hobbs turned him away from the polls. Judge Gibson delivered the decision for the court. In his opinion, Gibson asserted once and for all that Pennsylvania indeed had been a white republic since its creation. He referred to "antecedent legislation" which furnished "other proofs that no colored race was party to our social compact." Gibson continued:

As was justly remarked by [Judge John] Fox, in the matter of the late contested election, our ancestors settled the province as a community of white men, and the blacks were introduced into it as a race of slaves; when an unconquerable prejudice of caste, which has come down to our day, insomuch that a suspicion of taint still has the unjust effect of sinking the subject of it below the common level. Consistently with this prejudice, is it to be credited that parity of rank would be allowed to such a race?¹⁰⁹

Gibson concluded by pronouncing "that men of color are destitute of title of the elective franchise." In fact, the issue had already been settled by the delegation at the constitutional convention: Gibson's opinion only served to make the creation of the white republic of Pennsylvania more complete by stamping the seal of the Pennsylvania Supreme Court upon it.

Like Judge John Fox before him and Chief Justice Roger Taney after him, Gibson claimed only to base his ruling on the original intent of the founders of the

¹⁰⁹ Cited as 5 Smith 214.

commonwealth of Pennsylvania. And like his fellow jurists, Gibson had to engage in an act of historical erasure in order to make his ascriptive ideology plausible. By 1838, Pennsylvania had become what Judge Gibson, Judge John Fox, Thomas Branagan, John Binns and the members of the Democratic Party that pushed for black disenfranchisement in the constitutional convention had always thought it *ought* to be: a white republic.

Chapter 5

"The Vaunted Superiority of the White Race Imposes Corresponding Duties": Massachusetts and the Right to Vote for Blacks

Introduction: The Race Culture of Paternalism in Antebellum Massachusetts

Charles Sumner stood before the Supreme Court of Massachusetts on December 4, 1849 to argue the case of Sarah Roberts, a five year-old black girl who was denied entrance into one of Boston's all-white Common Schools.¹ Segregated schools had existed in Boston for over a half century and were largely the by-product of black agitation in the years following the Revolution. In 1787, a group of black Bostonians first petitioned the state legislature to furnish education of some sort because they received no benefit from the free schools of Boston.² Suspicion and prejudice created a hostile environment for their children that stamped them with a badge of inferiority. The Massachusetts legislature refused the plea, but the black community and its white benefactors persisted. A decade later, with financial backing from prominent Bostonians, Revolutionary War hero and black activist Prince Hall founded a school for black children in his home. The project was short-lived because of a yellow-fever epidemic. But continued pressure was placed on city officials, and by 1806 the first permanent school for blacks settled into the basement of the African Baptist Church. Now, nearly fifty years after the successful struggle to create all-black schools in Boston, Sumner was before the highest court in the state at the behest of black and white abolitionists to argue

¹ *Roberts v. City of Boston*, 5 Cushing (1849), 206.

² See Stanley Schultz, *The Culture Factory: Boston Public Schools, 1789-1860* (New York: Oxford Press, 1973), p.159.

that the same system of segregation did irreparable harm to both black *and* white children.

Sumner's challenge in *Roberts v. City of Boston* was to find a constitutional basis upon which to rest his claim of equal protection of the law for Sarah Roberts. The contentious struggle over the passage of the Fourteenth Amendment - a roiling debate in the 39th Congress in which Sumner himself would be at the epicenter - was still twenty years down the road. With no federal recourse thus available, Sumner instead turned to the Massachusetts Declaration of Rights found at beginning of the State Constitution of 1780. The Declaration was drafted by one of the patriarchs of Massachusetts politics in the Revolutionary Era, John Adams, and reflected the natural rights philosophy then circulating in the rebelling states. It contained this simple statement in the First Article: "All men are born free and equal; and have certain natural essential, and unalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties."³ Sumner used these principles to argue that *all* citizens of Massachusetts enjoyed what he called "equality before the law," and that the object of the State Constitution of Massachusetts "was to efface all political or civil distinctions, and to abolish all institutions founded upon *birth*."⁴ To Sumner, Boston's segregated schools created a caste system much like that found in India. That system was not only inherently unequal, it was also patently "evil." He maintained that "the school is the little world where the child is trained for the larger world of life. It is the microcosm preparatory to the macrocosm...And since, according to our institutions, all classes, without distinction of color, meet in the school, beginning there those relations of Equality which the

³ Quoted in Sumner's argument, *Equality Before the Law: Unconstitutionality of Separate Colored Schools in Massachusetts. Argument Before the Supreme Court of Massachusetts, in the case of Sarah C. Roberts v. The City of Boston, December 4, 1849*. Reprinted in *Jim Crow in Boston: The Origin of the Separate But Equal Doctrine*, edited by Leonard Levy and Douglas Jones (New York: DeCapo Press, 1974), p.180.

⁴ *Ibid.*, p.181.

Constitution and Laws promote to all."⁵ In other words, Sumner argued that the laws of the city should be applied in a color-blind fashion, but doing so would lead to a diverse student body that would better prepare Boston's children - *both white and black* - for the racialized world surrounding them.⁶

While Justice Shaw found much to agree with in Sumner's argument, he ultimately ruled against Sarah Roberts. His opinion for the unanimous court laid the theoretical groundwork for the "separate but equal" doctrine put forth by the Supreme Court fifty years later in *Plessy v. Ferguson* (1896). To be sure, Shaw never used the phrase "separate but equal." But the decision nonetheless brought the concept into existence, since in it he contended that any governmental entity had the power to classify citizens according to race as long as it was done "reasonably." Shaw explained that

In the absence of special legislation on this subject, the law has vested the power in the [school] committee to regulate the system of distribution and classification; and when this power is *reasonably exercised*, without being abused or perverted by colorable pretences, the decision of the committee [to segregate students] must be deemed conclusive.⁷

The crux of Shaw's argument rested on the idea that equality and racial classification were not inherently incompatible, a conclusion that Chief Justice Earl Warren would

⁵ *Ibid.*, p.211.

⁶ That Sumner's arguments predate the entire contemporary debate on race and the notion of "colorblindness" in Constitution is posited by Andrew Kull in *The Colorblind Constitution* (Cambridge: Harvard University Press, 1992). See chapter 3. Curiously, Sumner's belief that colorblindness in the application of the law would lead to more "diversity" has been turned inside out in contemporary debates. It is argued, for instance, that raced-based admissions policies lead to more diversity in the academic setting, not less. Conversely, the "colorblind" position staked out by Sumner over 150 years ago is precisely the same position contemporary conservatives take when dealing with race-based remedies. By the standards of the day, Sumner's colorblind argument was certainly considered racially "liberal" if not outright radical.

⁷ *Sarah C. Roberts v. The City of Boston*, 5 Cush. 198 (1849). Reprinted in *Jim Crow in Boston*, *op. cit.*, p.230. Emphasis added. Over the course of the last sixty years, the Supreme Court has arrived at a higher standard for racial classifications. Beginning with *Caroline Products* (1939) and *Korematsu* (1944), the Court considered any racial classification to be suspect, and thus held to a higher scrutiny than "reasonableness." Strict scrutiny has become the contemporary standard by which the Court considers any racial classification. See *Shaw v. Reno* (1993).

reach a century later in *Brown v. Board of Education* (1954). In a statement that Justice Brown would quote nearly verbatim in the majority opinion of the *Plessy* case fifty years later, Shaw concluded: "It is urged, that this maintenance of separate schools tends to deepen and perpetuate the odious distinction of caste, founded in a deep-rooted prejudice in public opinion. This prejudice, if it exists, is not created by law, and probably cannot be changed by law."⁸ As long as the decision to segregate children along racial line was arrived at reasonably - or rather, as long as the decision was ostensibly grounded in the "reasonable prejudice" of public opinion - the school committee was justified in doing what it did. Sarah Roberts would have to continue to attend the all-black Boston school.

The decision outraged black and white abolitionists in Boston who had been agitating for school desegregation for over a decade. The list of activists involved in the struggle included the most fervent proponents of abolitionism throughout the antebellum North: William Lloyd Garrison, Wendell Phillips, Theodore Parker, Charles Lenox Remond, William C. Nell, and Francis and Edmund Jackson, to name but a few.⁹ Unbowed in the wake of Shaw's ruling, they continued the struggle. By the 1850s, the national conflict over slavery was having a transformative effect on electoral politics in Massachusetts. In 1851 a remarkable coalition consisting of Democrats and Free Soilers ousted the dominant Whig Party statewide. Three years later, the Know-Nothing Party, running on an anti-slavery and anti-immigrant platform, swept into power by capturing the mayor's office in Boston, the governor's mansion, every seat in the state Senate, and

⁸ *Ibid.*, p.230.

⁹ It is worth mentioning here that Frederick Douglass was not necessarily a proponent of integration. By the time the *Roberts* case was argued, Douglass' much publicized split with Garrison was for all intents and purposes irreparable. School integration was one issue the two abolitionists differed on. But the rift essentially turned on their respective readings of the Constitution and their respective views on the usefulness of black political participation through voting. More on this is discussed below.

351 of 359 seats in the lower House.¹⁰ In 1855, the Massachusetts legislature passed a law stating that any child entering public schools in the Commonwealth shall not be denied entry "on account of race, color, or religious opinions of the applicant or scholar."¹¹ Thus, six years before the onset of the Civil War, Massachusetts had completely desegregated its public school system.

In doing so, the state had removed yet another vestige of legal discrimination against blacks. No doubt wanton acts of prejudice, racism and violence persisted. But the legal rights of citizenship had been extended further to blacks in Massachusetts than in any other part of the country outside New England. On the eve of the Civil War, blacks in Massachusetts could legally intermarry with whites. They were allowed to ride in the same train cars, worship at the same churches, go to the same theatres and sleep in the same hotels as whites. Black children were allowed to attend the same schools as white children. And black males had been legally entitled to the franchise since the abolition of slavery in the state in the 1780s.¹² The only rights of citizenship denied to blacks in antebellum Massachusetts were the right to sit on a jury, the right to testify against whites in court, the right to own a passport, and the right to serve in the militia.¹³ These restrictions notwithstanding, the evidence suggests that Massachusetts remained one of the most racially liberal states in the period between the Founding and the Civil War.

The *Roberts* case has cast its shadow over significant portions of the ongoing conflict surrounding race and the law for the last one hundred and fifty years. For one, it

¹⁰ *Roberts v. City of Boston.*, p.217. See also, Donald Martin Jacobs, "William Lloyd Garrison's *Liberator* and Boston's Blacks, 1830-1865," *New England Quarterly* XLIV, no.2 (June 1971), pp.259-277.

¹¹ *Massachusetts House of Representatives, House Report No. 167*, March 17, 1855. The Act was an amendment of an earlier bill passed on March 24, 1845. Levy and Jones, p.261.

¹² Levesque, p.240.

¹³ *Ibid.* In reviewing the status of blacks in Massachusetts in 1855, black activist William Nell wrote that "it is safe to say that, in many respects, [Massachusetts'] record is one to be proud of. Her colored citizens...stand, before the law, on an equality with whites." *Colored Patriots of the Revolution*, p.111

was the first desegregation case in the United States and thereby served as a precursor to all subsequent cases leading up to *Brown v. Board of Education* (1954). Second, it provided the major conceptual framework for the drafting of the Fourteenth Amendment in the 39th Congress during Reconstruction.¹⁴ And finally, Sumner's eloquent argument and Shaw's lucid opinion both lie at the foundation of the debate that has raged in civil rights jurisprudence over colorblindness and equal protection from *Plessy* right up to the present.¹⁵

Yet I want to suggest that *Roberts* also casts a shadow back in time, and serves as a lens through which to view the dominant racial attitudes in Massachusetts in the period before the Civil War. A snapshot of these attitudes is contained in the ostensibly innocuous way Sumner chose to close his argument before the Massachusetts Supreme Court that December day in 1849. After his long discourses on the concept of equality before the law in Western thought, on the concept of caste in India, and on the concept of "the Christian spirit" from which is derived the "solemn assurance of the Equality of Men, as an Ordinance of God," Sumner concluded by saying:

That is not all. The vaunted superiority of the white race imposes corresponding duties. The faculties with which they are endowed, and the advantages they possess, must be exercised for the good of all. If the colored people are ignorant, degraded, and unhappy, then should they be especial objects of care. From the abundance of our possessions must we seek to remedy their lot. And this Court, *which is parent to all the unfortunate children of this Commonwealth, will show itself truly parental, when it reaches it down, and, with the strong arm of Law, elevates, encourages, and protects our fellow colored citizens.*¹⁶

¹⁴ See for instance, J. Morgan Kousser, "The Supremacy of Equal Rights: The Struggle Against Racial Discrimination in Antebellum Massachusetts and the Foundations of the Fourteenth Amendment," *Northwestern University Law Review* 82:4 (summer 1988), 941-1010.

¹⁵ See Kull, *The Colorblind Constitution*, *op. cit.*

¹⁶ Sumner, *Equality Before the Law*, *op. cit.*, p.216. Emphasis added.

Sumner ended his argument in *Roberts* not only by contending that whites were superior to blacks in social condition, but by intimating that whites were also superior in natural faculties. But with that superiority came "corresponding duties" to care for blacks the way parents care for their children. And the Court, "the parent to all unfortunate children of this Commonwealth," had a special responsibility in the uplift of the black race. Where Sumner had earlier contended that all institutions should be "effaced" of all distinctions based on race, by the end of his argument he had suggested that the true promise of equality - if it existed at all - could only be manifested through white paternalism. Concomitantly, the government of Massachusetts had to be imbued with an institutional sense of paternalism toward blacks and granted the power to act upon these sentiments.

Sumner's closing comment fits seamlessly within the larger race culture of paternalism manifested throughout the North with varying degrees of acceptance in the antebellum period. In the state of Massachusetts, racial paternalism remained particularly strong. It took hold in the decade before the Revolutionary War when the discourse of natural rights first appeared in the arguments of white elites of the Bay Colony as they began to buck the British Crown. It dominated the thinking on race in the state in the last quarter of the eighteenth century when slavery was abolished and blacks were granted the right to vote. Racial paternalism held sway in the thinking of most political leaders and shaped the dynamic of racial politics in the state through the first and second party periods. This was the case when Federalists and Republicans competed vigorously for power right up to the election of John Quincy Adams to the presidency in 1824. As we shall see, however, it continued even in the thinking of Massachusetts Democrats in the second party era who had been aligned with their Jacksonian counterparts in the South on most national issues but who broke ranks with them on questions of citizenship and

slavery. Whereas Democrats in other states north of the Mason Dixon Line held ascriptive views and acted upon them by attempting to disenfranchise blacks from the electorate, Democrats in Massachusetts rarely exhibited the same sentiments publicly or sought the same course of action. In short, racial ascriptivism did not take root in Massachusetts to the extent that it did in other northern states. It was nowhere near a potent force in state party politics as we have seen in Pennsylvania and New York.

Most importantly, paternalism also lay at the heart of the racial ideology of the abolitionist movement when it emerged in Boston in the early 1830s. Though abolitionism did not become a force in national politics until the late 1840s, it was a potent - and as I argue here decisive - force in beating back racial ascriptivism in state politics from the 1830s on. When many abolitionists broke with William Lloyd Garrison and turned from moral suasion to political action in the late 1830s and early 1840s, racial paternalism ran through the development of electoral politics via the state's Whig Party and the split between the "Conscience Whigs" and the "Cotton Whigs," into the creation of the Liberty Party, the Free Soil Party, the Know-Nothing Party, and finally the Republican Party.

The race culture of paternalism thus remained dominant throughout this period, and Garrison and the abolitionist movement successfully utilized the narrative of racial equality not only to protect the rights of blacks in Massachusetts, but also to *expand* those rights. As I have emphasized in previous chapters, however, a whole set of underlying factors need to be considered in conjunction with the discursive developments in the state. These include demographic developments and partisan conflict during the first and second party periods. Massachusetts underwent its own peculiar development with respect to both of these factors which, considered in conjunction with the strength of the

abolitionist movement, help us to explain why blacks were granted the right to vote early in the state's history and why that right was never denied to blacks.

It is to these underlying factors that I first turn before analyzing the discursive developments in the state. In the first section I address the demographic changes Massachusetts underwent in the antebellum period. There I argue that the state's small black population, combined with what I call the "arrested development" of white immigration, both served to reinforce the dominant race culture of paternalism. Blacks made up a tiny minority of the state's population throughout the antebellum period. Moreover, in contrast to other northern states such as Pennsylvania and New York and to a lesser extent Rhode Island, the black density in the population consistently decreased. In other words, blacks did not migrate to Massachusetts in the late eighteenth and early nineteenth centuries to the extent that they did to other northern states. Accordingly, the "race threat" hypothesis failed to fully materialize in the political discourse. Coupled with that is the fact that white immigration - and particularly Irish immigration - was relatively small until the 1830s and 1840s. Whereas in other states the arrival of the Irish allowed political actors seeking partisan advantage to play upon racial fears and espouse ascriptive views concerning blacks early in the state's history, the same set of factors did not take place in Massachusetts. The arrested development of white immigration thus served to arrest the development of racial ascriptivism until the second party period.

But as I contend in the next section, by the time Massachusetts entered the second party period, racial paternalism had become entrenched as the dominant race culture in the state's political party system. Despite heightened partisan competition in both the first and second party periods, race would continue to be a secondary issue in state politics. During the first two decades of the nineteenth century, Federalists and Republicans often

times competed vigorously for office. Yet, unlike in New York and Pennsylvania, race remained in the background. Partisan competition, in other words, did not bring race to the center of the political debate as elsewhere. By the 1830s, political actors in Massachusetts began to take prominent stances on the issue of slavery. In doing so they heightened attention to the rights of blacks back in the state. Each time they focused on slavery in the South, they were forced to address the issue of rights for blacks in their own backyard. And since both Democrats and Whigs (as well as the members of the Liberty and Free Soil Parties) were largely against slavery, the parties were consequently forced toward a consensus on the rights for blacks in Massachusetts, further strengthening the discourse of paternalism amongst the state's leaders. In the last part of section two, I argue that the arrival of Garrison and abolitionism in the 1830s furthers the dominant paternalistic attitudes in the state and keeps the pressure on political leaders to protect and expand blacks rights.

In the last section, I come back to the discourse of paternalism and argue that, beginning in the 1760s, racial paternalism becomes the dominant race culture in the state. I contend that leading partisans and abolitionists adhere to these sets of racial attitudes. Nowhere is this seen more clearly than in the thinking of William Lloyd Garrison, whom I analyze in closing. There I argue that the racial ideas expressed in Garrison's *Liberator* and *Thoughts on African Colonization* fully embody the race culture of paternalism and help to maintain its dominance in the state from the 1830s to the Civil War.

One more point should be made before proceeding. In many ways, this chapter is the story of the "non-event" of voting rights for blacks in Massachusetts. The franchise was granted to blacks in the early 1780s and was never denied to them throughout the antebellum period. Furthermore, voting rights for blacks was never raised as a serious

issue during this period. It was not debated in the state constitutional conventions of 1779, 1821, and 1853. Part of the reason, of course, is due to the relatively tiny black population - blacks neither provided a decisive electoral advantage nor posed a real political threat to any political actors. Thus, unlike in other states that I have examined, the issue was never publicly debated. I accept and agree to an extent that expediency guided many political leaders in these decisions - quite plainly, denying the right to vote for blacks would get them nowhere. But as I hope to show, principle plays a role in explaining why blacks were not denied the right to vote at a time when blacks in other states were being disenfranchised. More particularly, the racial attitudes of the abolitionists and their moral crusade against slavery protected the rights of blacks in the Bay State. And as I argue here, the narratives they constructed about race and citizenship fit within the overall discourse of racial paternalism that I have attempted to sketch out in detail.

From Slavery to Freedom: Demographic Development in Massachusetts

Slavery was introduced into the colony of Massachusetts in 1638. It came on the heels of the arrival of Pilgrims escaping religious persecution from England. In 1641, the first statute justifying slavery in the New World was passed in Massachusetts. Known as the Body of Liberties, it provided that slaves would not be found in the Bay Colony "unless it be lawful captives in just wars, as willingly sell themselves or are sold to us, and such shall have the liberties and Christian usage which the law of God established in Israel concerning such persons doth morally require; provided this exempts none from servitude, who shall be judged thereto by authority."¹⁷ Rather than outlawing slavery

¹⁷ Ancient Charters and Laws of Massachusetts, pp.52-53.

outright, the Body of Liberties actually legalized the enslavement of Indians and Africans in Massachusetts.¹⁸ And its roots were religious in nature. In a report issued by the Massachusetts House of Representatives in 1822 on the migration of "Negroes and Mulattoes" into the state, Federalist politician Theodore Lyman commented that the statute proved "that our ancestors were much governed in their notions concerning bondage by the doctrines of the Levitical Code...and it is probably owing to the provisions made by Moses in favor of slavery, that they themselves were afterwards made to regard it with some degree of complacency."¹⁹ In contrast to Pennsylvania, where German Quakers reasoned as early as the 1680s that *any* form of slavery violated the laws of Christianity, slavery in Massachusetts was introduced, justified, and perpetuated on Biblical grounds.

By 1676, there were nearly 200 slaves of African descent in the colony. The number of slaves remained fairly constant until the end of the seventeenth century when a precipitous rise in their importation occurred. From 1698 to 1707, two hundred slaves were imported to Massachusetts - approximately the same number as the previous sixty years.²⁰ The sharp rise in the number of slaves startled the white colonists, and in 1704 the Selectmen of the town of Boston responded by issuing a decree to the British Crown. In it they stated that they "are desired to promote the encouraging of white servants, and to put a period to Negroes being slaves."²¹ The next year a law was passed imposing a duty of four pounds upon every Negro imported into the colony. The duty was refunded if the slave was exported within a year or died within six weeks.²² In 1708 Governor

¹⁸ Cf., George Moore, *Notes on the History of Slavery in Massachusetts* (New York: Negro University Press, 1968), pp.10-30; George W. Williams, *The History of the Negro Race in America, 1619-1880* (New York: Arno and the New York Times Press, 1968), p.177.

¹⁹ "Free Negroes and Mulattoes," *Mass. House of Representatives, January 16, 1822*, p.8

²⁰ Moore, p.50.

²¹ Quoted in "Free Negroes and Mulattoes," p.9.

²² *Ibid.*, p.10.

Dudley issued a report that suggested that slaves were not as desirable as white servants because the latter could be used in the militia as well as in the fields.²³ The colony also sought to limit the number of Indians slaves - particularly those from the Tuscaroras Tribes of South Carolina - by passing a law prohibiting their importation.²⁴ Despite these attempts, however, slavery continued to proliferate in the colony. By 1720, the number of slaves expanded to two thousand. Fifteen years later, there were twenty six hundred slaves in Massachusetts.

If resistance to slavery existed in the Bay Colony in the first half of the eighteenth century, it was leveled predominantly on economic and material rather than on moral and religious grounds. The small Quaker minority in Massachusetts provided the only moral opposition to slavery during this period. In 1700, Quaker judge Samuel Sewall spoke out against the buying and selling of human beings as un-Christian. His published remarks drew spirited responses from his Calvinist counterparts.²⁵ Williams contends that the Quaker minority in Massachusetts remained fervently but "secretly" opposed to slavery for fear of reprisal by the "Puritans."²⁶ The Puritanical code was thus used as a justification for separating persons of African descent from Europeans and denying them the rites of Christianity. African slaves were routinely denied baptism during this period. Baptism implied humanity, and any person who was human could not be held in

²³ Williams, p.184.

²⁴ Moore, p.61.

²⁵ In response to Judge Sewall's remarks, Judge John Suffin retorted in 1701: "By all which it doth evidently appear both by Scripture and Reason, the practice of the People of God in all Ages, both before and after the giving the Law, and in the times of the Gospel, that there were Bond men, Women and Children commonly kept by holy and good men, and improved in Service; and therefore by the Command of God, *Lev. 25, 44*, and their venerable Example, we may keep bond men, and use them in our Service still; yet with all candor, moderation and Christian prudence, according to their state and condition consonant with the Word of God." Quoted in Williams, p.217.

²⁶ *Ibid.*

bondage. Similarly, a law passed in 1705 specifically prohibited any "Christian" from marrying a Negro.

The predominant thinking on slavery in Massachusetts changed precipitously in the wake of the First Great Awakening. By the middle of the eighteenth century, slavery became a moral problem to Quakers and Calvinists alike. In 1755, the town of Salem instructed its representative Thomas Pickering to petition the General Court against the further importation of slaves. The petition is noteworthy because it was the first of its kind to be made on moral grounds.²⁷ A decade later the town of Worcester requested that its representative do everything he could to "to obtain a law to put an end to that unchristian and impolitic practice of making slaves of the human species..." Boston followed with a similar request a year later.²⁸ The colony's legislature was soon inundated with petitions. In 1767, the first bill seeking to "prevent the unwarrantable and unlawful Practice or Custom of enslaving [sic] Mankind" was introduced into the House of Representatives. The bill died due to resistance from the larger towns, but a growing sentiment against slavery grounded in the natural rights philosophy of the period had taken root in Massachusetts. For the next ten years, bills abolishing slavery were introduced into the legislature. As was the case in other colonies, the arguments against slavery were joined with arguments against the oppression of the British Crown which rested on the "inalienable rights of man." However, the experience of Massachusetts was different in one significant respect: blacks themselves took a more activist role in the abolition of slavery in the Bay Colony than perhaps anywhere else in the rebelling colonies.

²⁷ *Ibid.*, p.220.

²⁸ *Ibid.*

As early as 1766, blacks slaves began to sue in the Massachusetts courts for their freedom, a right granted to them indirectly through the colonial charter. Court cases involving slaves continued through the Revolutionary years and culminated in the Quock Walker cases of 1783, which by most accounts abolished slavery in the Bay State. The first petition by blacks objecting to their enslavement was sent to the King's Governor and the House of Representatives in 1773. A year later the General Court submitted a bill abolishing slavery, but Governor Hutchinson refused it, claiming that the Crown had not granted him authority to act upon it.²⁹ In 1777 the Assembly introduced another bill abolishing slavery that also went nowhere. That same year, slaves in the state submitted a second petition claiming their "natural and inalienable right to...freedom."³⁰ In 1778 lawmakers of the state drafted a restrictive constitution that protected the practice of slavery on the one hand and denied the right of suffrage to free blacks on the other. When the new constitution was put to a vote that same year, it was defeated decisively. Some scholars have concluded that an absence of a bill of rights as well as its anti-black provisions were significant causes for its failure.³¹

Two years later, the citizens of Massachusetts ratified a more liberal constitution that formed the foundation for both the abolition of slavery and the right to vote for black males. As mentioned at the outset of this chapter, its first article was drafted by John Adams and declared that "All men are born free and equal and have certain natural essential, and unalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties..." Furthermore, the document set qualifications for voting on the basis of sex, age, and property. Race was not mentioned. Black activists

²⁹ Levesque, p.317.

³⁰ *Ibid.*

³¹ Cf., Emory Washburn, "The Extinction of Slavery in Massachusetts," *Massachusetts Historical Society Collections*, 4th series, IV (1858), p.339.

quickly took advantage of the ambiguous nature of the state constitution. In 1781, Revolutionary War hero and renowned black seamen Paul Cuffe and his brother petitioned the town fathers of Dartmouth and inquired "whether all free Negroes and mulattoes...have the same privileges...as white people...respecting places of profit, [and] choosing officers."³² Richard Collens, the town Constable of Dartmouth, accepted their tax payment and provided them with a receipt. Reflecting on the Cuffes' petition in his *Colored Patriots of the American Revolution*, black abolitionist William C. Nell concluded: "It was ascertained by these proceedings, that taxes must be paid, the receipts being forwarded; and this case, although no action followed in Court, settled the right of the colored man to the elective franchise in the state of Massachusetts."³³

Thus, within a crucial 4-year period between the late 1770s and early 1780s, slavery was abolished and blacks were granted the right to vote in Massachusetts. The Constitution of 1780 provided the legal justification for each. Despite the controversy surrounding the Quock Walker cases of 1783, scholars have come to the agreement that they did in fact put an end to slavery.³⁴ The first national census taken in 1790 listed 5,463 blacks in the state, none of whom were identified as slaves.³⁵ Blacks would continue to enjoy the right to vote without interruption throughout the antebellum period.³⁶

³² Paul and John Cuffe, *A Request. To the Selectmen of the Town of Dartmouth*, April 22, 1781.

³³ William C. Nell, *The Colored Patriots of the American Revolution* (New York: Arno Press and the New York Times, 1968), p.90.

³⁴ See, for instance, Robert Spector, "The Quock Walker Cases (1781-1783) -- Slavery, Its Abolition, and Negro Citizenship in Early Massachusetts," *Journal of Negro History*, Volume 53, Issue I (January 1968), 12-32; William S. O'Brien, SJ, "Did the Jennison Case Outlaw Slavery in Massachusetts?" *American Journal of Legal History* (April 1961), p.219-41; John D. Cushing, "The Cushing Court and the Abolition of Slavery in Massachusetts: More Notes on the Quock Walker Case," *American Journal of Legal History*, vol. 5 (1961), pp.118-44.

³⁵ *Negro Population of the United States, 1790-1915...*

³⁶ Levesque, p.318.

The high levels of activism on the part of the small black community in Massachusetts during the Revolutionary years is a significant factor in explaining why slavery ended when it did on the one hand, and why blacks were granted the right to vote so early in the state's history on the other. Blacks and sympathetic whites utilized the natural rights discourse of the Revolutionary Era to their fullest advantage in arguing for the equal rights of citizenship. Movement politics, coupled with arguments for black citizenship grounded in the environmentalist, natural rights philosophy of the Revolutionary Era, continued to play a causal role in the successful struggle for black rights in Massachusetts throughout the antebellum period. Both, however, must be understood within the context of the development of party politics. I will come back to a discussion of each of these factors a bit later. For now, it is important to fasten onto the underlying socio-economic and demographic shifts in Massachusetts during this period to assess their impact on the politics of race. Despite some similarities, the demographic development of Massachusetts in the period between the Revolution and the Civil War was quite different than states to the south such as New York and Pennsylvania. Development in Massachusetts also differed to a large extent from its New England counterpart, Rhode Island.

Similar to national trends in the years between 1790 and 1860, Massachusetts experienced an absolute numerical increase in the number of free blacks. Much as we have seen in Pennsylvania, New York, and Rhode Island, the Commonwealth's black population showed an increasingly urban orientation during these years. Blacks in Massachusetts moved from rural areas to urban centers - particularly from the western part of the state to the eastern part to settle in and around Boston. However, unlike Pennsylvania and, to a lesser extent, New York and Rhode Island, Massachusetts did not

experience a sudden or sustained influx of blacks moving into the state from elsewhere. The density of blacks in the overall population began declining in the middle decades of the eighteenth century and continued to decline in every decade except one before the Civil War. In addition, the rate of growth in the black population paled in comparison to that of the larger white population, as Table 5.1 makes clear:

TABLE 5.1:
**BLACK POPULATION, DENSITY, AND RATES OF
INCREASE IN MASSACHUSETTS, 1790-1860³⁷**

<i>Year</i>	<i>Black Population</i>	<i>Black Density (%)</i>	<i>Black Rate of Increase from Previous Census (%)</i>	<i>White Rate of Increase from Previous Census (%)</i>
1790	5,463	1.44	-----	-----
1800	6,452	1.52	18.01	11.66
1810	6,737	1.43	4.41	11.63
1820	6,740	1.29	.04	10.98
1830	7,048	1.15	4.56	16.83
1840	7,993	1.10	13.00	20.87
1850	9,064	.91	15.39	35.17
1860	9,602	.85	5.93	23.94

The overall density of the black population in the antebellum years peaked in 1800 at just over 1.5%. The largest increase in the black population occurred in the decade between the First and Second Census, taken respectively in 1790 and 1800. The 1790s was the only decade where the black rate of increase surpassed the white rate of increase. Even during the height of the abolitionist movement and the Underground Railroad network operating in Boston in the three decades before the Civil War, the rate of white increase

³⁷ Derived from Joseph Kennedy, *Population of the United States in 1860, Eighth Census*, (Washington, 1864), pp.601-1; Jesse Chickering, *Statistical View of the Population of Massachusetts, 1765-1840* (Boston, 1846), pp.132-3; Oliver Warner, *Abstract of the Census of Massachusetts, 1865* (Boston, 1867), p.300.

in the population surpassed the rate of black increase. On the eve of the Civil War, blacks made up less than 1% of the overall population of the state.

As manufacturing replaced maritime commerce as the linchpin to the state's economy in the opening decades of nineteenth century, Boston and its satellite towns became more populated vis-a-vis the rest of the state.³⁸ In 1790, the population of Boston made up just 4.83% of the state's population. In 1840, the number had nearly tripled to 12.65%.³⁹ In the same period blacks continued to migrate eastward toward Boston.⁴⁰ Yet, the influx of blacks into the urban centers in and around Boston did nothing to dramatically change the racial makeup of the city. Black density increased only twice in a hundred year period between the 1740s and the 1840s, each time only slightly, as Table 5.2 indicates.

Table 5.2:
Population and Density in Boston, 1742-1845⁴¹

<i>Year</i>	<i>Total Population</i>	<i>White population</i>	<i>Black Population</i>	<i>% White</i>	<i>% Black</i>
1742	16,382	15,008	1,374	91.61	8.39
1765	15,520	14,672	848	94.54	5.46
1790	18,320	17,534	766	95.82	4.18
1800	24,937	23,763	1,174	95.30	4.70
1810	33,787	32,319	1,468	95.66	4.34
1820	43,298	41,558	1,740	95.98	4.02
1825	58,281	56,364	1,917	96.71	3.29
1830	61,392	59,517	1,875	96.95	3.05
1835	78,603	76,846	1,757	97.76	2.24
1840	85,000	83,012	1,988 ⁴²	97.66	2.34
1845	114,366	112,524	1,842	98.34	1.61

³⁸ On the transformation of Massachusetts' economy during this period, see Kinley Brauer, *Cotton Versus Conscience: Massachusetts Whig Politics and Western Expansion, 1843-1848* (Lexington: University of Kentucky Press, 1967), chapter 2.

³⁹ Levesque, Table I-10.

⁴⁰ *Ibid.*, pp.26-7.

⁴¹ Shattuck, p.37.

⁴² Oliver Warner puts the black population of Boston in 1840 at 2,427. See his *Abstract of the Census of Massachusetts, 1865: With Remarks on the Same, and Supplementary Tables* (Boston, 1867), pp.228-31.

Tables 5.1 and 5.2 reveal that blacks constituted a tiny portion of the overall population of Massachusetts throughout the antebellum period. This coupled with the downward trends in black densities over the same period helps explain why there was very little concern by whites that blacks migrating to the state from elsewhere would overrun the state. The "race threat" argument did not materialize in Massachusetts to the extent that it did elsewhere. In fact, only once during the antebellum period was the issue of black immigration seriously debated, and it came in response to restrictive laws passed elsewhere in the North.

The debate occurred in the early 1820s amidst a wave of state constitutional conventions and the uproar over the Missouri Compromise of 1820. In 1821, the state House of Representatives asked a select committee to determine whether a bill should be passed limiting the influx of free blacks and mulattoes into the state. The Committee was charged with determining the necessity of "checking the increase of a species of population, which threatens to be both injurious and burdensome..."⁴³ It cited the state's prison population as cause for concern: as of January 1821, black inmates comprised "146th part" of the overall black population of the state, while white convicts formed but "2140th part" of the white population of the state. Referring to anti-black immigration laws passed in other states, the committee then considered a similar bill meant to "protect the population of this Commonwealth from all dangers and injuries, whether affecting morals or health."⁴⁴

While the committee referred to the racial makeup of the state prisons, it did not rely on statistics depicting the overall racial makeup of the state's population. It is not clear if accurate data were available to them. Yet, data gathered in subsequent censuses

⁴³ *Free Negroes and Mulattoes, op. cit.*, p.1.

⁴⁴ *Ibid.*, p.2.

reveal that black migration into Massachusetts was virtually non-existent in the opening decades of the nineteenth century. Black density in the state had decreased from 1.52% in 1800 to 1.29% in 1820. The black rate of increase was about 4.5% in the same period, but just .04% from 1810 to 1820. Thus, while the passage of restrictive laws in other states served to sound the race threat alarm bells in Massachusetts, the evidence does not indicate that a real race threat existed.

The interesting thing about the committee's decision, however, is that it rejected the race threat hypothesis altogether in its conclusion: the committee based its findings neither on the *perception nor the reality* of black migration into the state. Federalist politician Theodore Lyman was charged with drafting the committee's report. In it he referred to the racially liberal tradition of the state dating back over the previous century and recommended that no restrictive law be passed. He reasoned that

a law, which should produce that effect [of barring free blacks and mulattoes from the state], would entirely depart from that love of humanity, that respect for hospitality and for the just rights of all classes of men, in the constant and successful exercise and maintenance of which, the inhabitants of Massachusetts have been singularly conspicuous.⁴⁵

Political leaders in Massachusetts resisted the race threat argument that was being used elsewhere to justify the restrictions of rights of blacks. Lyman and the House committee instead fell back upon the dominant paternalistic race culture of the state that had been in place since the Revolution. In reality, there was indeed no cause to fear a sudden and precipitous increase in black migration: unlike Pennsylvania, Massachusetts was not

⁴⁵ *Ibid.*, p.3.

physically on the frontlines of slavery. And unlike New York City, Boston was not attracting hordes of blacks just up from slavery from either the South or other parts of the North. Yet Lyman and his committee chose to rest their arguments on racial paternalism.

We need to add here, however, that racial politics also developed differently in Massachusetts due to patterns of white immigration to Massachusetts in the early part of the nineteenth century. Massachusetts did not experience massive immigration by non-English aliens in the late eighteenth and early nineteenth centuries as in other states in the North. Handlin asserts that the number of immigrants landing in Boston before 1830 never exceeded a total of 2,000.⁴⁶ Irish immigration was virtually non-existent throughout this period: from 1821 to 1836, a total of only 4,180 Irish entered Boston by sea.⁴⁷ After 1840 Irish immigration to Boston increased rapidly, such that by 1850 35,000 Irish resided in the city - or about 25% of the population.⁴⁸ The precipitous increase particularly in the Irish population of the city exacerbated the ethnic and racial cleavages of party politics during the 1840s and into the 1850s, when the nativist movement in Massachusetts culminated in the landslide victory of the Know-Nothings in the election of 1854. We will come back to this point later. For now I only want to note that that the trickle of Irish immigration into Massachusetts in the late eighteenth and early nineteenth century pales in comparison to the experiences of Pennsylvania and New York. Recall that in both of these states the Irish became a loyal constituency of the Jeffersonian Republicans as early as the 1790s. Democratic Party leaders were quick to utilize the Irish as a political wedge against their Federalist rivals in their attempt to paint the latter as decidedly pro-black.

⁴⁶ Oscar Handlin, *Boston's Immigrants: A Study in Acculturation* (Cambridge: Harvard University Press, 1979), p.51.

⁴⁷ *Ibid.*, compiled from Table V, p.242.

⁴⁸ *Ibid.*, p.52 and Table VI, p.243.

The crucial point is that ethnic, racial, and party politics all converged in the first party era in these other states. This was not the case in Massachusetts. We might say that Massachusetts underwent a form of arrested development in terms of white migration. I contend that the absence of these ethnic and racial conflicts in the first party period in Massachusetts helps in our search to explain why the Democratic Party never successfully played the race card in the state once it developed and competed for power in Massachusetts in the second party system. The race culture of ascriptivism never took hold there in the early decades of the nineteenth century. This was due largely to the economic and social development of the state. The white elites in both the Federalist and Republican parties of Massachusetts remained decidedly paternalistic in their racial attitudes. Furthermore, the small number of black voters neither posed a threat to party leaders nor provided a decisive advantage in electoral politics. This is not to suggest that the Jeffersonian Republicans did not compete for power with the Federalists during this period. On the contrary, party competition was at times quite vigorous in the state, as we shall see. But unlike Pennsylvania and New York, racial conflict was not a major factor in the dynamic of party competition in the opening decades of the nineteenth century. By the time the Democrats emerged in Massachusetts in the early 1830s, the abolitionist movement had taken root in the state and had begun to exert its influence on racial matters, particularly in state politics. Abolitionism blunted the development of an ascriptive race culture of the Massachusetts Democratic Party at a time when Jacksonian Democracy became identified with it elsewhere.

Race, Partisanship and Abolitionism, 1780s-1850s

Party Competition in the First Party Period. Established political parties with consistent voting patterns were present in Massachusetts well before the Revolutionary Era.⁴⁹ Patterson makes the case that the Court and Country "factions" functioned with a high degree of cohesion in the late provincial period. They aligned more clearly along sectional lines (eastern and western) amidst revolutionary fervor in early 1774. While the Revolutionary War was being waged against the British Crown, western farmers found themselves pitted against eastern mercantile interests in a battle for rule at home. In 1777-1778, as Massachusetts debated a new constitution, the legislature passed a set of economic programs favored by coastal interests which further exacerbated the sectional conflict.⁵⁰ Nearly a decade later, the ongoing struggle would erupt full force in Shays' Rebellion in Western Massachusetts, an event that shook the foundations of the banking and merchant elite and prompted calls for a Constitutional Convention in the summer of 1787.

The Federalist/Anti-Federalist rivalry in Massachusetts thus had its origins in the economic conflict that had existed along sectional lines since pre-Revolutionary times. These old fissures persisted as delegates met in Boston in late 1787 to debate the ratification of the Constitution. Not surprisingly, eastern merchants supported the Constitution, while western farmers opposed it. With the delegation evenly divided, Governor John Hancock and his backers signaled that he would throw his support behind ratification if amendments protecting individual liberties from the federal government favored by the western faction were agreed to. Anti-Federalists such as Samuel Adams

⁴⁹ See Stephen Patterson, *Political Parties in Revolutionary Massachusetts* (Madison: University of Wisconsin Press, 1973).

⁵⁰ Patterson points to four legislative programs that led indirectly to Shay's Rebellion nearly a decade later: abolition of paper currency; a taxation program to decrease the money supply; the repeal of price regulations; and raising of fees for all civil officers. See pp.178-9.

signed on, and one week later, Massachusetts became the seventh state to ratify the Constitution.⁵¹

John Adams had drafted Massachusetts' first Constitution in 1780. A decade later he was part of the new federal government serving as vice president, aligning himself with Secretary of Treasury Alexander Hamilton and the incipient Federalist Party at the national level. In Massachusetts, Adams' Federalist allies held political power throughout the 1790s. Both Federalists and the minority Republicans supported Adams in his bids for president in 1796 and 1800. Though partisan competition intensified after Jefferson's election in 1800, Federalists continued to dominate Massachusetts politics for most of the next two decades. High levels of partisanship occurred particularly in the years before and during the war of 1812. Massachusetts Federalists were at the center of resistance to the national government's war effort. Partisanship declined during the "Era of Good Feelings." With Republican James Monroe in the White House, the Federalists nonetheless continued their political dominance in Massachusetts. Partisanship intensified briefly in 1823-24 as the Republicans captured the governor's office in two highly contested elections. The first party era abruptly ended in the state when John Quincy Adams was elected to the presidency in 1824. The Federalist Party ran its last candidate for governor in 1826 and then dissolved into the shifting Republican factions.

Scholars tend to agree that one measure of heightened partisan competition is an increase in voter turnout. The first party period in Massachusetts bears this out. Goodman contends that high voter turnout in Massachusetts at this relatively early stage is attributed to well-developed state party organizations that responded to an expanded electorate.⁵² Formisano agrees that voter turnout increased precipitously after 1805 but

⁵¹ Paul Goodman, *The Democratic-Republicans of Massachusetts: Politics in a Young Republic* (Cambridge: Harvard University Press, 1964), pp.18-23.

⁵² *Ibid.*, p.112 and p.137.

reaches a different conclusion on the question of party organization. He asserts that the early party battles in the state were not at all organized.⁵³ Regardless of the differences in opinion on the levels of party organization during the first party period in Massachusetts, two things are certain: first, while the Federalists held control for most of the last decade of the eighteenth century and first two decades of the nineteenth century, the Republicans competed vigorously for office. Second, levels of voting increased with party competition, particularly between the years 1805-1815, as Table III on the following page makes clear.

Only twice in the period between 1800-1825 did the Federalists receive over 60% of the vote for governor. The Republicans attained this feat once - in the uncontested election of 1825. Furthermore, Table III suggests a high correlation between party competition and higher voter turnout. In the years between 1805 and 1815, the Federalists and Republicans competed vigorously for the governor's office as victory margins remained slim throughout most of the decade. Those same years witnessed a dramatic increase in turnout. According to Formisano, turnout went from a low of just above 30% in 1804 to 70% in 1812. It dipped to under 50% in the years following the War of 1812 but spiked again to near 60% in the highly contested elections of 1823-24 before falling off once again after the demise of the Federalists.⁵⁴

⁵³ Ronald Formisano, *The Transformation of Political Culture: Massachusetts Parties, 1790s-1840s* (New York: Oxford University Press, 1983), p.108.

⁵⁴ *Ibid.*, p.34.

TABLE 5.3:
PARTY VOTE, PERCENTAGE, AND TOTAL VOTE IN
GOVERNOR'S LECTIONS, 1800-1825⁵⁵

<i>Year</i>	<i>Federalist Vote</i>	<i>Republican Vote</i>	<i>Vote Total</i>
1800	19,630 (50.3%)	17,019 (43.6%)	39,059
1801	25,452 (55.6%)	20,184 (44.1%)	45,816
1802	29,983 (60.5%)	19,443 (39.2%)	49,583
1803	29,199 (67.3%)	13,910 (32%)	43,409
1804	29,993 (55.1%)	24,006 (44%)	54,499
1805	35,204 (51.0%)	33,518 (48.6%)	68,986
1806	37,740 (50.2%)	37,109 (49.3%)	75,216
1807	39,234 (48.1%)	41,954 (51.5%)	81,516
1808	39,643 (48.9%)	41,193 (50.8%)	81,147
1809	47,916 (51.3%)	45,118 (48.3%)	93,322
1810	44,079 (48.5%)	46,541 (51.2%)	90,813
1811	40,142 (47.8%)	43,328 (51.6%)	83,917
1812	52,696 (50.6%)	51,326 (49.3%)	104,156
1813	56,754 (56.6%)	42,789 (42.7%)	100,223
1814	56,510 (54.8%)	46,502 (45.1%)	103,163
1815	51,099 (53.2%)	44,505 (46.4%)	95,963
1816	49,527 (51.1%)	47,321 (48.8%)	96,970
1817	46,610 (54.6%)	38,129 (45.1%)	84,496
1818	39,538 (55.7%)	30,041 (42.4%)	70,927
1819	42,875 (53.7%)	35,271 (44.2%)	79,885
1820 ⁵⁶	31,072 (58.3%)	21,927 (41.%)	53,297
1821	28,608 (58.3%)	20,268 (41.1%)	49,086
1822	28,487 (57.1%)	21,177 (42.5%)	49,849
1823	30,171 (46.2%)	34,402 (52.7%)	65,330
1824	34,210 (46.8%)	38,650 (52.9%)	73,051
1825	-----	35,221 (94.1%)	37,426

Thus, party competition between Federalists and Republicans was stiff at times during the first party period. Jefferson's embargo and the onset of the War of 1812 stoked the flames of partisanship. In New England where Federalism was particularly strong, objections to the war effort and the policies of the Virginia Dynasty in general led to the Hartford Convention in 1814. Federalists who gathered there seriously pondered secession. But moderates at the meeting were successful in deflecting the discussion

⁵⁵ *Ibid.*, Tables I and III, pp.348-49.

⁵⁶ The decline in voter turnout after 1820 occurred because of the statehood status Maine that year.

toward reform measures, which included the proposal of seven constitutional amendments directed at Republican policies on the national level. Though it had little impact on the war effort, the Hartford Convention nonetheless provided a significant outlet for antiwar sentiment against "Mr. Madison" and the Republicans.⁵⁷ Even in the wake of the war effort, Federalists still dominated Massachusetts politics for the next decade.

Yet, for all the partisanship during this period, there was a certain consensus around which Federalists and Republicans in Massachusetts united. Party leaders on both sides of the political divide were guided by what Formisano describes as "antipartisan assumptions about the nature of politics and society."⁵⁸ Though passionate in their political convictions, Federalists and Republicans nonetheless expressed an antipartyism premised on a higher allegiance to the principles of the Revolution. According to Formisano, then, the period between the 1780s and 1820s - or roughly the first party era - possessed a split personality: partisan on the one hand, but antiparty on the other. He calls this unlikely combination of centrism and antipartyism the "Politics of the Revolutionary Center."⁵⁹

Formisano asserts that the Politics of the Revolutionary Center thrived because the leaders of both parties were all men of the Revolutionary generation. As such, they claimed to be true heirs to the Revolutionary Spirit of '76. What they disagreed about was who was more "patriotic" and loyal to that spirit. Republicans looked to the war effort and the Declaration of Independence drafted by their leader, Thomas Jefferson, and professed to be guardians of liberty. Federalists couched the war effort in the context of the larger process by which the American government was created, and emphasized the

⁵⁷ Formisano, p.118.

⁵⁸ *Ibid.*, p.10.

⁵⁹ *Ibid.*, p.10.

importance of heroes such as Hamilton who were Revolutionary Consolidators. Party identification thus took a back seat to this higher political identity. For Formisano the Revolutionary Center is most clearly seen through the selection of state party leaders. For instance, every Massachusetts governor between the 1780s and the mid 1820s was a Revolutionary hero in some fashion: from John Hancock to John Brooks, all took part in the Revolutionary war effort, no matter what side of the political aisle they found themselves on in its aftermath.

In his inaugural address after the contentious election of 1800, Jefferson made the famous comment that "we are all Federalists, we are all Republicans." A similar point can be made about the men who occupied the Revolutionary Center in Massachusetts: despite real differences, these men were faithful to the Revolutionary cause because they had all lived it. But if it is true that this consensus formed out of a common experience and guided political actors throughout the first party period, I claim that a consensus also formed in matters pertaining to race. Part of the common experience of the generation of political leaders in Massachusetts in the early national period included the discourse of "natural rights" of the Revolutionary era. The natural rights discourse ultimately provided the moral and normative justifications for their rebellious actions against the British. Nowhere was the "natural rights" of the colonialist and the "inalienable rights" of the slave tied together more closely than in the early abolitionist movement found in parts of New England. A narrative about race and citizenship that had been molded in the 1760s and 1770s remained in place in Massachusetts throughout the first party period. Whether Republican or Federalist, a defender of the Spirit of '76 or the Constitution, the political leaders of the state throughout this period had been acculturated to racial paternalism during the Revolutionary Era. And the static nature of Massachusetts society during this

period served to reinforce this consensus, unlike New York or Pennsylvania where the shifting underlying socio-economic dynamic allowed politicians seeking partisan advantage to successfully utilize an alternative, ascriptive narrative about race and citizenship.

The Rise and Demise of the Whig Party. The election of John Quincy Adams in 1824 brought an end to both the Federalist Party and the first party period in Massachusetts. Quincy had broken ranks with the Federalists as early as 1808. He served in James Monroe's administration and helped to formulate the Monroe Doctrine. A majority of voters in Massachusetts supported its native son in the presidential elections of 1824 and 1828. By the time he lost to Jackson in 1828, party politics in the Bay State was at the end of a gradual transition to the second party period.

During Quincy's term in office, former Federalist Daniel Webster emerged as a leading voice in state politics on the pressing issues of the day. By 1828, Webster had become one of the leading advocates for protectionist trade policies. Webster staked out a position that had grown popular with the new manufacturing elite of Massachusetts. By the second decade of the nineteenth century, large-scale cotton manufacturing had replaced maritime trade as the principal economic activity. Cotton manufacturing drove the industrialization and urbanization of the state from the 1820s on. As we saw earlier, Boston and its surrounding towns became the center of economic activity as the population grew in Suffolk and neighboring counties. Much of the economic change can be traced back to the founding of the Boston Manufacturing Company by Frances Cabot Lowell in 1813.⁶⁰ By 1820, Lowell, Massachusetts had become the cotton manufacturing center of New England. Webster's protectionist policies also favored the growing

⁶⁰ See Kinley Brauer, *Cotton Versus Conscience*, ch. 1.

investment in the cotton industry by smaller local merchants. By the time Jackson won the presidency in 1828 on a platform of free trade, the merchant class of Massachusetts had aligned behind Webster's protectionism. Jackson's opposition to internal improvements and his attack on the Bank of the United States further alienated business and political leaders of the state. By 1832, when Jackson successfully opposed Clay's American System, most of the political leadership of Massachusetts was solidly protectionist and largely anti-Jackson.⁶¹ Two years later, the Massachusetts Whig Party was born.

The Whig Party of Massachusetts consisted of a coalition of cotton manufacturers, merchants, and native laborers who viewed high tariffs as needed job protection from detested immigrant labor. It pulled support from nearly every section of the state. Its ideology derived mainly from the old Federalist developmental focus on a strong national government and a stable manufacturing base. But Whiggery also contained an underlying ambivalence toward the shifting socio-economic landscape of American society. The Whigs took an immediate interest in promoting sectional harmony with their southern counterparts, since the big manufacturers of the state worked closely with King Cotton in the South. Brauer asserts that the Massachusetts Whigs remained unified from 1834 to 1854 in opposing all attempts to implement any national policies that would alienate the Southern Whigs.⁶²

The Whigs dominated state politics for the first two decades of the second party period. Whigs elected their candidate to the governor's office in every year except two between 1834 and 1848. In the same period they controlled both houses of the legislature each year but one. Every United States Senator and twenty-seven of the thirty-one

⁶¹ *Ibid.*, p.15.

⁶² *Ibid.*, p.18.

Representatives that served in the House were Whigs during this period. On the presidential level, Whig candidates captured the state's electoral vote four straight times - Webster in 1836, Harrison in 1840, Clay in 1844 and Taylor in 1848.⁶³

Yet the seeds of the Whig demise were sown in the nature of its coalition. On the one side, the manufacturing elite of the party opposed all denunciations of slavery and slaveholders. The big manufacturers of the state were business partners and close friends with southern slaveholding cotton producers. In principle, they argued that abolitionism in the North was unnecessary because the peculiar institution of slavery was protected by the Constitution. Abbott Lawrence summed up this position when he wrote to his friend Cassius Clay: "I am in favor of maintaining the compact established by our fathers. I am for the Union as it is...The abolition of slavery in the States is exclusively a State question and one with which I do not feel that I should meddle or interfere in any shape or form."⁶⁴

Lawrence best exemplified what Brauer and others have called the "Cotton Whig" position. Against the Cotton Whigs stood a group of anti-slavery men considered the old "Brahmins" of Massachusetts society.⁶⁵ Known as the anti-slavery or "Conscience Whigs," their ranks included the likes of John Quincy Adams, his son Charles Francis, Charles Allen, and later Charles Sumner. These Conscience Whigs were not tied to the cotton manufacturing elite of Massachusetts. They had in fact been displaced socially by the rise of the nouveau riche cotton manufacturers. Loyal Whigs nonetheless, they were left with the choice of either convincing Whig party leaders aligned with the cotton manufacturers that an anti-slavery stand would strengthen rather than weaken the party,

⁶³ *Ibid.*, p.19.

⁶⁴ March 12, 1845. Quoted in Brauer, pp23-4.

⁶⁵ See for instance, Lawrence Lader, *The Bold Brahmins" New England's War Against Slavery, 1831-1865* (New York: E.P. Dutton and Co., 1961).

or making an attempt to take control of the party altogether. Brauer asserts that they opted for overtaking the party.⁶⁶ By the mid-1840s, the schism in the Whig Party had become irreparable. Since the late 1830s, John Quincy Adams had waged his lonely but fierce battle in Congress against the southern-supported Gag Rule on anti-slavery petitions. His efforts energized Conscience Whigs back in Massachusetts. Conscience Whigs became more adamant in their calls for abolition and began to justify their anti-slavery stances by referring back to the natural rights doctrines of the Revolutionary Era. In a speech to fellow Whigs in Boston in 1846, Charles Sumner stated that "The Whigs should be the conservators of the ancestral spirit...they should profess that truest and highest conservatism which watches, guards, and preserves, the greatest principles of Truth. Right, Freedom, and Humanity. Such a conservatism is the conservatism of '76."⁶⁷

Conscience Whigs bolted from the Whig Party at the urging of John Quincy Adams and others in the aftermath of the Mexican-American War, when the expansion of slavery resurfaced as the major national issue. It came amidst the presidential election of 1848 as Cotton Whigs were determined to stand behind Whig nominee and slaveholder Zachary Taylor. Conscience Whigs placed their support behind Henry Clay. When Taylor was nominated at the national convention, Massachusetts Conscience Whig delegate Charles Allen denounced the nomination and addressed the convention by stating: "I declare to this convention my belief that the Whig Party is here and this day dissolved."⁶⁸ Allen's prediction was not far from the truth: that year many Whigs in Massachusetts supported former Democrat and Free Soil candidate Martin Van Buren. Two years later the Massachusetts Conscience Whigs became part of a remarkable

⁶⁶ Brauer., p.25. Part of the reason Brauer gives for overtaking the party rests on their desire regain what they considered to be their rightful place in society and politics.

⁶⁷ Charles Sumner, "Antislavery Duties of the Whig Party," in *The Works of Charles Sumner* (Boston: 1870-1883), vol. I, p.306.

⁶⁸ Brauer, p.233.

coalition between the Free Soilers and Democrats. Their sole goal was to defeat what remained of the Whig Party. The "Coalition" captured state power briefly in 1851 and 1852. The Whigs returned to power in 1853, in time to narrowly defeat a new state constitution drafted by a delegation consisting largely of Coalition members. The vote across the state followed party lines with one exception: the burgeoning Irish Catholic community in Suffolk County, normally loyal to the Democratic Party, aligned itself with the Whigs and voted against the new constitution. The Irish vehemently opposed any form of anti-slavery measure and thus distanced themselves from the Democratic-Free Soil Coalition. One year later, with both anti-slavery and anti-immigrant sentiment percolating in Massachusetts, the Know-Nothings swept into power, essentially undoing what remained of the Whig Party in Massachusetts.⁶⁹

The Democratic Party of Massachusetts. Throughout the second party period, the Democratic Party remained in the minority in Massachusetts. This is not to suggest that the Democrats were altogether an inconsequential force in state politics. During the 1830s and early 1840s, the Democrats consistently polled about 35% of the vote.⁷⁰ Between 1836 and 1848, Democratic gubernatorial candidates averaged roughly 41% of the vote and at times surpassed the 44% mark.⁷¹ Twice in this period the Democrats won the governor's office - in 1840 and 1843, when perennial gubernatorial candidate and party leader Marcus Morton broke through to capture power. As we have seen, from 1850 to 1852 the Democrats controlled the state government by entering into an anti-Whig alliance with the Free Soil Party. The rise of Know-Nothingism put an end to both the Whigs and the Democrats as the state experienced a major political realignment in the

⁶⁹ See Formisano, pp.329-31.

⁷⁰ A.B. Darling, "Jacksonian Democracy in Massachusetts, 1824-1848," *American Historical Review*, XXIX, no. 2 (1924), p.272.

⁷¹ Brauer, p.20.

1850s.⁷² With the passage of the Fugitive Slave Act in 1850, the election of Democrat Franklin Pierce to the presidency in 1852, and the Kansas-Nebraska Act in 1854, the Know-Nothings emerged abruptly in the struggle for the anti-Democratic movement in Massachusetts. The Know-Nothing Party, comprised of a coalition of anti-slavery and anti-immigrant forces, held power briefly from 1854 to 1857 before giving way to the emergent Republicans. Radical Republicans would hold power in Massachusetts until the 1870s. The Democrats, on the other hand, became a casualty of the political changes of the 1850s and receded into the minority for the next twenty years.

The coalition that comprised the Massachusetts Democrat Party consisted of farmers, urban immigrant laborers, and small coastal fisherman. All were united in their hatred for the state's business and political elite. To Democrats, Whiggery had two faces: the cotton manufacturer Abbott Lawrence on the one hand and perennial Whig Senator Daniel Webster on the other. Both symbolized the domination of urban wealth and social position that had existed in the state since the Revolutionary Era. The Democrats of the 1820s and 1830s were the sons of the anti-Federalists of the late 1700s, and the arrival of Jacksonian Democracy signaled a revitalization of a forgotten anti-aristocratic ideology which provided the impetus for the Democratic Party's political and ideological strength in the second party period. As Irish immigrants streamed into Boston and its environs in the 1840s, they came under attack by rival workers. In response, the Irish naturally became allied with the Democratic Party and, like the Irish immigrants in other states across the North, actively resisted the abolitionist movement. But their alignment with the Democrats helped to create an influential minority party that had support across the

⁷² Dale Baum, *The Civil War Party System: The Case of Massachusetts, 1848-1876* (Chapel Hill: University of North Carolina Press, 1984), pp.24-5.

different geographical regions of the state and had a significant impact upon the development of politics until the Democratic demise in the 1850s.

The Massachusetts Democrat Party had aligned itself with the national party on most of the critical issues, including the questions surrounding internal improvements, the re-chartering of the United States Bank and the protective tariff.⁷³ Darling contends that its ideology was on the whole consistent with Jacksonian Democracy: a largely agrarian, democratic response, rooted in Jeffersonian Republicanism, to the aristocratic, urban ideology of Whiggery that traced its origins back to the Federalists.⁷⁴ Yet the Massachusetts Democrats differed significantly in one important respect that bears great significance on our purposes here. While Jacksonian Democracy was becoming synonymous with the "white man's republic" across the country in the 1830s and 1840s, the Democratic Party of Massachusetts first struggled with the issue of race and then ultimately resisted the impulse of the white republic ideology.

As with any set of political actors, the leaders of the Democratic Party in Massachusetts were led by a mix of expediency and principle to resist the temptation of the ideology of the white republic. As early as 1831, a rift appeared over the question of slavery. Darling points out that it emerged between two leaders of Massachusetts Democracy: Marcus Morton on one side, and David Henshaw, a rich Boston druggist and owner of the *Boston Statesmen*, on the other.⁷⁵ Early on Morton had expressed his differences with John Calhoun over slavery and nullification. These differences have to be viewed within the larger sectional conflict over slavery. As early as 1822 Massachusetts had become embroiled in a bitter dispute with South Carolina in the wake

⁷³ Darling, pp.280-1.

⁷⁴ Formisano points out that Darling and Schlesinger agree on this point, while Oscar and Mary Handlin have a different take on the Massachusetts Democrats. See *The Transformation of Political Culture*, op. cit., p.317.

⁷⁵ Darling, p.285.

of the Denmark Vesey slave uprising. That year South Carolina passed a law prohibiting any free black from entering the state. The law affected many Massachusetts blacks who made their living as seamen. If the law were enforced, Massachusetts blacks coming to port in Charleston would be jailed. The conflict persisted for two decades. In 1842, while Morton was governor of the state, the Massachusetts legislature authorized funds to defend imprisoned blacks in southern state courts. The next year the state sent two agents to the ports of Charleston and New Orleans to prosecute cases for blacks at the expense of the Commonwealth. Upon their arrival the agents were met by mobs and quickly run out of town.⁷⁶

The ongoing conflict between Massachusetts and South Carolina tempered the degree to which Massachusetts Democrats were willing to side with Southern Democrats on any issue related to slavery. The only rebuttal they had to the southern argument that blacks in the North did not enjoy the same rights as whites was to expand those rights accordingly.⁷⁷ If the Massachusetts Democratic Party did not actively work for the expansion of rights for blacks in the state, then it did not work against them by espousing the same ascriptive views toward blacks that Democratic party leaders elsewhere did. As the leader of the Democratic Party for most of the 1830s and 1840s, Morton was thus caught between the dominant race culture of paternalism in his state and the national policies of his own political party.

Through it all, Morton remained resolutely opposed to the Southern Slave Power - if for no other reason than by virtue of the fact that he opposed any form of aristocracy, of which the slave system in the South was one.⁷⁸ On the other side, Henshaw continued to reassure southern Democrats that the Democratic Party of Massachusetts did not

⁷⁶ Levesque, *Black Boston*, pp.231-8.

⁷⁷ *Ibid.*, p.238.

⁷⁸ Darling, "Jacksonian Democracy in Massachusetts," p.282.

approve of abolition. The issue of slavery thus divided the Massachusetts Democrats much the same way it divided the Whigs. Morton became the leader of the anti-slavery wing of the party, while Henshaw, with the Irish of Boston aligned behind him, took the more traditional Democratic approach.⁷⁹ Eventually Morton and the anti-slavery wing of the party would win out. But that "victory" would also prove to be the Democratic Party's undoing.

The critical point for the Democrats came at the moment the Whigs were being ripped apart by the slavery issue. As mentioned above, Conscience Whigs began to leave the party during the presidential election of 1848 when the Whigs nominated Zachary Taylor. That year Van Buren finished in second place in the balloting in Massachusetts, largely on the strength of Conscience Whigs and anti-slavery Democrats who crossed party lines.⁸⁰ With the Whig majority crumbling in the state, the Democrats, under the leadership of Morton and fellow anti-slavery Democrat George Boutwell, entered into coalition two years later with the Free Soil Party. They controlled the state government from 1851 to 1852, but the coalition began to crumble during the presidential election that fall.⁸¹ The Whigs swept back into power before ultimately being devoured by the anti-slavery and anti-immigrant forces that were unleashed in the state. Those same forces eventually devoured Massachusetts Democrats as well, for in 1857 the Republicans emerged as the dominant party in the state and remained so through the Civil War and Reconstruction. The Democrats were relegated to further minority status.

⁷⁹ Handlin points out that the Irish in Boston, as elsewhere, remained decidedly against abolition from the 1830s to the 1850s. He refers to a song sung by Irish laborers in the city at the time in which they believed that "when the Negroes shall be free/ To cut the throats of all they see/Then this dear land will come to be/The den of foul rascality." *Boston's Immigrants*, *op. cit.*, p.133.

⁸⁰ Baum, *The Civil War Party System*, p.25.

⁸¹ Formisano, *Transformation of Political Culture*, p.330

From Abolitionism to the Rise of the Radical Republicans. Partisanship during the second party period cannot be understood without a consideration of the extent to which abolitionism impacted on the state. On New Year's Day 1831, William Lloyd Garrison published the first edition of his abolitionist paper *The Liberator* from the city of Boston. For the next 35 years, Garrison would produce more than 1,800 weekly editions of his newspaper singularly dedicated to the cause of uplifting the black race. To be sure, abolitionism had existed in New England since the middle decades of the eighteenth century when Quakers and Calvinists had objected to the subjection of the black race in both the North and South. In this sense, that Garrison chose Boston as the place to launch what would become the origins of the contemporary abolitionist movement was not surprising. In 1829 he spent over a month in a Baltimore jail on a libel charge resulting from a piece that appeared in Benjamin Lundy's *The Genius of Universal Emancipation* on November 20th.⁸² There Garrison saw firsthand fugitive slaves awaiting return to their masters further South. The experience galvanized his thinking on slavery and, upon his emergence from prison, Garrison went on a lecture tour arguing for immediate abolition. Free blacks in the North immediately warmed to his ideas, but his immediatism put him at odds with his mentor Lundy and the rest of the Quaker abolitionist community. When Garrison arrived in Boston in 1830, religious leaders such as Lyman Beecher refused to take up the mantle of his cause. So Garrison came to the realization that he and he alone had to begin the struggle for immediate emancipation.

What was indeed different and shocking about *The Liberator* was the tone Garrison adopted in its pages from the first issue. Garrison denounced gradual abolition as a possible solution to the nation's moral dilemma of slavery and instead preached an

⁸² See Benjamin Quarles, *Black Abolitionists* (New York: Oxford Press, 1969), p.18 and *Documents of Upheaval: Selections from William Lloyd Garrison's The Liberator, 1831-1865*, edited by Truman Nelson (New York: Hill and Wang, 1966), p.xii.

immediatism that resembled the radical message of black abolitionists such as David Walker, who in 1829 had stunned both the North and the South with the violent message of his *Appeal*. In the very first issue, Garrison stated bluntly: "I will be as harsh as truth, and uncompromising as justice. On this subject I do not wish to think, or speak, or write with moderation."⁸³ He promised the nation's 320,000 free blacks - half of whom lived above the Mason-Dixon Line - that he would not only fight for the immediate emancipation of slaves in the South, but also for the rights of free blacks everywhere, including right there in Massachusetts. He then proceeded to denounce the 45-year old state law banning inter-racial marriages.⁸⁴

Garrison and his followers held firmly to two tenets. The first was that abolitionists should push their cause through "moral suasion" rather than political action. Aileen Kraditor asserts that "moral" in Garrisonian terms meant that an abolitionist could petition a legislature, testify before a committee, or question a candidate on his views on slavery for publication.⁸⁵ These activities could be carried out by individuals or by antislavery societies. In addition, an abolitionist exerted "moral" influence by voting for an antislavery candidate over a proslavery candidate. But the latter was to be conducted solely on individualistic terms - no abolitionist organization could advocate for one candidate over the other. Most importantly, any activity had to be conducted non-violently.

The second tenet Garrisonians fastened on to was deeply connected to the first. Garrison disavowed what he thought to be direct political action of any type for the simple reason that to engage in politics in the American system of government was to

⁸³ *The Liberator*, January 1st 1831.

⁸⁴ Donald M. Jacobs, "William Lloyd Garrison's *Liberator* and Boston's Blacks, 1830-1865," *New England Quarterly*, v.44, no. 2 (June 1971), p.260.

⁸⁵ Aileen Kraditor, *Means and Ends in American Abolitionism: Garrison and His Critics on Strategies and Tactics, 1834-1850* (New York: Pantheon Books, 1969), p.119.

assume that the Constitution upon which it rested was a legitimate document. For Garrison and his early followers, the Constitution was a pro-slavery document through and through; to entangle oneself in the political system was to essentially join into a union with slaveholders. "The Constitution is a covenant with death and an agreement with hell."⁸⁶ To vote for any political candidate for office was thus an act that legitimated a system so morally corrupted it was beyond reform. For Garrison, joining a political party or, worse, advocating for the creation of a party based on the "one ideaism" of abolitionism was simply out the question.

By the late 1830s Garrison's positions on both issues were being questioned by abolitionists who thought that the movement should begin a campaign of direct political action that included engaging in electoral politics. The schism in the abolitionist movement is well documented and does not need to be rehashed here.⁸⁷ Suffice it to say that the rift led to the creation of new organizations that challenged Garrison's abolitionist worldview by advocating for direct political action. The Massachusetts Abolition Society was created in 1839 to rival the Massachusetts Anti-Slavery Society. And the American Anti-Slavery Society Developed into the American and Foreign Anti-Slavery Society.⁸⁸ The schism in the abolitionist movement also led to the creation of the first political party dedicated solely to the abolition of slavery. Founded on April 1, 1840 in Albany, New York, the Liberty Party sought the overthrow of slavery "within the limits of national jurisdiction"⁸⁹ and based its moral justification, not only upon the Declaration of Independence, but more importantly upon the Constitution of the United States. The

⁸⁶ Quoted in Wesley, "The Participation of Negroes in Anti Slavery Political Parties," p.33.

⁸⁷ The number of works on the subject are too numerous to mention. I have found Kraditor's work (*op. cit*) to be especially illuminating from the perspective of strategy. Quarles *Black Abolitionists* touches upon the subject from the perspective of black leaders of the times. Gerald Sorin's *Abolitionism: A New Perspective* (New York: Praeger Publishers, 1972) is also absorbing.

⁸⁸ Wesley, p.34.

⁸⁹ *Ibid.*, p.39.

Liberty Party thus owed its origins in many ways to the hard work of Garrison and his followers for the last decade - but the very principles upon which it rested violated Garrison's core belief in the strategy and tactics of the abolitionist movement.

With James Birney and Thomas Earle at the top of the ticket, the Liberty Party garnered just under 7,000 votes nationally in 1840. Four years later the Liberty Party would expand its vote total to about 62,000. In Massachusetts it did not fare much better. The Liberty Party got about 1% of the presidential vote in 1840. At its height, it received about 9% of the votes cast in state elections in 1846. Brauer asserts that the Liberty Party did hold the balance of power in the gubernatorial elections of 1843 and 1844.⁹⁰ By 1848 most of the members of the party had aligned themselves with the newly organized Free Soil Party. Short-lived as it was, however, the Liberty Party was significant because it signaled a radical change in the strategy in one wing of the abolitionist movement. During the 1840s, abolitionists became deeply engaged in electoral politics - a phenomenon that would not subside even with the dissolution of the Liberty Party.

In 1848 the anti-slavery movement took another dramatic turn with the creation of the Free Soil Party - a coalition comprised of New York Barnburner Democrats, radical anti-slavery Whigs, and the bulk of the Liberty Party.⁹¹ While the Liberty Party was unable to make an impact nationally, the Free Soil Party posed a real threat to the Northern wings of both the Democrats and Whigs. It did so by making a calculated decision not to take a stand on black rights in its national platform. Party leader and presidential candidate Martin Van Buren reasoned that many Northern whites would support a party that specifically advocated for the prohibition of slavery in the territories.

⁹⁰ Brauer, p.22.

⁹¹ Eric Foner, "Politics and Prejudice: The Free Soil Party and the Negro, 1849-1852," *Journal of Negro History*, vol. 50 (1965), p.239.

They would *not* support a party that advocated for the equal rights of blacks.⁹² Free Soil Party ideology was thus an amalgam of the ideology of antislavery and the ideology of the white republic. Frederick Douglass understood this clearly when he wrote in his newspaper *The North Star* in 1849: "The cry of Free Men was raised, not for the extension of liberty to the black man, but for the protection of the liberty of the white."⁹³

For the abolitionists from Massachusetts who had left the Liberty Party to join the Free Soilers in the late 1840s, there was essentially nowhere else to go politically. They remained strong advocates for abolition and the equal rights of blacks even though the national party remained silent on both issues. By 1852, many of the Democrats and anti-slavery Whigs who formed the basis of the Free Soil Party had drifted back to their former parties, leaving what George Julian described as a "residuum of permanent adherents of the cause."⁹⁴ The national Liberty Party platform reflected the more radical stance of what remained of the Free Soil Party. It went farther than the document of 1848 and stated that slavery was "a sin against God and a crime against man." However, it did not demand equal rights for blacks. In 1852, the Democrats recaptured the White House. In Massachusetts, Democrat Franklin Pierce outpolled the Free Soil candidate John Hale, though both were defeated by Whig Winfield Scott.⁹⁵ On the state level, the Whigs wrested power from the Coalition comprised of Free Soilers and Democrats. One year later Free Soilers in Massachusetts would enter into another coalition - this time joined with the nativist wing of the Whig Party - which swept into power throughout the state on a platform of anti-slavery and anti-immigration. Know-Nothingism would remain in power from 1854 to 1857, though the anti-immigrant policies advocated by the Know-

⁹² *Ibid.*, p.239. Foner also makes this point in his *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York: Oxford Press, 1995).

⁹³ *North Star*, January 12, 1849. Quoted in Foner, "Politics and Prejudice," p.255.

⁹⁴ Quoted in *ibid.*, p.250.

⁹⁵ Baum, *The Civil War Party System*, p.27.

Nothings were vigorously opposed by the anti-slavery wing of the party.⁹⁶ Differences proved to be the undoing of the Know-Nothings as the radical anti-slavery elements of the party drifted toward the newly formed Republican Party. Republicans captured the governor's office in 1857. The radical wing of the Republican Party would continue to hold power in the state throughout the Civil War and Reconstruction.⁹⁷

We should take several things away from this discussion of party politics in the first and second party period in Massachusetts. First, while partisan competition was stiff at various times between the Federalists and Republicans in the opening decades of the nineteenth century, the rights of blacks - and particularly voting rights of blacks - remained a peripheral issue. Partisanship did not lead to calls for the disenfranchisement of blacks the way it did in New York and Pennsylvania. I argue that the reason is threefold: first, political leaders throughout this period all adhered to the race culture of paternalism that was dominant since the Revolution. In this sense, there was largely a consensus in place on the issue of race. Second, the overall population of blacks remained inconsequential throughout the first party period. The small numbers of blacks in the state and the lack of migration from elsewhere help explain why the "race threat" argument failed to materialize. Third, white immigration to Massachusetts played a comparatively small role in party dynamics in the first party period. In this sense, the state underwent what I call an "arrested development": Irish immigration in particular was small in the opening decades of the nineteenth century and hence had virtually no impact upon the ideological development of Jeffersonian Republicans as it had elsewhere. The race culture of ascriptivism thus remained subordinated to paternalism.

⁹⁶ Foner, *Free Soil, Free Labor, Free Men*, pp.250-253.

⁹⁷ Baum, *The Civil War Party System*, p.24.

The second thing we should take away from the discussion is that, during the second party period, the Democratic Party of Massachusetts failed to propound the "white republic" ideology to the extent that it was promulgated elsewhere in the North. The Democratic Party remained in the minority for most of the period between the 1830s and 1850s. When it captured power briefly in the early 1840s and again the early 1850s, it was forced to adopt an anti-slavery stance. In the early 1840s, Massachusetts was front and center in the bitter dispute over slavery with southern states. In the early 1850s, the Democrats captured power with the help of anti-slavery Free Soilers. In both instances, an ascriptive ideology upon which one wing of the party rested was effectively silenced. Many Democratic Party leaders themselves either sidestepped the issue of race altogether or advocated for the rights of blacks - including Marcus Morton, who led the party for two decades.

Finally, the rise of the abolitionist movement centered in Boston kept the political pressure on state leaders to promote and protect the rights of blacks from the 1830s on. Even as abolitionists entered electoral politics and found themselves making deal after deal with "the devil" by entering into coalitions with political groups not completely committed to abolition, they managed to steer the state's political parties toward expanding black rights. Though the right to vote had never been denied to blacks, the evidence of the abolitionists' success are evident: before the 1830s, blacks in Massachusetts attended separate schools. They could not intermarry with whites. And they were forced to sit in segregated areas in places of worship, amusement and transportation facilities. By the 1860s, these legal barriers had been removed. The impact the abolitionist movement had on Massachusetts politics is difficult to refute. At its core

abolitionism ascribed to racial paternalism and utilized successfully the discourse of paternalism that had been in place in Massachusetts since pre-Revolutionary times.

Discourse and the Race Culture of Paternalism in Antebellum Massachusetts

Racial Paternalism in the Revolutionary Era. In his monumental work *White Over Black*, Winthrop Jordan makes the case that "no line of reasoning...could have better typified the changed pattern of thought in the Revolutionary era" than "the flowering of environmentalism."⁹⁸ Environmentalist thinking "presupposed that the differences among men were circumstantial, that they were alterable, and that the core of human nature was everywhere, as Benjamin Rush put it, 'the same'.⁹⁹ If inequality existed, it was due to the political and social milieu within which men interacted. Environmentalism formed the basis to protests against slavery that emerged full force in the second half of the eighteenth century throughout the British colonies. At the same time natural rights theory argued for the end to British colonialism, it was being used to argue *against* the very idea that blackness justified slavery. The early abolitionists could not defend the color of the slave; but as Jordan puts it, they found that they "had to defend his character" by arguing that immorality and ignorance was the result rather than the cause of enslavement.¹⁰⁰

In Massachusetts, environmentalist arguments against slavery appeared in the middle decades of the eighteenth century. The racial paternalism that emerged coevally with environmentalism remained dominant in the state throughout the antebellum period. As early as 1755, petitions began to appear before the General Court of Massachusetts Bay requesting that the slave trade be stopped on moral grounds. Calvinist and Quaker

⁹⁸ Winthrop Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-812* (Chapel Hill: North Carolina Press, 1968), p.287.

⁹⁹ *Ibid.*, p.289.

¹⁰⁰ *Ibid.*, p.281.

conscience was further awakened during and after the French and Indian War.¹⁰¹ In 1764, Bostonian James Otis was the first to combine the natural rights and anti-slavery doctrines into a coherent theoretical argument. Otis wrote in his *Rights of the British Colonies* that

The Colonists are by the law of nature free born, as indeed all men are, white or black. No better reasons can be given, for enslaving those of any color than such as baron Montesquieu has humorously given, as the foundation of that cruel slavery exercised over the poor Ethiopians, which threatens one day to reduce both Europe and America to the ignorance and barbarity of the darkest ages. Does it follow that tis right to enslave a man because he is black? Will short curl'd hair like wool, instead of Christian hair, as tis called by those, whose hearts are as hard as the nether milestone, help the argument? Can any logical inference in favor of slavery, be drawn from a flat nose, a long or a short face... There is nothing more evident says Mr. Locke, than "that creatures of the same species rank promiscuously born to all the same advantages of nature and the use of the same faculties, should also be equal one among another, without subordination and subjection, unless the master of them all should by any manifest declaration of his will set one above another, and confer on him by an evident and clear appointment, an undoubted right to dominion and sovereignty." "The natural liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man, but only to have the law of nature for his rule." This is the liberty of independent states; this is the liberty of every man out of society, and who has a mind to live so, which liberty is only abridged in certain instances, not lost to those who are born in or voluntarily enter into society; this gift of God cannot be annihilated.¹⁰²

Otis' pamphlet was circulated widely throughout the colonies.¹⁰³ It began a flood of anti-slavery literature in Massachusetts that increased particularly after the passage of the Stamp Act.¹⁰⁴ In 1767 the first abolition bill was introduced in the Massachusetts General Court. It sought to "prevent the unwarrantable & unusual Practice...of inslaving [sic]

¹⁰¹ Mary Stoughton Locke, *Anti-Slavery in America, 1619-1808* Gloucester, Ma: Peter Smith Publishing, 1965), p.50.

¹⁰² James Otis, *The Rights of The British Colonies Asserted and Proved* (Boston, 1764), pp.29-30.

¹⁰³ See Gary Nash, *Race and Revolution* (Madison, Wisc.: Madison House Publishing, 1990), p.8.

¹⁰⁴ *Ibid.*, p.281.

Mankind in the Province."¹⁰⁵ Two years later Samuel Webster of Salisbury urged his fellow colonialists to enact immediate emancipation: "What then is to be done? Done! For God's sake break every yoke and let these oppressed ones go free without delay - let them taste the sweets of liberty, which we so highly prize, and are so earnestly supplicating God and man to grant us: nay, which we claim as the natural right of every man."¹⁰⁶ In 1770 Samuel Cooke devoted his election sermon to "the cause of our African slaves."¹⁰⁷ Three years later the issue of abolition was the subject of the Harvard College commencement debate. Abolition remained a major issue in Massachusetts politics until it was finally achieved in the wake of the Quock Walker cases of 1783.

The discourse of natural rights and anti-slavery was pervasive enough in the state such that it shaped the thinking of slaves, who in turn used it to argue on behalf of their own cause. On April 20th, 1773 four Boston slaves petitioned the Massachusetts legislature for their freedom. They wrote that

The efforts made by the legislative of this province in their last sessions to free themselves from slavery, gave us, who are in that deplorable state. A high degree of satisfaction. We expect great things from men who have made such a noble stand against the designed of their *fellow-men* to enslave them. We cannot but wish and hope Sir, that you will have the same grand object, we mean civil and religious liberty, in view of your next session. The divine spirit of freedom, seems to fire every humane breast on this continent, except such as are bribed to assist in executing the execrable plan.¹⁰⁸

Slaves would continue to petition the state legislature as well as sue in the state courts for their freedom on the grounds that slavery violated their natural rights. Paul Cuffe drew

¹⁰⁵ Quoted in *ibid.*, p.9.

¹⁰⁶ Samuel Webster, *Address to My Country on Slavery*, in Coffin, *Sketch of the History of Newbury*, p.338.

¹⁰⁷ Bernard Bailyn, *Ideological Origins of the American Revolution* (Cambridge: Harvard Press, 1967), p.239.

¹⁰⁸ Quoted in Nash, p.173.

upon the same principles in arguing for the right to vote in the town of Dartmouth in 1781. White abolitionists also proceeded to make their case. During the Constitutional Convention of 1780, the town of Pittsfield adopted the following declaration and instructed its delegation to present it to the convention: "No man can be deprived of liberty, and subjected to perpetual bondage and servitude, unless he has forfeited his liberty as a malefactor."¹⁰⁹ In the wake of the ratification of the state constitution that year, it was left to the courts to decide the constitutionality of slavery. Ultimately the natural rights doctrine was used as justification for abolition. Relying on the Declaration of Rights found at the beginning of the new constitution, Chief Justice Cushing, who presided over the Quock Walker case in 1783, wrote that

[Slavery] has been heretofore countenanced by the Province Laws formerly, but nowhere is it expressly enacted or established. It has been a usage...our Constitution of Government, by which the people of this Commonwealth have solemnly bound themselves, sets out with declaring that all men are born free and equal - and that every subject is entitled to liberty and to have it guarded by the laws, as well as life and property - and in short is totally repugnant to the idea of being born slaves. This being the case, I think the idea of slavery is inconsistent with our own conduct and Constitution; and there can be no such thing as perpetual servitude of a rational creature, unless his liberty is forfeited by some criminal conduct or given up by personal consent or contract.¹¹⁰

Consensus in the First Party Period. I suggested earlier that the racial paternalism transcended partisan lines throughout the first party era in Massachusetts. Federalists and Republicans alike opposed slavery on natural rights grounds and continued to construct

¹⁰⁹ J.E.A. Smith, *History of Pittsfield*, p.366 and 368.

¹¹⁰ Quoted in *Massachusetts Law Quarterly*, vol. 45 (March 1958), p.68. In 1874, the Chief Justice of the Massachusetts Supreme Court, Horace Gray, read this passage before the Massachusetts Historical Society and stated that "the reasonable conclusion seems to be that the doctrine that slavery was abolished in this Commonwealth by the Declaration of Rights in 1781...[was] distinctly affirmed by the chief justice [Cushing] and the jury instructed accordingly [and] thereby conclusively established as the law of the Commonwealth." *Ibid.*

narratives of race and citizenship based on environmentalist arguments once slavery was abolished. Federalist leaders such as John Adams and Caleb Strong on one side and Republicans such as Elbridge Gerry and Samuel Adams on the other all reached a consensus in their opposition to slavery during the Revolutionary period. Reflecting upon this toward the end of his life, John Adams could write that "the turpitude, the inhumanity, the cruelty, and the infamy of the African commerce in slaves have been so impressively represented to the public by the highest powers of eloquence that nothing that I can say would increase the just odium in which it is and ought to be held. Every measure of prudence, therefore, ought to be assumed for the eventual total extirpation of slavery from the United States."¹¹¹ Federalist George Thatcher had argued vehemently albeit in vain against compromises on slavery in the Constitutional Convention of 1787. Undaunted, he continued his attacks on the practice once in Congress, where he argued in 1799: "This government originated from, and was founded on, the rights of man, upon which ground we mean to protect it, and could there be any propriety in emanating a government from ours, in which slavery is not only tolerated, but sanctioned by law? Certainly not."¹¹²

Massachusetts Republicans were also active participants in the transformation of the discourse from natural rights and anti-slavery to arguments for the rights of citizenship for blacks. Revolutionary hero William Eustis was the last Republican governor of the state in the first party era, winning election in 1823-24. Eustis had been the only Jeffersonian from Boston to serve in Congress in the first decade of the nineteenth century. In 1809 he was appointed by James Madison to be Secretary of War. He returned to Congress in 1819. One year later, he found himself front and center in the

¹¹¹ Letter to Robert J. Evans, June 8, 1819, in *The Selected Writings of John and John Quincy Adams*, edited by Adrienne Koch and William Peden (New York: Alfred Knopf, 1946), pp209-10.

¹¹² *Annals of Congress*, 5 Congress, 2 session, 1310-1311.

national debate over the Missouri Compromise. On December 12th, 1820 Eustis took to the floor of the House to argue against a clause in the Missouri Constitution which forbade free blacks from entering the state. Eustis argued against racial ascriptivism by asserting that blacks in Massachusetts had enjoyed the basic rights of citizenship since the state had abolished slavery. Drawing upon his own personal experiences, he began by discussing black military service during the Revolution. "At the commencement of the revolutionary war," he recollected, "there were found in the Middle and Northern States, many blacks, and other people of color capable of bearing arms; a part of them free, and a greater part of them slaves. The freemen entered our ranks with the whites." Eustis continued:

The war over, and the peace restored, these men returned to their respective States; and who could have said to them, on their return to civil life, after having shed their blood in common with the whites in the defence, of the liberties of the country - You are not to participate with us in the rights secured by the struggle, or in the liberty for which you have been fighting? Certainly no white man in Massachusetts. The gentleman from Virginia says, that the term "We the people"...does not mean or include Indians, free Negroes, and mulattoes. If it shall be made to appear that persons of this description, citizens at the time, were parties to and formed an integral part of that compact, it follows, that they are and must be included in it. To justify the inferences of gentleman, the preamble should read "We, the *white* people." But this was impossible; the members of the convention who formed the constitution, from the Middle and Northern States, could never have consented, knowing that there were in those States many thousands of people of color, who had rights under it. They were free - free from their masters. Yes, in the first instance, they also became freemen of the State, and were admitted to all the rights and privileges of citizens, and have continued to exercise them from the peace of 1783 to this day. In Massachusetts, they constituted, and were, in fact, an elementary part of the federal compact. They were directly represented as the whites, in the initiatory process; and from their votes, in common with those of the whites, emanated the Convention of Massachusetts, by whom the federal constitution was received and ratified. Is not this proof? Is it not demonstration that they are entitled to, that they hold and exercise federal rights in common with our other citizens? ...Not only the rights, but the character of these men, do not appear to have been understood; nor is it to me, at all extraordinary, that gentleman from other States, in which the condition, character, the moral faculties, and the rights of men of color, differ so widely,

should entertain opinions so varient [sic] from ours. In Massachusetts, sir, there are among them those who possess all the virtues which are deemed estimable in civil and social life...Now we ask only that in a disposition to accommodate others, their avowed rights and privileges be not taken from them.¹¹³

Just three days before Eustis delivered his speech, Federalist Harrison Gray Otis - who would lose the Massachusetts gubernatorial election to Eustis in 1823 - had taken the floor of the Senate to make his own case against the proposed Missouri Constitution. His speech exemplified the extraordinary extent to which a consensus had been attained between Massachusetts Federalists and Republicans on the issue of race. Otis took Eustis' argument one step further to highlight the fact that the "privileges and immunities" clause of the Constitution guaranteed citizenship to blacks no matter where they resided or traveled. Otis claimed that "in any state...if a man of color should be a citizen there, he would carry his privilege elsewhere...if he possesses these rights, and stands in this relation to the State, he is a citizen. In Massachusetts many persons of color [stand] in this relation to the State and...until the contrary was shown, that the same was true in every State in the Union."¹¹⁴ He continued:

But with these convictions, I shall strenuously and forever oppose the extension of slavery, and all measures which will subject a freeman, of whatever color, to the degradations of a slave. Believing, therefore, that every free citizen of color in the Union is joint tenant with myself in the public lands of Missouri...and that he is entitled to his protection equally with those born to a happier destiny, I cannot consent to an act which would divest him of his property and rights, and interdict him from even passing into a country of which is a legitimate coproprietor with myself.¹¹⁵

¹¹³ *On the Missouri Question: Delivered in the Congress of the United States, December 12th, 1820.*

¹¹⁴ *Annals of Congress*, 16 Cong. 2 Sess., pp.88-89.

¹¹⁵ *Ibid*

Despite partisan differences, both Eustis and Otis were in agreement on the dominant racial narrative in Massachusetts.

Rising Conflict and the Nationalization of Race in the Second Party Era. While slavery was far removed geographically from the boundaries of the state, the speeches delivered by Eustis and Otis in Congress during the debate over the Missouri Compromise demonstrate that, by 1820, Massachusetts was already at the center of the political dispute simmering over slavery. Once on the national stage, political leaders of Massachusetts of all parties were impelled toward a consensus on matters pertaining to race. That consensus would hold more or less for the next four decades. The reason is fairly straightforward: few Massachusetts politicians openly supported slavery, and were finding it impossible to argue against the degrading practices of the South if the state had been guilty of denying the rights of citizenship to its own tiny black population. In short, the political leaders of the state had to inoculate themselves from the "glass house" argument. Thus, at each turn they sought to portray the condition of blacks in the best light by extolling their virtues on the one hand and the rights of citizenship they enjoyed on the other. They did it by offering a narrative of race and citizenship grounded in the dominant paternalistic ideology. On the other side, southern politicians charged Massachusetts with hypocrisy, claiming that the state had not provided equal citizenship to blacks.

This war of words between Massachusetts politicians and southern politicians escalated in the wake of the Denmark Vesey slave uprising of 1822. As I mentioned earlier, South Carolina had passed a law that essentially banned all free blacks from entering the state. These actions drew ire from Massachusetts' politicians who rushed to

protect the state's black seamen from imprisonment when traveling to ports such as Charleston. The state's political leaders consistently petitioned the federal government for support. Meanwhile, the state took its own action. In 1836 a Massachusetts joint legislative committee investigated the practices of South Carolina and concluded that

It is a matter of surprise...that so gross a violation of the rights of our citizens, and one which has so long and invariably been put in operation against them, should have been permitted to have passed without the attention of the government, whose duty it is to protect their citizens...This right is claimed by the meanest citizen, and his voice ought to be heard...If it be said, the laws complained of bear most hardly upon...Negroes, be it so, does this alter the case? Are they not citizens? The rights and liberties of citizens will not be taken from them, without the aggressors being made fully sensible that Massachusetts will protect them, whether they be rich or poor, bond or free, white or black.¹¹⁶

A full exposition of South Carolina's defense did not come until 1843, when the federal House of Representatives supported a grievance on behalf of one hundred and fifty Boston memorialists who argued successfully before the federal government that imprisoning free blacks was a violation of the Privileges and Immunities clause of the Constitution. In response, South Carolina reverted to what would become the standard nineteenth-century states' rights reading of Article 4, Section 2 of the Constitution. The state contended that "citizenship" as outlined in the privileges and immunities clause of the federal Constitution did not reach so far as to include state citizenship. Thus, South Carolina was justified in imprisoning any free black who entered the state. But ultimately the political leaders of South Carolina sought to place their northern counterparts on the defensive by turning the spotlight back on the practices of Massachusetts. "Are free Negroes, even in Massachusetts entitled to *all* the rights and privileges conferred by her institutions upon the highest class of society?" asked Kenneth Raynor of South Carolina.

¹¹⁶ *Minority Report of the Joint Special Committee*, Massachusetts Senate Docs. No. 92 (April 12th, 1836), pp.6-10.

"Certainly not," he concluded, and presented as evidence the fact that blacks and whites could not intermarry.¹¹⁷

From the 1820s on, political leaders in Massachusetts thus found themselves in a peculiar position: on the one hand, many moved - whether willingly or reluctantly - to the forefront of the growing national debate over slavery. On the other, each time they stepped out on the front lines they were compelled to address in some way the issue of rights for blacks back home. Put another way, the more slavery became a national issue the more attention race relations back in Massachusetts received. Not surprisingly, political actors responded to the growing national crisis in one of several ways: they either took strong public stances on the issue of slavery or sought to play it down altogether. But at no time did *any* political leaders of the state argue openly that the rights for blacks back in Massachusetts should be restricted. The voting rights for black males was therefore never questioned and never in jeopardy of being repealed.

The Democratic Party. While it spent most of the second party period in the minority, the Massachusetts Democratic Party on the whole consistently expressed an unwillingness to side with their southern counterparts on slavery. By the 1830s, Marcus Morton, who would become Chief Justice of the State Supreme Court and Governor in the fall of 1842, had openly broken ranks with Southern Democrats such as John Calhoun on the issue of race. Morton was considered a radical democrat in many ways. He opposed slavery not only on moral grounds, but also because he considered the southern slave power to be an aristocracy. In 1842, he was one of the only politicians outside Rhode Island to support Thomas Dorr in his rebellion against the Landholder's Party. During the Constitutional Convention of 1853, Morton argued passionately for the

¹¹⁷ Quoted in Levesque, *Black Boston*, p.239.

expansion of voting rights to naturalized citizens. But publicly, Morton rarely spoke on issues pertaining to race in Massachusetts.

The same can be said of other Democratic party leaders. Anti-slavery Democrat George Boutwell was elected to the Governor's office in 1851 and again 1852 by an extraordinary coalition between the Democrats and Free Soilers, many of whom were still seething over the passage of the Fugitive Slave Law in 1850. The same coalition sent Charles Sumner to the Senate in 1851 as a Free Soiler.¹¹⁸ To be sure, zealous abolitionists in the Free Soil Party understood with whom they had entered into coalition. In a letter to fellow Free Soiler Horace Mann, Samuel Gridley Howe wrote concerning the coalition with Democrats: "The truth is that though the sentiments of the Democratic masses point in the right direction *when let alone*, they will not be let alone by the leaders, nor by their own prejudices. They would plunge the country in war and go to the death to rescue three hundred white Americans from Indian, Russian, or Algerian bondage - but as for three million *black* Americans, why "*damn 'em! Good enough for them!*"¹¹⁹ For the Free Soilers, most of whom had comprised the Conscience Whig faction of the party in the 1840s, the opportunity to defeat the Cotton Whigs was an opportunity not to be passed up. The same can be said for Morton, Boutwell and the rest of the Democratic leadership: having spent most of the last two decades out of power, they were more than willing to downplay the racial ascriptivism that had dominated a faction of the party, not to mention the ascriptivism in Democrat parties in other states.

The Whig Party. The Whig response to slavery was varied in the second party period due to the split I discussed earlier between Cotton Whigs and Conscience Whigs. Virtually to a man Whig politicians in Massachusetts detested slavery and publicly

¹¹⁸ See Lader, *The Bold Brahmins*, p.156.

¹¹⁹ Quoted in Foner, "Politics and Prejudice," p.248.

argued for its restriction. They differed, however, on strategy toward the peculiar institution in existing southern states. Many like Abbott Lawrence and Daniel Webster detested abolitionism as much as they did slavery. Yet at the state level, none openly sought to restrict the rights of blacks. Nonetheless, responses to the national debate over slavery did have repercussions back home. Daniel Webster and John Quincy Adams are two very different cases in point.

From the time he was elected to Congress in 1812, Webster had been opposed to the extension of slavery. Webster had argued against provisions of Henry Clay's Missouri Compromise in Congress and spoke out in his typical eloquent manner at a meeting of the fledgling anti-slavery movement at the Boston State House on December 3, 1819.¹²⁰ Over the next thirty years, Webster's ongoing presidential ambitions would lead to a rocky and ultimately disastrous relationship with the abolition movement. By the 1820s he had become a firm supporter of the textile manufacturers of Massachusetts, having come down decisively in their favor on the issue of tariff protection. In return, they continued to be his staunchest supporters for the rest of his life. For many years manufacturers and merchants had given to the "Webster annuity," a fund which supplemented Webster's governmental income while he did their bidding in the Senate.¹²¹ In 1846, when Webster was looking for a way back into the Senate after serving in the Harrison and Tyler administrations, forty businessmen were successful in raising \$37,000 so that he could afford to remain in Washington.

Webster understood the dynamics of the Whig Party he led. As early as 1838, he had courted its southern wing in the hopes of capturing the presidential nomination. At the same time, Webster remained steadfast in his opposition to the expansion of slavery.

¹²⁰ Samuel Eliot Morrison, *Harrison Gray Otis, 1765-1848: Urbane Federalist* (Boston: Houghton Mifflin, 1969), p.429.

¹²¹ See Brauer, *Cotton Versus Conscience*, pp.99-100.

He was keen to the fissures in the party over slavery that had appeared by the late 1830s, and how continuing developments were leading not only his party, but the entire country down a dangerous path. With the outbreak of the Mexican-American War, Webster's ambivalence became apparent. He expressed to a friend:

My own opinion is, that the Anti Slavery feeling is growing stronger and stronger every day; and while we must be careful to countenance nothing, which violates the Constitution, or invades the rights of others, it is our policy, in my opinion most clearly not to yield the substantial truth, for the sake of conciliating those whom we never can conciliate, at the expense of the loss of the friendship and support of those great masses of good men, who are interested in the anti-slavery cause.¹²²

In the wake of the war, Webster called the Wilmot Proviso his "thunder" in the Senate and spoke out passionately against the annexation of Texas, claiming it was nothing more than "a scheme for the extension of slavery of the African race."¹²³ But his tough anti-slavery stance cost him the support of Southern Whigs. In 1848 Webster lost the presidential nomination to Zachary Taylor. The experience caused him to rethink his position in the hope of receiving the presidential nomination in 1852. At the same time, developments continued to drive the nation toward a final showdown on the issue of slavery. In 1850, the head of the Southern wing of the Whig Party Henry Clay proposed his "compromise" legislation, which sought to combine the regulation of the newly-acquired territories, the issue of slavery in Washington D.C., and the problem of fugitive slaves escaping the South under one omnibus bill. Included of course was the Fugitive Slave Bill, which abolitionists all across the North had labeled the Bill of Abominations. At Clay's urging, Webster backed the Fugitive Slave Bill, hoping that its passage would

¹²² Webster to Benjamin Silliman, January 29, 1838, quoted in Brauer, p.42.

¹²³ Quoted in Brauer, p.95.

help "save the Union." He expressed his support on the floor of the Senate in his famous "Seventh of March" speech. After relating in brief the history of the problem of slavery in his usual fluent manner, Webster gave his reasons for supporting the bill:

I desire to call the attention to all sober-minded men at the North, of all conscientious men, of all men who are not carried away by some fanatical ideas or some false impression, to their constitutional obligations...What right have they, in their legislative capacity, or any other capacity, to endeavor to get round this Constitution, or to embarrass the free exercise of the rights secured by the Constitution to the persons whose slaves escape from them? None at all; none at all. Neither in the forum of conscience, nor before the face of the Constitution, are they, in my opinion, justified in such an attempt...I say that the South has been injured in this respect, and has a right to complain; and the North has been too careless of what I think the Constitution peremptorily and emphatically enjoins upon her as a duty.¹²⁴

Webster's support for the Fugitive Slave Bill brought immediate wrath from the all quarters in Massachusetts. Sumner accused him of "elaborate treason." Ralph Waldo Emerson called it a "filthy enactment" and announced that he would refuse to obey it.¹²⁵ John Murray Forbes cited Webster's speech as the reason for bolting the Whig Party. "The scales fell from my eyes, and I gave up the Whig Party and acted in my quiet way with the Republicans." Within a year the Whig Party would be defeated resoundingly by the Democrat and Free Soil Coalition in Massachusetts. By 1854, the Party would virtually cease to exist. In 1852, Webster, revered across the country as the quintessential American statesman for the first half of the nineteenth century, made one last bid for the presidency. He received but six delegate votes from New England and none from the southern planters. "After having done my duty to my Southern brethren, they had neither

¹²⁴ Reprinted in *The Daniel Webster Reader*, ed. Bertha Rothe (New York: Oceana Publications, 1956), pp. 243-4.

¹²⁵ Quoted in Lader, p.155.

the courage nor the kindness to place me on the record of that convention."¹²⁶ Despite four decades as the face of Federalism and Whiggery in Massachusetts, Webster died a discredited man only a few months after the Convention adjourned.

Unlike Webster, John Quincy Adams' stance on slavery in this period brought him to the height of his political powers in Massachusetts after he departed the White House. Like both his father and mother before him, Adams had despised slavery throughout his political career, dating all the way back to his break with the Federalists in 1808. In 1820 as Madison's Secretary of State, he openly decried the Missouri Compromise. But as president, Adams had carefully dodged the slavery question. When he was elected to the Congress at age 63 in 1831, Adams was still far from an abolitionist. But his thinking was transformed as he was inadvertently thrust into the center of the slavery debate. Adams would remain there from the mid-1830s to his death - literally on the floor of the House of Representatives in 1848.

It began with his first speech in Congress in which he presented 15 petitions from citizens of Pennsylvania praying for the abolition of the slave trade in Washington, D.C. Southern congressman fumed in protest. For the next 8 years, Quincy would wage a lonely war against the Gag Rule which prohibited any petition pertaining to slavery. His efforts endeared him to abolitionists all across the North. On the Fourth of July, 1843, Adams reaffirmed his connection with the values of the Declaration of Independence in an incessant attack on slavery before an abolitionist audience:

The extinction of slavery from the face of the earth is a problem, moral, political, religious, which at this moment rocks the foundations of human society throughout the regions of civilized man. It is indeed nothing more nor less than the consummation of the Christian religion. It is only as *immortal* beings that all mankind can in any sense be said to be born equal, and when the Declaration of

¹²⁶ Quoted in Lawrence Lader, *The Bold Brahmins*, p.153.

Independence affirms as a self-evident truth that all men are born equal, it is precisely the same as if the affirmation had been that all men were born with immortal souls...Hence it is, too, that, by the law of nature and of God, man can never be made the property of man.¹²⁷

As Adams enjoyed prestige across the North in the aftermath of his battle against the Gag Rule, the experience also led him to support the protection and expansion of black rights back in Massachusetts. Throughout the Gag Rule battle, the aging Adams was a first-hand witness to the state conflict between the Cotton Whig and Conscience Whig factions of the party, of which I have already spoken. By the middle of the 1840s, Adams was clashing with other state Whigs such as Abbott Lawrence and Daniel Webster. He stood shoulder to shoulder with leaders who opposed the North-South Cotton Whig alliance and, in the wake of the annexation of Texas, openly advised his younger "Conscience Whig" colleagues to bolt from the party. Though he died before the presidential election of 1848, Adams' advice was heeded as those younger colleagues left the Whigs to form the Free Soil Party in Massachusetts. Among them included some of the staunchest abolitionists in Massachusetts: Adams' son Charles Francis Adams, who was the Free Soil Party vice presidential candidate in 1848; Stephen Phillips, the Free Soil candidate for Governor; former Whig Congressman John Palfrey who also left the party in 1848;¹²⁸ and Charles Sumner, the future Republican Senator who would argue the *Roberts* case before the Massachusetts Supreme Court one year later.¹²⁹

¹²⁷ *Ibid.*, pp.409-10.

¹²⁸ In 1852, Palfrey defended blacks against the Southern charge of inferiority and drafted a resolution in the state convention that year which insisted that the rights "of our colored citizens going to other states must be protected." Quoted in Foner, "Politics and Prejudice, p.245. Foner makes the argument that some of the Free Soilers of Massachusetts were uncertain about Negro equality and hence labels them "prejudiced." I argue here that Palfrey's stance is typical of the paternalistic race culture of the time: though uncertain on the question of inferiority, white political leaders nonetheless pushed for the equal rights of citizenship.

¹²⁹ See Brauer, *Cotton Versus Conscience*, pp.244-5.

The Liberty Party. Liberty Party politicians also took a tough abolitionists stance, but went further than any other political actors to argue for the equal rights of blacks in Massachusetts. And they did it sooner. The Liberty Party was founded in New York in the spring of 1840 and dedicated itself to the cause of ending slavery in the South and promoting equal rights for blacks in the North. For the next 8 years the Liberty Party continued to press its extraordinary calls for racial equality up until its dissolution when it merged with the Free Soil Party. In Massachusetts, the party issued broadsides depicting both major parties as violators of the principles found in the Declaration of Independence and the Constitution, meanwhile depicting itself as the "Good Samaritan" for the entire black race. For the members of the Liberty party, "The Right Sort of Politics" was founded upon the race culture of paternalism, as it announced in 1843:

There is a LIBERTY PARTY organized on the principles of '76, founded on the truth that "Honesty is the best policy," that "Righteousness exalteth a nation" - a sort of Good Samaritan Party, which "don't pass by on the other side." The members of this party find that there is one question in the politics of this country, which must be settled right before any other can be settled at all; and till that great question is settled right, our glorious revolution is incomplete, and our national history unfit to be written. They find that under the form of republicanism, the country is really governed by a combination of about 250,000 slaveholders, who hold, on an average, ten or eleven slaves each, and contrive to wield the power and patronage of the federal government, directing it this way and that way, as they think it necessary to make their property in those slaves secure and profitable. Now, this property in human beings is immeasurably more tyrannous and oppressive, than that usurpation against which our fathers took arms in '76...The Liberty Party [seeks to] reconcile the "hostile elements" by establishing justice for the slaves, treat them as our fathers wished to be treated when they said, "We hold these truths to be self-evident," Etc. No matter if the slaves were as bad as they are black, and no sane man doubts that their hearts are at least as white as those of their oppressors, it would be honester [sic], safer, and cheaper to have them friends, than to have them enemies. We may take the side of their oppressors, do their unrighteous bidding, be their humble volunteer slaves, and as our reward, obtain their contempt, drain our purses to support them in idle luxury, and our veins to protect them against the just retributions of Heaven. But when we go down with them, we and our children, into the gulf of national perdition, will it

be a very great consolation to us, that their skins were white and their ancestors Anglo Saxon?¹³⁰

Later that year the Liberty Party held its annual convention, where it rededicated itself to social and political equality between the races:

Resolved, that the fundamental truths of the Declaration of Independence, that all men are endowed by their Creator with certain inalienable rights, among which are life, liberty, and pursuit of happiness, was made fundamental law of our National Government, by that amendment of the constitution which declares that no person shall be deprived of life, liberty, or property, without due process of law. *Resolved*, That this Convention recommends...to the friends of Liberty in all those free [states] where any inequality of rights and privileges exists on the account of color, to employ their energies to remove all such remnants...of the slave system. *Resolved*, that we cordially welcome our colored fellow citizens to fraternity with us into the *Liberty Party*, in its great contest to secure the rights of mankind and the religion of our christian country.¹³¹

While at times it held the balance of power in the state during the 1840s, the Liberty Party never managed to garner more than 9% of the total vote at the polls. Its impact on the politics of Massachusetts is nonetheless significant, for its appearance marks the point at which abolition in Massachusetts moved from a moral protest against slavery to a political force in electoral politics. Furthermore, the Liberty Party provided discursive continuity on the question of race during a transition period when issues of strategy and tactics were dividing the abolition movement. My point, in other words, is that the Liberty Party acted as an important bridge through which the discourse of racial paternalism passed from Garrison and the abolitionists, to the Massachusetts Free Soilers, and finally to the Republican Party that captured power in the mid 1850s.

¹³⁰ "The Right Sort of Politics," Liberty Tract No. 2, 1843, *Massachusetts Historical Society*, Box E441, pp.2-3.

¹³¹ "The National Liberty Convention," September 1843, *Massachusetts Historical Society*, Box E441, pp.3-5.

Garrison and Abolitionism. From the 1830s on, William Lloyd Garrison and the abolition movement had a major impact in maintaining the dominant discourse of racial paternalism in Massachusetts. In the very first issue of *The Liberator*, he laid down his reasons for coming to Boston, stating plainly to blacks living above the Mason-Dixon Line that "your moral and intellectual elevation, the advancement of your rights, and the defence [sic] of your character, will be the leading object of our paper."¹³² Echoing David Walker's words from his *Appeal*, Garrison then attacked the forty-five year-old law banning interracial marriages. For the next thirty-five years until the end of the Civil War, Garrison would use the pages of *The Liberator* to continue that attack by espousing and promoting racial paternalism.

To analyze in detail the pages of more than 1,800 issues of *The Liberator* or Garrison's other main work *Thoughts on African Colonization* is well beyond the scope of my inquiry here. What follows is the core of Garrison's overall argument against racial inequality and the extent to which his thinking embodies the race culture of paternalism I have sketched throughout this study. What emerges from Garrison's writing is an extraordinarily consistent set of attitudes about the basis of American political culture, about the moral and intellectual competency of blacks, and about the duty of whites to assist in the uplift of the black race in America.

Like most advocates of racial paternalism, Garrison took his bearings from the environmentalist thinking that formed the backdrop to the American Revolution. Garrison ardently believed in the Enlightenment principles that all men were endowed with the gift of reason and universal equality. In his *Thoughts on African Colonization*, Garrison argued that

¹³² *The Liberator*, January 1, 1831.

Man is created a rational being; and therefore he is a subject of moral government, and accountable. Being rational and accountable, he is bound to improve his mind and intellect. With this design, his Creator has outstretched the heavens, and set the sun in his course, and hung out the burning jewels of the sky, and spread abroad the green earth, and poured out the seas, that he might steadily progress in knowledge. The slaves are men; they were born, then, as free as their masters; they cannot be property; and he who denies them as opportunity to improve their faculties, comes into collision with Jehovah, and incurs a fearful responsibility. But we know that they are not treated like rational beings, and that oppression almost entirely obliterates their sense of moral obligation.¹³³

Because human beings were rational and accountable, they were capable of self-improvement. Self-improvement transcended racial bounds, thus making the question of the rights for blacks a universal human right. In *The Liberator*, the Garrison explained:

I am prepared to show, that those who have entered into this CONSPIRACY AGAINST HUMAN RIGHTS are unanimous in their mode of attack; unanimous in proclaiming the absurdity, that our free blacks are natives of Africa; unanimous in propagating the libel that they cannot be elevated and improved in this country; unanimous in opposing their instruction; unanimous in exciting the prejudices of the people against them; unanimous in apologising [sic] for the crime of slavery; unanimous in conceding the right of the planters to hold their slaves in a limited bondage; unanimous in their hollow pretence for colonizing, namely, to evangelize Africa, unanimous in their *true motive* for the measure - a terror lest the blacks should rise to avenge their accumulated wrongs.¹³⁴

By the time Garrison had begun his publication, thus bringing the abolition movement to life, ascriptivism had become the dominant racial paradigm throughout the country. The American Colonization Society had been in existence for some fifteen years and had published justification after justification on why free blacks had to be removed to Africa. Up to the early 1830s, only free black communities across the North had doggedly

¹³³ *Thoughts on African Colonization* (Boston, 1832, Reprinted in New York: Arno Press and the New York Times, 1968), p.71.

¹³⁴ *The Liberator*, April 23, 1831.

opposed colonization. Garrison now lent his powerful voice to their cause. Yet in order to combat the race culture of ascriptivism propounded by the ACS, Garrison had to revive the principles of the Declaration of Independence and reconstruct the narrative of race that had become dominant. To do so he argued, much like Otis had done some 70 years before, that "natural" equality was far different from an essentialist emphasis on skin color:

Nature, we are positively assured, has raised up impassable barriers between the races. I understand by this expression, that the blacks are of a different species from ourselves, so that all attempts to generate offspring between us and them must prove as abortive, as between a man and a beast...in truth it is often so difficult in the slave States to distinguish between the fruits of this intercourse and the children of white parents, that witnesses are summoned at court to solve the problem! Talk of the barriers of Nature, when the land swarms with living refutations of the statement!...As long as there remains among us a single copy of the Declaration of Independence, or of the New Testament, I will not despair of the social and political elevation of my sable countrymen.¹³⁵

If Garrison argued stridently that blacks were not "naturally" equipped to be slaves, he defended just as feverishly the free populations of blacks across the North and South. While not denying some of the charges against the degraded social condition of free blacks in the North, Garrison nonetheless took umbrage at the American Colonization Society's characterizations by comparing them to white immigrants who were pouring into the country in the opening decades of the nineteenth century:

I repel these charges against the free people of color, as unmerited, wanton and untrue. It would be absurd to pretend, that, as a class, they maintain a high character: ~~it would be equally foolish to deny, that intemperance, indolence and crime prevail among them to a mournful extent.~~ But I do not hesitate to assert, from an intimate acquaintance with their condition, that they are more temperate and industrious than that class of whites who are in as indigent circumstances, but

¹³⁵ *Thoughts on African Colonization*, pp.145-6.

who have certainly far greater incentives to labor and excel; that they are superior in their habits to the hosts of foreign emigrants who are crowding to our shores, and poisoning our moral atmosphere; and that their advancement in intelligence, in wealth, and in morality, considering the numberless and almost insurmountable difficulties under which they have labored, has been remarkable...The truth is, the traducers of the free blacks have no adequate conception of the amount of good sense, sterling piety, moral honesty, virtuous pride of character, and domestic enjoyment, which exists amongst this class.¹³⁶

Garrison understood that blacks as a class were lowly and degraded. But there was nothing racially essentialist about indolence, immorality, and crime. Anticipating the potency of nativist arguments that lay dormant but would emerge in Massachusetts once Irish immigration increased in the 1840s, Garrison argued that whites emigrating from elsewhere were just as "immoral." Furthermore, free blacks proved themselves to be industrious by improving their social condition across the North against relentless discrimination. "In Baltimore, Philadelphia, New York, and other places," Garrison contended, "there are several colored persons whose individual property is worth from ten thousand to one hundred thousand dollars."¹³⁷ Thus demonstrating that blacks were capable of mental, moral, and physical improvement.

Garrison's racial paternalism mirrored the paradigm of the Revolutionary Era in another way: while he continued to make his own arguments about race and point out the inconsistencies of racial ascriptivism, Garrison insisted that the world hear blacks express their own ideas in their own words. His publications were the platform upon which those ideas could be aired. Blacks obliged by offering their own version of the environmentalist argument which echoed the themes raised in petitions by slaves during the Revolutionary period. The second part of his *Thoughts on African Colonization* is entitled "Sentiments of the People of Color" and contains letters and writings of blacks from all across the

¹³⁶ *Ibid.*, pp. 129-31.

¹³⁷ *Ibid.*, p.129.

country - many of them reprinted from *The Liberator*. On September 1st, 1831, a group of blacks in Pittsburgh convened to denounce the American Colonization Society. Wealthy black businessman John Vashon chaired the meeting and submitted to Garrison the resolutions of the meeting, which included the following:

Resolved, That 'we hold these truths to be self-evident: that all men are created equal, and endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness' - Liberty and Equality Now, Liberty and Equality Forever!...Resolved, that we are freemen, that we are brethren, that we are countrymen and fellow-citizens, and as fully entitled to the free exercise of the elective franchise as any men who breathe; and that we demand an equal share of protection from our federal government with any class of citizens in the community.¹³⁸

Throughout the rest of the antebellum period, Garrison would remain singularly focused on the discourse of racial equality. Despite the crosscurrents of electoral and movement politics that surrounded him, he would return time and again to a few simple principles upon which his brand of abolitionism was based: complete racial equality, universal and inalienable rights, the duty of whites in the cause of uplifting the black race. In short, Garrison espoused a racial narrative that had come into existence in the decade before the Revolutionary War. He drew upon the ideas first expressed by Benjamin Otis and others in the 1760s which combined a natural rights philosophy with elements of Christian doctrine. To that he added the ideas embodied in the Declaration of Independence. And he unrelentingly took the message everywhere in his attempt to combat the discourse of ascriptivism that had dominated the thinking on race during the height of the colonization movement. As he addressed an all-black audience in June of 1831:

¹³⁸ John Vashon, printed in William Lloyd Garrison's *Thoughts*, "A voice from Pittsburgh," September 1st, 1831, pp.34-5

Colonizationists generally agree in asserting that the people of color cannot be elevated in this country, nor be admitted to equal privileges with the whites. Is this not a libel upon humanity and justice - a libel upon republicanism - a libel upon the Declaration of Independence - a libel upon Christianity? "All men are born equal, and endowed by their Creator with certain inalienable rights - among which are life, liberty, and the pursuit of happiness." What is the meaning of that declaration? That *all* men possess these rights - whether they are six feet five inches high, or three feet two and a half - whether they weigh three hundred or one hundred pounds - whether they parade in broadcloth or flutter in rags - whether their skins are jet black or lily white - whether their hair is straight or woolly, auburn or red, black or gray - does it not...Colonizationists too generally agree in discouraging your instruction and elevation at home. They pretend that ignorance is bliss; and therefore 'tis folly to be wise. They pretend that knowledge is a dangerous thing in the head of a colored man; they pretend that you have no ambition; they pretend that you have no brains; in fine, they pretend a thousand other absurd things - they are a combination of pretences. What tyranny is this! Shutting up the human intellect - binding with chains the inward man - and perpetuating ignorance.¹³⁹

Though the racial narrative Garrison espoused was not new, he advanced it further and more successfully than the earlier generation of abolitionists had.

Conclusion

Though despised by Northerners and Southerners alike, the abolitionists nonetheless persisted in the middle decades of the nineteenth century in their crusade to end slavery. John L. Thomas remarks that, more than any other American, William Lloyd Garrison "was responsible for the atmosphere of moral absolutism which caused the Civil War and freed the slaves."¹⁴⁰ Just days before his assassination Abraham Lincoln had come to a similar conclusion, telling Daniel Chamberlain that "I have only been an instrument. The logic and moral power of Garrison, and the anti-slavery people of the country and the army, have done all."¹⁴¹ When the Civil War ended, Garrison was carried through the

¹³⁹ Quoted in *Thoughts on African Colonization*, pp.12-13.

¹⁴⁰ John L. Thomas, *The Liberator: William Lloyd Garrison* (Boston: Houghton Mifflin, 1963), p.4.

¹⁴¹ Quoted in Lader, p.269.

streets and raised in the air on the shoulders of black Bostonians. Though he never saw action in a Civil War battle, Garrison ended the war effort every bit the hero. With the war over and the slaves freed, he ceased publication of *The Liberator*. His reason for coming to Boston in 1831 was completed.

Thomas goes on to suggest that Garrison, in convincing his followers to boycott elections during the 1830s, also challenged "the democratic process" because he "refused to take the step which he believed an abandonment of principle."¹⁴² The implication is that abolition worked outside the "democratic" system that surrounded it in the antebellum period and would only become engaged if a radical reconstruction of the system occurred. In one sense Thomas is right: Garrison consistently refused to participate in electoral politics, calling it a personal "sin" to vote. Yet he realized the importance of the ballot in the ultimate goal of abolition. "We have never opposed the formation of a third party as a measure inherently wrong," Garrison wrote in *The Liberator*. "Abolitionists have as clear and indisputable [a] right to band themselves together politically...as their fellow-citizens who call themselves whigs or democrats."¹⁴³ It is true that Garrison thought the "one-issueism" of the Liberty Party was wrong, but only because he believed withdrawing into one party would isolate abolition, thus allowing the two major parties to ignore the cause.

But in another sense, Thomas is mistaken about where Garrison and abolitionism stood in respect to the democratic process. Perhaps it is too easy to suggest that social movements are part of the "democratic process" precisely because they are a challenge to it. But my point is a different one. Garrison's brand of abolitionism drew upon one of the fundamental aspects of the "democratic process" brought into existence in the United

¹⁴² *Ibid.*, pp.220-1.

¹⁴³ Quoted in Gerald Sorin, *Abolitionism: A New Perspective*, p.82.

States in the Revolutionary Era. For, the abolitionist movement he initiated in Boston in the early 1830s relied on a narrative about the democratic process that was already deeply ingrained in the political culture of the United States by the middle decades of the nineteenth century. I would argue that this is one of the major reasons why it resonated to the extent that it did. This narrative consisted of the language of natural rights, of universal equality, and of the moral and physical uplift of the black race by whites - in short, the discourse of racial paternalism that had been formed during the first wave of abolitionism in the middle decades of the eighteenth century which Garrison and his abolitionist supporters inherited and used successfully through the middle decades of the nineteenth century.

This is not to suggest that the power of that discourse alone was the decisive factor in any successes that the abolitionist movement enjoyed throughout the antebellum period. But what it does suggest is in Massachusetts the race culture of paternalism remained a powerful set of ideas to be tapped from the time of the Revolutionary period right through to the Civil War. Garrison and the abolitionist movement exploited this dominant race culture and used it successfully to press the cause for blacks both at the national and state level. My concern in this chapter has been with the latter, i.e., in explaining why blacks were granted the right to vote early in the state's history and were never denied that right. As I said at the outset, in a peculiar way I was really engaged explaining a "non-event" - in other words, why the right to vote for blacks was granted when it was and why it was *not* denied to blacks when other states across the North were becoming more racially restrictive. As this chapter further suggests, paternalism remained strong in the state for the half-century after the Revolution due to the consensus reached by political elites in both parties during this time. Socio-economic forces did not disturb

that consensus. By the 1830s, abolitionism and the racial paternalism it espoused played a large role in not only protecting the rights of blacks in Massachusetts, but also in expanding those rights in the antebellum period. The arrested development of immigration patterns, the nature of partisan conflict, and the national attention placed upon Massachusetts due to the high profile of many of the state's leaders in the simmering national debate over slavery also had a significant impact. But the abolitionist movement, in my view, proved to be the decisive factor in keeping racial paternalism alive in the 1840s and 1850s, right up to the onset of the Civil War.

In his study of Garrison and Boston's blacks, Donald Jacobs asks the question, "What if *The Liberator* had never been published in Boston, and Garrison had gone to Washington as he had originally planned? He concludes that the "direction taken by Boston's black community" would have been quite different.¹⁴⁴ Counter-factuals in political science are taboo simply because it is impossible to prove a non-event. But what we can say is that, from the time abolition settled in the state to the Civil War, the rights of blacks in Massachusetts were *expanded*: the Jim Crow laws were dropped and the miscegenation laws were done away with. Due to abolition's influence, black and white children attended the same schools; blacks and whites rode on the same trains, slept in the same hotels and worshipped in the same churches; blacks and whites could legally intermarry if they desired. And the right to vote for black men, instituted during the height of the Revolutionary War, remained a fundamental right.

¹⁴⁴ Jacobs, p.278.

Chapter 6

"Servility is Not Confined to Color": The Disenfranchisement and Re-enfranchisement of Blacks in Rhode Island

Late on the evening of May 6, 1844, Thomas Wilson Dorr delivered his closing argument before a jury that would ultimately find him guilty of treason against the state of Rhode Island. For the duration of the two-week trial, Dorr acted as his own counsel because his principal attorney, Samuel Atwell, had taken ill. The trial had not gone well; at every turn Chief Justice Job Durfee disallowed Dorr's principal line of defense, which, simply put, was that treason against an individual state in the Union was altogether impossible. Unbowed and unapologetic, Dorr launched into a three-hour monologue outlining why he believed the armed insurrection he led in the spring and summer of 1842 to capture the state government was justified. "What I did I had a right to do," Dorr stated emphatically. He declared that he had "been duly elected governor of this state under a rightfully adopted and valid republican state constitution, which I took an oath to support to the best of the means placed within my power." Dorr then compared his own plight to the persecution experienced by Galileo over two centuries earlier and an ocean away, implying that his accusers were no different from a band of Inquisitors:

Some ages ago, a natural philosopher was accused and silenced before the inquisition for teaching that the earth turned on its axis. As he retired, after his forced confession to the contrary, from the presence of the officers of the justice that day,

he exclaimed, "Still it turns!" and in spite of all the opposition of false philosophy, it has turned ever since.¹

Returning to the American context, Dorr concluded by cloaking himself in the natural rights rhetoric of the Revolutionary Era which formed the philosophical basis of his suffrage movement.

There are other immutable doctrines, and other honest convictions, which cannot be forced out of a man by any human process. The sun will not rise upon any recantation by me of the truths of '76, or of any one of the sound principles of American freedom. The servants of a righteous cause may fail or fall in the defence [sic] of it. It may go down; but all the truth that it contains is indestructible, and will be treasured up by the great mass of our countrymen. If I have erred in this Rhode Island question, I have the satisfaction of having erred with the greatest statesmen and the highest authorities, and with the great majority of the people of the United States.²

By 11pm on that evening, Dorr had fallen silent and the jury had been given final instruction from Justice Durfee. In the early morning hours of May 7, it returned with a guilty verdict. Thomas Dorr was sentenced to life in prison for the act of treason against the state of Rhode Island.

To be sure, not all who witnessed what is commonly known as the Dorr War thought Dorr's actions as noble as Dorr himself imagined. In fact, many considered him merely to be the leader of a lawless, propertyless band of rogues bent on seizing the government. Dr. Francis Wayland, president of Brown University at the time, compared Dorr to the Roman tyrant Tiberius Gracchus. Congregationalist minister Mark Tucker called him talented and

¹ Quoted in Dan King, *The Life and Times of Thomas Wilson Dorr with Outlines of the Political History of Rhode Island* (Boston: Dan King, 1859), pp.205-6.

² *Ibid.*

mad, and likened him instead to that troublemaking abolitionist "William Lloyd Garrison...propagating errors of the worst character, assailing all government, the Holy Sabbath, and the Christian Ministry."³ Dorr's name continued to be linked to roguery and anarchy long after he entered prison on June 27, 1844 and was unconditionally released just a year later. In 1848, the Supreme Court heard oral arguments in *Luther v. Borden*, in which the home of one of Dorr's lieutenants Martin Luther was entered and searched under the draconian "Alergine Law" passed by the landholding General Assembly during the crisis. Whig Senator Daniel Webster was called upon to defend both Borden and the actions taken by the "legal" government of Rhode Island at the time. Webster seemed to be responding directly to Dorr himself when he summed up before the Court:

The long seeing sagacity of our fathers enables us to know, equally well, where we are, when we hear the voices of tumultuary assemblies, and see the turbulence created by numbers, meeting and acting without the restraints of law; and has most wisely provided constitutional means of escape and security. When established authority of government is openly contemned [sic]; when due deference is not paid to the regular and authentic declarations of the public will; when assembled masses put themselves above the law, and calling themselves the people, attempt by force to seize on the Government; when social and political order of the State is thus threatened with overthrow, and the spray of the waves of violent popular commotion lashes the stars, our political pilots may well cry out; "nimirum haec illa Charybdis!"⁴

On the face of it, *Luther v. Borden* was merely a case about an illegal trespass. In actuality, it became a second indictment of the Dorr insurgency. With Chief Justice Roger Taney presiding, the Supreme Court accepted Webster's argument and held that the Court had no jurisdiction to rule on the legitimacy of the "People's Constitution" drafted by Dorr's followers and approved by a larger portion of the Rhode Island electorate than had ever

³ Quoted in Irving Berdine Richman, *Rhode Island: A Study in Separation* (New York: AMS Press, 1973), p.302.

⁴ "Evidently here is Charybdis itself!" *Mr. Webster's Argument in the Supreme Court of the United States in the case of Martin Luther v. Luther M. Borden and Others*, January 27th, 1848 (Washington: Gideon, 1848), pp.25-6.

participated in previous elections. In the Court's view, that was a political question to be decided by the "political" branches of government. But given that the legal government of Rhode Island at the time possessed legitimate sovereignty, it had every right not only to search Martin Luther's home, but also to smash all aspects of Dorr's extra-legal maneuvers.

Such were the conflicting views of the legacy of Thomas Dorr, most of which remain to this day. To some, he is a radical democrat who fought vigorously for the cause of expanded suffrage, and hence for human freedom; yet to others, his is a liberty, in the words of Webster, "supported by arms to-day, crushed by arms tomorrow" - a liberty "without power except in spasms." While Dorr's legacy continues to be the subject of spirited debate, the causes of the Dorr War are rather straightforward and clear. So too are the outcomes: regardless of one's views of Dorr's actions, it is hard to escape the conclusion that the extension of the suffrage which resulted from the conflict was wrung from a reluctant legislature that acted in response to the agitation Dorr had instigated. Less clear, however, is why - in the middle of all the turmoil - black Rhode Islanders were granted the right to vote. That question demands an explanation, which is the subject of this chapter.

The development of Rhode Island from the Revolutionary War to the early 1840s is in many ways the stubborn exception to a theory of American Democracy which holds that a gradual and ever-widening expansion of democratic values (e.g., voting rights, the right to hold office, the right of the "people" to choose presidential electors rather than state legislatures, etc.) took place in the closing decades of the eighteenth century and the opening decades of the nineteenth. In short, Rhode Island did not move, in Chilton Williamson's phrase, from "property to democracy."⁵ Rhode Island, the home of the "otherwise minded"

⁵ Chilton Williamson, *American Suffrage: From Property to Democracy, 1760-1860* (Princeton: Princeton University Press, 1960). Chilton acknowledges as much in his chapter on Rhode Island. See his chapter entitled "Rhode Island Explosion," pp 242-261.

and the only state not to send a delegation to the Constitutional Convention in the summer of 1787, essentially became *less* democratic in the half-century after the Revolution. At the forefront of the democratic impulses of the Revolutionary Era, it was the last of the original 13 colonies to ratify a new state constitution, and one of the last states to drop property qualifications for voting in the nineteenth century. Rhode Island still retained a taxpaying qualification for voting well into the twentieth century. The state's black community - largely concentrated in a section of Providence and politically shunned aside for the first several decades of the nineteenth century - eventually found itself at the center of a roiling political debate that began with incessant agitation for constitutional reform and ended in an attempted constitutional coup by Thomas Dorr and his Rhode Island Suffrage Association followers.

On the one hand, the struggle of Rhode Island's black community for the franchise is similar to the struggle of black citizens in other northern states in the antebellum period. Without national civil rights protections, blacks were left to the changing tide of state politics, and vulnerable to assault - physically as well as politically - by an increasingly suspicious and hostile white population. Yet, the case of Rhode Island is peculiar indeed because blacks in Rhode Island were first disenfranchised in the early 1820s by state statute, and then re-enfranchised after the bizarre and extraordinary outcome of the Dorr War in 1843. They were in fact the only group of blacks in the antebellum North that fought successfully against disenfranchisement.

Not surprisingly, volumes have been dedicated to a study of the Dorr War and its aftermath. Yet comparatively little has centered directly on the struggle of blacks for re-enfranchisement that came to play a significant role in the outcomes.⁶ That is the focus of

⁶ There are a few works that directly address the black community of Rhode Island in this period. See J. Stanley Lemmons and Michael A. McKenna, "Reenfranchisement of Rhode Island Negroes, 1820-1842,"

this chapter. I want to train my narrative on the confluence of factors that first led to the disenfranchisement of blacks in 1822, the subsequent struggle of the black community for economic and political independence that persisted over the next two decades, and the right to the elective franchise finally granted after the Dorr War in 1843.

I begin by tracing the socioeconomic and demographic changes in the state from the Revolutionary War to the Dorr War. Similar to other northern states, Rhode Island underwent a rapid economic transformation in the opening decades of the nineteenth century. The state moved from a maritime/commerce economy to a manufacturing one. The shifting economic base was accompanied by a demographic shift: as the nineteenth century unfolded the industrialized northern part of the small state began to dominate the agrarian southern and western sections. The change brought propertyless migrant and immigrant workers to the counties in and around Providence. At the same time, blacks in the state were emerging from slavery and migrating toward Providence where they would carve out a meager existence. Not surprisingly, ethnic and racial conflict ensued as poor whites and blacks competed for the same economic opportunities.

Political change did not keep pace with the new environment wrought by the socioeconomic changes that had developed by the 1830s. In the following section, I address the failure on the part of political actors to enact constitutional reform. As we shall see, partisans on all sides consistently refused to enact constitutional reform that would either greatly expand the suffrage or alter the system of representation to mirror the growing influence of expanding northern towns. From 1800 to 1840, agitation for constitutional reform

in *Rhode Island History* 30 (February 1971): 3-13; Julian Rammelkamp, "The Providence Negro Community, 1820-1842," in *Rhode Island History* 7 (January 1948), 20-33; Robert Cottrol, *Afro-Yankees: Providence's Black Community in the Antebellum Era* (Westport, Conn.: Greenwood Press, 1982); Irving Bartlett, *From Slavery to Citizen: The Story of the Negro in Rhode Island* (Providence: Rhode Island Urban League, 1947).

intermittently flared up and never completely died out. During the election of 1840, when nearly four fifths of the eligible electorate across the country cast their votes, Rhode Island sent only about a third of all males over 21 to the polls.⁷ As Conley points out, the stage was set for a "showdown between the immovable object and the irresistible force."⁸ On one side of the conflict, the landholding Anglo elite; on the other, a cadre of reformers leading the propertyless, mostly white ethnic masses.

Up to that point, race played a relatively minor role in the overall dynamic of state politics. But as I point out in part III, the discourse of race was transformed by the 1820s when blacks were disenfranchised by state statute. The racial paternalism of the Revolutionary Era was replaced by a dominant ascriptive ideology. Blacks retreated to the protection of their own communities as they constantly faced physical intimidation and assault with little assistance from paternalistic whites. By the early 1830s, as the black community - mostly centered in a section of Providence - showed economic and social progress, black leaders began agitating on their own behalf for political rights. They would continue to do so for the next decade, but with no success.

All of this would change amidst the Dorr conflict, which is the focus of section IV. By 1840, a well-organized black community saw its political opportunity in the fluid situation. In late 1840 and early 1841 blacks joined - and were invited to join - with the "suffragists," i.e., Dorr's movement which consisted of propertyless, white ethnic laborers. But two developments would later split this bi-racial coalition: first, the growing presence of the abolitionist movement in the state of Rhode Island, which was despised by white ethnics that comprised the mass of the suffrage movement (particularly the Irish), and the successful

⁷ See Patrick Conley, *Democracy in Decline: Rhode Island's Constitutional Development, 1776-1841* (Providence: Rhode Island Historical Society, 1977), pp.296-8.

⁸ *Ibid.*, p.292.

nativist appeals by the landholder's party which served to instill fear in citizens that the state was being overrun, not by blacks, but white Catholic immigrants.

In order to pursue their objective of the elective franchise- an objective that by the late 1830s had caught the attention of national abolitionist leaders such as Frederick Douglass and William Lloyd Garrison - black Rhode Islanders were forced to side with the Landholder's Party (known in Rhode Island as the Law and Order Party, which later became the Whigs). The switch in allegiances occurred in 1842 after the Suffrage Party broke with Thomas Dorr's promise of racial inclusion and placed a racial voting restriction in the People's Constitution drafted in late 1841. To be sure, Whig politicians accepted black support only reluctantly, but did so after blacks displayed their loyalty by raising a military regiment and patrolling the streets of Providence amidst the Dorr War in the summer of 1842. Rhode Island blacks would remain in alliance with the Whigs during the remainder of the second party era and, despite dissatisfaction with the Whigs, voted consistently for the Whig ticket.

I conclude by arguing that the Dorr War effected a realignment of the political parties in Rhode Island, which brought them more in line with the national parties during the second party period. The partisanship that led to, and resulted from, the conflict owed much to socio-economic developments, specifically the impact of industrialization in creating a propertyless working class. By the early 1840s, this partisanship had structured racial political opportunity. At the same time, racial tensions shaped partisan coalition formation. In Rhode Island as elsewhere, the racial tensions on display during the Dorr War were articulated through a competing set of racial discourses that had been in existence since the Revolutionary period but came to the foreground as fundamental questions of citizenship were raised. Not surprisingly, the rank and file of the suffrage movement employed

ascriptive rhetoric in arguing against the enfranchisement of blacks. Dorr himself resisted ascriptivism, but to no avail. In response, Whigs countered that blacks had earned the rights of citizenship during the Dorr conflict by displaying their patriotism and loyalty. The paternalism on the part of the Whigs was apparent. After the conflict had subsided, Dorr sympathizer William Goodell wrote concerning the role of blacks in the conflict that

The admission of the dependent colored people to vote, as well as to fight, and to *boast of their support*, answers their selfish purposes, and is impudently trumpeted to their praise. That such facts should occur, only proves what everybody should have known before, viz.: that servility is not confined to color, and that aristocracy under heaven will as soon wield the power of the colored people to suppress the liberty of the whites, as the power of the whites to hold the colored people in bondage, whenever it suits their convenience.⁹

For Goodell and the rest of the rank and file suffragists, blacks were used as a tool by the aristocratic landholders to suppress the rights of the white masses. No doubt, this alliance was made out of "convenience" - but the alliance was only formed after the suffrage association had succumbed to racial ascriptivism. If blacks came to play a significant role in the successful bid on the part of the landholders to suppress the Dorr insurgency, the suffragists really had no one to blame but themselves.

Up From Slavery: Blacks in Rhode Island and Socio-economic Change, 1770s-1840

A black population existed in the tiny Providence Plantation colony from its origins in 1647. While slavery was never legally institutionalized in Rhode Island, it nonetheless proliferated

⁹ William Goodell, *The Rights and Wrongs of Rhode Island* (Whitesboro: Oneida Institute, 1842), p.6.

until it was abolished in the wake of the Revolutionary War.¹⁰ By the early years of the eighteenth century, Newport, located along the southern coast, had become a major slave-trading center of New England - second in importance only to Boston. In 1708 the colony imposed a three-pound tax on each slave imported, partially out of the financial benefits to be gained and partially out of the fear of having the colony overrun by blacks. But in 1732 the British Crown objected on grounds that the tax was harming the slave trade. It subsequently repealed the import duty. Tax or no tax, the number of slaves in Rhode Island increased over the first half of the eighteenth century, and the growth rate in the black population outpaced that of the white population. In the years leading up to the Revolution, however, the black population declined considerably while the white population continued to increase, as Table 6.1 indicates.

TABLE 6.1:
WHITE AND BLACK POPULATION GROWTH IN RHODE ISLAND, 1708-1774¹¹

YEAR	WHITE	BLACK	PERCENTAGE BLACK
1708	7,181	425	5.6%
1730	17,935	1,648	8.4%
1749	32, 773	3,077	8.6%
1756	35,939	4,697	11.6%
1774	59,707	3,668	5.8%

¹⁰ The colony passed a law in 1652 stating that "no blacke [sic] mankind or white being forced by covenant bond, or otherwise, to serve any man or his assignes [sic] longer than ten years, or until they come to bee twentie-four years..." The law of indentured servitude was never superceded by later statute. Nonetheless, life-time hereditary slavery existed in Rhode Island until the gradual abolition law of 1784 was passed. See George W. Williams, *The History of the Negro Race in America, 1619-1880* (New York: Arno Press, 1968), pp.262-281.

¹¹ Sources: William D. Johnson, *Slavery in Rhode Island, 1755-1776* Rhode Island Historical Society Publications (Providence: Rhode Island Historical Society, 1984), p.127; Census Bureau, *Negro Population, 1790-1915*, p.45.

As in most of the rest of New England, slavery in Rhode Island took on a dual character: on the one hand, slaves toiled in the fields of the coastal Narragansett plantations surrounding Newport alongside indentured whites and Narragansett Indians to produce wool, dairy, products, corn and tobacco. On the other, slaves were found in the households of commercial Newport and in the small urban shops of shoemakers, blacksmiths, carpenters and fisherman in Providence.¹² And as in much of New England, slavery, while integral to the economy of Rhode Island in many ways,¹³ never took hold to the extent that large populations of slaves were imported to work the plantation fields that dotted the coastline. In the waning days of slavery both the black population and the density of blacks in the overall population declined. It continued to decline as the eighteenth century drew to a close and the nineteenth century opened.

TABLE 6.2:

WHITE AND BLACK POPULATION GROWTH IN RHODE ISLAND, 1790-1820¹⁴

YEAR	WHITE	BLACK	PERCENTAGE BLACK
1790	64,470	4,335	6.7%
1800	65,438	3,684	5.6%
1810	73,214	3,717	5.0%
1820	79,457	3,602	4.5%

As in other colonies during the pre-Revolutionary Era, attacks on slavery in Rhode Island were promulgated by a Quaker community that had been awakened to its cruel realities. As

¹² See Robert Cottrol, *The Afro-Yankees: Providence's Black Community in the Antebellum Era* (Westport, Conn.: Greenwood Press, 1982), pp.16-17.

¹³ Joanne Pope Melish makes this point persuasively in *Disowning Slavery: Gradual Emancipation and Race in New England, 1780-1860* (Ithaca: Cornell Press, 1998).

¹⁴ Sources: William D. Johnson, *Slavery in Rhode Island, 1755-1776* Rhode Island Historical Society Publications (Providence: Rhode Island Historical Society, 1984), p.127; Census Bureau, *Negro Population, 1790-1915*, p.45.

early as 1760, Quaker elder John Woolman visited the colony and acknowledged that the number of slaves on the coastal plantations "made deep impressions on me."¹⁵ By 1770, Quaker preacher Samuel Hopkins of Newport had become a leading critic of the slave trade and lost no opportunity to denounce the practice in his sermons. But Newport, which was the commercial and political center of the colony at the time, was unlike other northern cities in the pre-Revolutionary War in one important respect: it was both dominated by slave traders and Quaker merchants, the latter of whom had struggled for years to balance their moral obligations with their economic interests. In response to the clash between morality and economy, the colonial legislature passed a weak bill in 1774 which prohibited the importation of slaves into the colony. The preamble drew upon the natural rights rhetoric of the times and states that "those who are desirous of enjoying all the Advantages of Liberty themselves, should be willing to extend personal liberty to others." However, the bill subsequently included many exemptions to the ban on the importation of slaves, thus gutting it considerably.¹⁶ In effect, the attempt at banning the slave trade in Rhode Island was half-hearted.

With the onset of the Revolutionary War, emancipation in Rhode Island took hold as many blacks were first freed and then conscripted into the Rhode Island militia. By most accounts, the black soldiers of Rhode Island performed valiantly during the war. John Eustis of Massachusetts, who argued passionately for the rights of blacks on the floor of Congress during the Missouri Compromise debate, singled out black Rhode Islanders as a prime example of black citizenship and patriotism during the Revolution when he contended that "they discharged their duty with zeal and fidelity. The gallant defence of Red Bank, in

¹⁵ Quoted in Elaine Forman Crane, *A Dependent People: Newport, Rhode Island in the Revolutionary Era* (New York: Fordham University Press, 1985), p.81.

¹⁶ *Ibid.*, pp.81-2.

which the black regiment bore a part, is among the proofs of their valor."¹⁷ In the wake of the Revolution, white Rhode Islanders repaid the debt owed to blacks by passing a gradual abolition law in March 1784.¹⁸

For the next several decades, the free black population increased substantially in the state. Under the gradual abolition law, any black child born to a slave after March 4th, 1784 was freed upon reaching the age of majority - 18 for females, 21 for males. Such children were bound to their masters until that time, and the slave owner was responsible for the child's "education" until the age of majority was reached. By 1820, the slave population in Rhode Island had dwindled down to a mere several dozen; in Newport, the foothold of plantation slavery in the state, the number of slaves had declined to 17, and the census of the same year recorded only 4 slaves in Providence.¹⁹ In 1774, there had been a total of 1,246 blacks in Newport and only 303 living in Providence. By 1825, the free black population in Providence had increased to 1,414 - over four times the amount of blacks in the city 50 years before. As Rhode Island entered an era of industrial expansion between 1800 and 1830, manumitted blacks were moving from south to north, converging mainly on Providence where a burgeoning black community began to thrive. Furthermore, the newly freed class eventually possessed and maintained some modicum of economic independence from the white majority.

By the second decade of the nineteenth century, nearly two thirds of all blacks lived in black-headed households. Most of those living outside black households were children who remained in white households as apprenticed house servants placed there by their black

¹⁷ The remarks were made on December 12, 1820 as Eustis argued against the Missouri Constitution that prohibited free blacks from entering the state. Quoted in William C. Nell, *Colored Patriots of the Revolution* (1855, reprinted New York: Arno Press, 1968), p.127.

¹⁸ Irving H. Bartlett, *From Slave to Citizen: The Story of the Negro in Rhode Island* (Providence: The Urban League of Greater Providence, 1954), p.21.

¹⁹ *Ibid.*

parents; in return for their services, black children received educational instruction from whites.²⁰ The patron-client relationship between upper class whites of Rhode Island society and blacks that had been formed first in slavery and then subsequently in the Revolutionary era remained residually well into the 1820s. The white elite of Rhode Island society promoted an uplift ideology whereby blacks were to be acculturated to a white society largely through educational instruction and religious teaching. These ties were formed in the days of slavery and took the shape, specifically in Rhode Island, of whites allowing blacks into their churches and, to a lesser extent, their schools. However, the removal of blacks from white households coincided with an attempt at racial separation through the creation of wholly black institutions. While black groups such as the Free African Union Society and the African Benevolent Society had been in existence in Newport since the 1790s, by 1820 there was a concerted effort on the part of both paternalistic whites and black leaders to establish separate schools and churches for blacks.

By 1822, blacks had begun to live lives separated from their former slaveholders and abolitionist patrons. Many had migrated to the northwest part of Providence and had begun to thrive under dire conditions in a ramshackle part of town populated by the more rowdy elements of the city - including criminals, fugitives, wayward sailors, and prostitutes.²¹ Removed from white households, blacks experienced the earliest versions of *de facto* housing segregation that characterized life for Northern blacks for much of the twentieth century. The degraded conditions of this part of town appalled many whites, but unlike Quaker leaders, whites began to rethink the causes of those conditions. Increasingly the

²⁰ Robert Cottrol, *The Afro-Yankees*, p.50.

²¹ This is the picture we get from the first hand account of William J. Brown, whose father was the slave of Moses Brown, and who grew up in Providence during this period. *The Life of William J. Brown* (Providence, H.H. Brown, 1883).

black community became a target of attack for white citizens of Providence. During this period, two race riots ensued in the black sections of town.

The first one, known as the Hard Scrabble Riot, began on October 18, 1824 when a white mob formed in North Providence after blacks in the area refused to get off the sidewalk when approached by a group of whites. Forty members of the white mob formed outside the house of one of the more respectable black men in the community, Henry T. Wheeler. Wheeler ran a dance hall downstairs, and immediately the mob began destroying his property as nearly 1,000 spectators looked on. Throughout the night, the mob destroyed some 20 more houses of black residents. After they had leveled the dwellings, rioters then went to the household goods that remained and carted them off to Pawtucket just down the road from the predominantly black neighborhood and sold them at auction.²² Amidst the riot, a white Providence man, Oliver Cummins, was grazed in the mouth with a bullet from the gun of a black resident of Hard Scrabble. He was guarding the mob against attack. Cummins and three other whites were brought to trial for their part in the riot - though none were jailed. A privately published report called the *Hard Scrabble Calendar* commented on the riot and intimated that the actions of the white mob were justified given the depravity of conditions amongst Providence's black population. It said:

Here were held the revels and midnight orgies of the worst part of this class of the population of Providence. Owing to the differences in the severity of our Police and that of the neighboring cities in relation to the blacks, the number had increased in this town, as ascertained by a recent enumeration, to upwards of 1200 persons...the mass, as it might be inferred, can hardly be considered a valuable acquisition to any community, and their return to the respective places from whence they came, probably would not be considered a public calamity.²³

²² The Hardscrabble Riot is recounted in many places, including Brown, *op. cit.*; Bartlett, *From Slavery to Citizen*, chapter 3; Cottrol, pp. 53-55; Melish, pp.204-5.

²³ *Hard Scrabble Calendar: Report of the Trials of Oliver Cummins, Nathaniel G. Metcalf, Gilbert Humes, and Arthur Farrier...* (Providence, 1824), p.4. Quoted in Melish, p. 204.

At the trial of the four white men, the defense attorney made it clear that the black population of Providence was unwelcome in the fair city of Providence. In arguments reminiscent of the vigilante justice days of mob lynchings in the opening decades of the twentieth century South, defense attorney Joseph L. Tillinghast stated that, "it was the resort of the most corrupt of the black population, who supported their debaucheries and riots by carrying thither the plunder of their masters and pawning it for a participation in these disgusting scenes..." Since the town leaders refused to clean up - and clean out - Hard Scrabble, "the populace at length took it into their hands and destroyed this sink of vice: and there was not a sober citizen in the town who could regret it."²⁴ Tillinghast closed his arguments by mocking the Hard Scrabble section of town and its black residents:

Gentleman of the jury - the renowned city of Hard Scrabble lies buried in its magnificent ruins! Like the ancient Babylon it has fallen with all its graven images, its tables of impure oblation, its idolatrous rights and sacrifices, and my client stands here charged with having invaded this classic ground and torn down its altars and its beautiful temples... It is much to be regretted that among the thirty or forty witnesses the Attorney General has examined, some of them have not explained the etymology of this name. Perhaps after all it is only meant as the descriptive of the *shuffling* which is practiced there in the graceful evolutions of the dance, or the zig-zag movements of Pomp and Phyllis, when engaged in treading the *minuet de la couer*. But be that as it may, we must agree all agree that the destruction of this place is a benefit to the morals of the community"²⁵

In the wake of the Hard Scrabble riot, the black residents of Providence were faced with an increasingly hostile living environment. They were under attack politically, physically, and verbally. Broad­sides began to appear that predated the minstrel show ventriloquism elsewhere in the 1830s and 1840s. This one, for instance, insinuated that the good behavior

²⁴ Quoted in Bartlett, p.29.

²⁵ *Ibid.*

of blacks in Providence could win over a suspicious white population and thereby help to keep other blacks from migrating to the city:

*I guess it best now for us brack folk be easy,
And no longer lives immoral and lazy,
But gain honest living by sweat ob our brow;
Depend on't de white folk won't den trouble or 'tack us,
But de good people of Providence will always respec us,
As they are won't to respec all good people now...
So Miss Boston keep home your lazy black rabble.
Nor compel them seek shelter again at Hard Scrabble,
For every maggot should stick to he core;
For should they visit us gain they may find it foul whether
We've plenty of Tar and de ground cover'd wid Fether
And we've Pitch to pitch you all out door.²⁶*

By the mid 1820s, Providence became the focal point of racial conflict, since it was there that over half of the entire black population in the state resided. Blacks in the city endured another race riot, in 1831, begun when a group of black seamen brawled with a group of white seamen in the seedy section of town known as Snow Town. After an initial night of rioting on September 21st in which the black seamen chased the white seamen from Olney Street, a white mob assembled the next night to avenge the prior evening's episode. A small militia and the governor of the state met them there; neither was able to quell the mob. The conflict continued for roughly two more days, until finally two militia companies were called out to restore peace. In the ensuing conflict, four members of the mob were killed. But once again, the prevailing view of the time was that the destruction of

²⁶ Quoted in Melish, p.205.

black property was warranted given the degraded conditions of the neighborhood. Editorials appeared that placed blame, not on the white mob, but on the actions and behaviors of blacks. No mention was made that blacks were not allowed to live anywhere else but in the seediest sections of town. As one facetiously said, "The mob made but little noise and were expeditious and scientific in the performance of their arduous duties. Not one reputable dwelling was attacked."²⁷

Against these rising hostilities, the black community of Rhode Island nonetheless persevered and continued to practice a form of self-help. Educational instruction and religious teaching were the forms it took. Few blacks attended the churches of whites before 1820. When the African Union Meeting House was established that year, one in twelve blacks were estimated to be churchgoers. Over the next two decades, several other black churches cropped up, and by 1840 one in 6 blacks were going to church regularly.²⁸ Blacks also continued to petition city leaders for educational assistance throughout this period. In 1838 the city of Providence funded the construction of a public school solely for black children. Whereas illiteracy had been nearly universal in 1822, Bartlett estimates that by 1840 about half of all Providence blacks could read.²⁹

Despite discrimination in employment, the economic fortunes of the black community also improved throughout the period of racial disenfranchisement. Rammelkamp points out that by 1830 the net wealth of the black community nearly doubled over the previous ten years to \$18,000. On the eve of the Dorr War, the estimates range from \$35,000 to \$50,000.³⁰ Thus, in two decades the wealth of the black community increased anywhere from 4 to 5 times. Some in the black community owned as much as

²⁷ Bartlett, pp.32-3.

²⁸ *Ibid.*, p.37.

²⁹ *Ibid.*

³⁰ Rammelkamp, p.23.

\$4,000 in real estate. Blacks had become owners of groceries, shoe repair shops, clothing stores, and candy stores.

The economic and social advances were accompanied by an increase in the sphere of political activism. Black leaders such as the young preachers Alexander Crummell and Jeremiah Asher, the clothier James Hazard, and teacher Ransom Parker advanced their arguments before the white population. White political leaders took notice of black economic advances and pressed for the taxation of the black community. Beginning 1829, the Providence black community petitioned the state's General Assembly each year for the elective franchise, arguing along the same rhetorical lines of the Revolutionary period that "taxation without representation" was akin to slavery. In 1841 this plea was partially if not rather oddly addressed. After community leader Alfred Niger presented a remonstrance that argued for the right to the suffrage, the General Assembly responded by passing a law that retained the color qualification for voting but exempted men of color from taxes on real and personal property. It retained the taxation on all whites - even those unable to vote. This was seen as a rather bizarre move by the Assembly and helped to fuel the growing racial conflict between poor disenfranchised whites and blacks. But members of the General Assembly were not willing to consider the alternative of allowing blacks to vote. As one member put it, "Shall a Nigger be allowed to go to the polls and tie my vote? No, Mr. Speaker, it can't be."³¹

Economic Transformation in the Early Nineteenth Century. At the same time blacks were moving up from slavery, Rhode Island was in the midst of wrenching economic change. In *The Transformation of Rhode Island, 1790-1860*, Peter Coleman traces that economic

³¹ Quoted in Brown, p.86.

transformation. He contends that Rhode Island moved through three economic phases of development: 1) an economy based on maritime activity (pre-Revolutionary War to 1800); 2) an era of industrialized experimentation (1800 to 1830); and 3) an era of industrialized expansion (1830 to 1860).³² By 1790, when a state convention debated the ratification of the U.S. Constitution, Rhode Island's mercantilist economy was entirely dependent upon activity in and around the mouth of Narragansett Bay. "Even in the most remote hamlets of the western hill country, the affairs of farmers, mechanics, craftsmen, and storekeepers were touched by the ocean."³³ Trade with Europe and other parts of the world fueled Rhode Island's economy, as Newport and the surrounding bay towns thrived on maritime-based but largely agricultural economic activity. From Northern Europe came naval stores such as tallow, iron, steel, and glass; from England and France came wines, liquors and cheeses; from the Mediterranean came spices, cork, currants and merino sheep. In return, Rhode Island merchants exported staves, tobacco, sugar, rum, and coffee - all crops grown in the southern and western fields of the state.³⁴ European trade peaked in the opening decade of the nineteenth century, as collected duties went from \$39,000 in 1800 to \$108,000 in 1806. Even after the normalization of trade with Europe in the wake of the Jeffersonian Embargo of 1808 and the War of 1812, Rhode Island's maritime activity never reached the same lucrative levels.³⁵

By the turn of the nineteenth century, Rhode Island's economy was ripe for industrial transformation, particularly in cotton manufacture. In 1789, Quaker merchant Moses Brown and his assistant Samuel Slater converted a Pawtucket Mill in North Providence into a

³² Peter J. Coleman, *The Transformation of Rhode Island, 1790-1860* (Providence: Brown University Press, 1963).

³³ *Ibid.*, p.26.

³⁴ *Ibid.*, pp.39-40.

³⁵ *Ibid.*

cotton mill and, for the first time in America, spun cotton by waterpower. Within the next two decades, and particularly during the War of 1812 amidst economic embargoes, Rhode Island's cotton industry expanded greatly. By 1815, three fifths of southern New England's cotton factories were in Rhode Island.³⁶ Furthermore, most of these factories were located in what Coleman describes as "expanding towns" in the state - Cranston, Johnston, Providence and North Providence, to name a few, all in the northern portion of the state.³⁷ By contrast, the once- thriving agricultural and maritime towns in the south and west of the state began to lag behind in industrial development. Coleman classifies these as either "static" or "declining". By 1832, the cotton industry had become the dominant economic engine of the state. And two thirds of all the capital, employees, and cotton spindles were concentrated in these northern expanding towns.³⁸

The economic changes wrought by the growing industrialization of the state in the opening decades of the nineteenth century are significant because of the political pressures and racial and ethnic tensions to which they eventually gave rise. As the major engine of the state economy moved to the industrialized north of Rhode Island, so too did workers seeking employment in the cotton mills. Many of these workers were Irish immigrants. As Gilkeson points out, the Irish began to arrive in and around Newport in the mid 1820s to help build the Blackstone Canal which linked Providence to Worcester, Massachusetts.³⁹ Their numbers in 1828 were a scant 200. But by 1855, 10,000 Irish resided in Providence, comprising almost a quarter of the population of the city. The stark increase in the number

³⁶ *Ibid.*, pp.86-87.

³⁷ See map on page 72 of Coleman.

³⁸ Between the eight expanding towns of the north, there were a total of 173,415 cotton spindles, 6,047 employees, and about \$3.8 million in capital accumulation. In all of Rhode Island, there were a total of 237,978 cotton spindles, 9,071 employees in the industry, and \$5.5. million in capital accumulation. See Coleman, p.93.

³⁹ John Gilkeson, *Middleclass Providence, 1820-1940* (Princeton: Princeton University Press, 1986), p.20 and pp.64-5.

of Irish immigrants served to fuel nativist sentiments that lay at the foundation of the class, racial and ethnic tensions which sparked the Dorr War. As these immigrants arrived in the industrialized towns of Warwick, Providence, Smithfield, Cranston and the like, workers were immediately disqualified from the franchise due to the \$134 freehold qualification enacted just before the turn of the century. In addition, the original apportionment scheme under the Charter gave more representation to the southern towns around Newport, since from its earliest days the latter had been the most populous region of the state.⁴⁰ Thus, economic and demographic shifts were catalysts for the agitation around the franchise and the system of representation that ensued. As we shall see, the simmering conflict over constitutional reform was fueled mainly by a growing propertyless working class, on the one hand, and a resistant, landholding elite on the other.

Constitutional Development and Partisan Conflict, from Colonial times to 1840

Colonial Charter and Constitutional Development to the 1820s. The Charter of Rhode Island was drafted in 1663 at the time of the colony's founding under Charles II of England. The document was one of the more remarkable charters formed during the colonial period in that it allowed Rhode Island to retain an extraordinary amount of autonomy from the British crown while providing protection from the other larger colonies. It granted Rhode Island's legislature the authority to make or repeal any laws, as long as those laws were not repugnant to the laws of England. It also mandated annual elections for all at large officers of the colony, and stated that the inhabitants of the colony "shall have and enjoy all liberties

⁴⁰ Under the original Rhode Island Charter, Newport had six representatives, Portsmouth, Warwick, and Providence had four, and each new town had two. See Marvin Gettleman, *The Dorr Rebellion: A Study in American Radicalism, 1833-1849* (New York: Random House, 1973), p.4. Gettleman argues that three areas of contention ignited the calls for constitutional reform: the suffrage question, the apportionment scheme of the General Assembly, and the legislative dominance and the lack of separation of powers in the government.

and immunities of free and natural subjects" as if they were born in the realm of England. Finally, it provided for "Full liberty in religious concernments." Rhode Island's charter was so progressive for the times that citizens were unwilling to scrap it once they declared independence in mid 1776. The charter was not replaced until 1843 - making Rhode Island the last of the original colonies to adopt a new constitution.

This is rather extraordinary considering Rhode Island's radical commitment to the revolutionary cause of overthrowing the British crown. On June 15, 1774, less than one month after news of the Boston Port Bill arrived in Massachusetts, the Rhode Island General Assembly appointed delegates to the anticipated Continental Congress. Rhode Island was the first colony to do so. Yet, while every other state beside Connecticut⁴¹ drafted a constitution in the Revolutionary period/Confederation years, Rhode Islanders clung vociferously to the Charter and made no revisions to it except on July 18, 1776, when the legislature passed a resolution providing that "the style and title of this government, in all acts and instruments, whether of public or private nature, shall be the State of Rhode Island and Providence Plantations."⁴²

The franchise laws of the state were revised several times in the period leading up to the Revolutionary War and the in the years immediately following it. A property qualification had been required for electors since the Charter was granted in 1663. In March of that year, all persons (males) were required to be "of competent estates" in order to be admitted into the ranks of the freemen.⁴³ No amount of property was placed in the original Charter, since relatively few colonists held land at that time. However, in the eighteenth

⁴¹ Connecticut held a constitutional convention in 1814, replacing its colonial charter.

⁴² Quoted in Patrick T. Conley, *Democracy in Decline: Rhode Island's Constitutional Development, 1776-1841* (Providence, RI: Rhode Island Historical Society, 1977), p.62.

⁴³ Elisha Potter, *Considerations on the Questions of Adoption of the Constitution and Extension of the Suffrage in Rhode Island* (Boston: Thomas H. Webb and Co., 1842), p.10.

century the franchise laws were altered no less than five times as property qualifications were refined. In 1723-1724, the General Assembly set the real estate value for electors at 100 pounds, or 40 shillings rent per annum. In addition the Assembly admitted the eldest son, in accordance with English laws. In the 1729-30 session, the qualification was fixed at 200 pounds real estate or 10 pounds per annum rent. In 1746, the qualification was raised to 400 pounds real estate or 20 pounds per annum rent. In August of 1760, however, the Assembly eased the property qualification considerably when it lowered it to a freehold requirement worth 40 pounds or a rent of 40 shillings per year.⁴⁴ This qualification remained until well after independence, when in 1798 the Assembly fixed the property qualification of electors at \$134 or a rent of \$7 per year.⁴⁵

While Rhode Island maintained a property qualification throughout the eighteenth century, these franchise laws were in many ways at once more liberal and more restrictive than those in other colonies. On the one hand, owning a freehold did not automatically entitle a male to the franchise - he had to pass admission by the existing freemen of the town, who might in fact reject him without regard to his freehold.⁴⁶ On the other, the agrarian-based economy and the comparatively low property requirement allowed many freeholders to become eligible for the vote. By 1746, the colonial statutes had described the real estate qualification as "low" and the method for admitting freeman as "lax." During this period, roughly 75% of all white males were able to meet the suffrage qualifications - although far fewer actually voted.⁴⁷ Formally, however, Rhode Island was by far one of the

⁴⁴ U. S. Congress, House, *Interference of the Executive in the Affairs of Rhode Island*, Report No.546, 28 Congr., 1st Session, 1884. Also known and hereafter referred to as *Burke's Report*, this documentary history contains many primary documents produced before, during, and after the Dorr Rebellion. p.10.

⁴⁵ Potter., pp.10-11; *Burke's Report*, p. 11.

⁴⁶ *Burke's Report*, p.10.

⁴⁷ See Conley, pp.49-50. Citing David Lovejoy's *Rhode Island Politics and the America Revolution, 1760-1776* (Providence: Brown University Press, 1958), Conley argues that "Rhode Island's democracy was one of indifference and deference, but a democracy it was."

most democratic colonies of the period; it would remain so in statehood while the economic base of the state remained agricultural in nature and the majority of its citizenry consisted of small landholding farmers. But political reform did not keep pace with these socioeconomic changes, and "democracy" in Rhode Island declined precipitously as the nineteenth century opened.⁴⁸

Chilton Williamson has argued that Rhode Island "was becoming a Britain in miniature" during the first half of the nineteenth century.⁴⁹ By this he means that a Jeffersonian-style, agricultural community quickly became an urban, industrial society, but that this transformation occurred *before* an expansion of the suffrage was granted. The Rhode Island experience stands in stark contrast to many states that expanded the suffrage well before industrialization of the economy and immigration occurred. The \$134 freehold qualification for voting in the state was relatively easy to meet in a society of farmers and townspeople, and in fact half to three-fourths of all white males did meet the freehold qualification up to the end of the eighteenth century. But workers flooded to the urban centers of the state as cotton manufacturing developed. Thus, economic changes forced political pressure upon the shrinking landholding elite of the state to ease suffrage qualifications. At the same time, dramatic shifts in the population base of the state forced the same leaders to reconsider the apportionment scheme set out for the state General Assembly in the original Charter. As the economy became more industrialized the northern towns

⁴⁸ This point was made during the Dorr rebellion by many commentators and was summarized in *Burke's Report* after the conflict had been resolved: "Like all her sister colonies, Rhode Island was, during a long period of time, an agricultural community. Her population was sparse, and it was easy to obtain the requisite amount of land to qualify the citizen for freeman. Few, therefore, were excluded from the enjoyment of the right of suffrage, until the State became a manufacturing and mercantile community, and the circumstances of its people had become substantially changed. This change in the condition, occupations, and circumstances of the people of Rhode Island, demonstrated clearly the injustice of the regulations of the government of the State in relation to suffrage, which operated so as to exclude a large majority of its citizens from the exercise of that individual right." pp.10-11.

⁴⁹ Williamson, *American Suffrage: Democracy to Property*, p.243.

surrounding Providence began to expand, while the southern towns surrounding the port at Newport declined. By the early 1830s, only a third of all white males met the freehold qualification. In the great democratic era of the expansion of the suffrage, Rhode Island was not only undemocratic, but it was moving in the opposite direction as propertyless laborers increasingly populated the state's manufacturing centers.

Partisanship and the Suffrage: From Colonial Times to 1840. Far from serving the great cause of "expanding democracy," partisan competition in Rhode Island in the opening decades of the nineteenth actually limited the possibilities for constitutional reform. While the parties competed vigorously for office, they colluded in ensuring that non-property holders remained out of the electorate. Since pre-Revolutionary times, Rhode Island had always experienced an unusually mature level of partisan conflict.⁵⁰ During the Revolution, partisanship declined, but the state found itself at the vanguard of the Jeffersonian, democratic impulses circulating, especially in the wake of the Declaration of Independence. This is one reason why Rhode Island was unwilling to scrap its Charter after independence - the Charter had established a form of government dominated by a popularly elected legislative branch with annual elections, along with a weak executive and a judiciary dependent upon the General Assembly. Many state constitutions drafted in the Revolutionary period resembled Rhode Island's democratic charter. In 1786, partisan conflict was revived as the "Country" party was pitted against the "Minority" party over the issue of paper money. This conflict resembled the emerging national concern between Federalists and Antifederalists, i.e., between an urban merchant class and a rural agrarian class. The Country party was comprised of farmers and advocated the issuance of paper

⁵⁰ See Richard P. McCormick, *The Second American Party System: Party Formation in the Jacksonian Era* (New York: W.W. Norton, 1966), pp.76-78; Conley, *Democracy in Decline*, ch. 1 & 2; Edward F. Sweet, *The Origins of the Democratic Party in Rhode Island* (unpublished dissertation, Fordham University, 1971), chapter 2.

money; the Minority party opposed it. When the Constitutional Convention was called in the summer of 1787, the farmers prevailed and Rhode Island chose not to send a delegation to Philadelphia. The state's agricultural interest opposed the creation of a stronger federal government, while the townspeople argued that a stronger central government could effectively control the poor.⁵¹ However, in 1789 the Antifederalists lost control of the General Assembly, which subsequently allowed the Federalists to call a convention to ratify the Constitution.⁵² One year later, Rhode Island ratified the Constitution, making it the last of the original colonies to do so.

From 1789 to 1800, the state's congressional representatives were predominantly proponents of the Federalist agenda.⁵³ However, Thomas Jefferson's victory swept Republicans into congressional office in Rhode Island. About the same time, the first calls were being made to address the structure of the state government. These questions simmered during the first two decades of the nineteenth century but emerged full blown by 1820. Federalist reformer George Burrill made the earliest calls for constitutional reform in 1797, when he argued for the principle of "one man one vote" in the General Assembly.⁵⁴ He advocated for a constitutional convention to replace the venerated Charter and create more just political institutions for Rhode Island. This was the opening salvo in a debate over the constitution that ebbed and flowed continually for the next forty years. Burrill revived his calls for constitutional reform a decade later in a pamphlet entitled *A Few Observations on the Government of the State of Rhode Island*. There he contended that the Revolutionary War had validated the concept of popular sovereignty, and that any changes in the state's

⁵¹ Sweet, p.23.

⁵² McCormick, p.79.

⁵³ From the First to the Sixth Congresses, all but two of the House and Senate representatives are listed as either "pro-administration" or Federalists. See Kenneth Martis, *The Historical Atlas of the Parties in the United States Congress, 1789-1989* (New York: MacMillan Publishing, 1989).

⁵⁴ See Conley, *Democracy in Decline*, chapter 7.

constitution had to come from the people themselves - not the legislative authority.⁵⁵ Burrill's Jeffersonian rhetoric would be revived and repeated many times by Dorr supporters amidst the conflict in the early 1840s.

On the eve of the War of 1812, the issue of constitutional reform was rekindled, this time by Democratic Republicans in the wake of Federalist victories in the congressional elections of 1808 and 1810, and the gubernatorial election of 1811. Amidst the Jeffersonian Embargo, both farmers and merchants opposed the Republican agenda, and as the country moved closer to war, Federalists were successful in placing the state Republicans on the defensive.⁵⁶ Democratic Republicans claimed the Federalists had stolen these elections because Federalist freeholders had subdivided their lands and issued life long leases to Federalist sympathizers - thus ensuring that the tenants were able to meet suffrage qualifications. In January 1811, Democratic Republicans introduced for the first time a petition to remove all suffrage qualifications for voting. It passed the Republican controlled Senate, but failed in the Federalist controlled House. While Democratic Republicans made rhetorical statements about freedom and the expansion of the suffrage, one commentator at the time contended it was a political maneuver, and that "many of the senators were zealously opposed to free suffrage."⁵⁷

The debate over constitutional reform predictably died down, but it was revived immediately in its wake as Federalists found themselves on the wrong side of the war effort. By 1818, the Federalist Party was all but defunct in the state, and was reduced to a small minority all across the country. But the state's Republicans soon divided over intra-state

⁵⁵ George Burrill, *A Few Observations on the Government of the State of Rhode Island* (Providence, 1807).

⁵⁶ Federalists won both House seats and one Senate seat in the election of 1808. They won the governor's office in 1811. See Martis, pp.80-1, and Conley, p.179.

⁵⁷ Elisha Potter, Jr. *Considerations on the Questions of the Adoption of a Constitution and Extension of the Suffrage in Rhode Island* (Providence, 1842), quoted in Conley, p.181.

issues, specifically the constitutional questions of the apportionment scheme for representation in the General Assembly and the suffrage qualification. By 1820, with Providence quickly becoming the industrial center of the state, the city's press began clamoring for constitutional reform. That year, the newly published *Manufacturers' and Farmers' Journal* insisted that "the glaring defects of our miserable system, and its utter inconsistency in principle with all our received notions of republican government should be fully laid before the people."⁵⁸ The reformers behind the publication asserted that the government of Rhode Island was neither established by the people of the state nor amenable to them. Yet a General Assembly consisting largely of Anglo-American landholders from the agricultural towns surrounding Newport continually rebuffed calls for a constitutional convention. The constitutional conflict suddenly became a partisan one and was turning on North/South, industrial/agricultural axes, with the press in Providence generally pushing for constitutional reforms and Newport landholders generally opposing them. In February 1821, a resolution was finally passed authorizing the freemen of the state to decide upon the desirability of convening a constitutional convention later that spring. In April the question was defeated by a vote of 1905 to 1619. The counties of Newport, Washington and Kent voted against it, while the counties of Providence and Bristol voted for it.⁵⁹

That same year, the Republicans nominated William Gibbs for governor. The choice was important because, for the first time in 30 years, the party in power nominated a candidate who was *not* from Providence. This move infuriated Providence Republicans and, in a move to challenge the power of the southern wing of the party, joined with remaining Federalists to nominate a Providence candidate, Samuel Bridgham. The electoral returns

⁵⁸ Quoted in Conley, *Democracy in Decline*, p.187.

⁵⁹ See Charles Carroll, *Rhode Island: Three Centuries of Democracy* (New York: Lewis, 1932), three volumes, I, p.474.

show that Gibbs received his support from the same block of voters that defeated the referendum on the constitutional convention. Moreover, the conflict realigned partisan interests sectionally - Newport Federalists deserted their Providence allies and helped elect Gibbs by a majority of 1,000 votes. This coalition of southern and western landholders would form the base of the Jacksonian party in the state a decade later - but ironically, alongside Bridgham and the other Providence landholders they were opposed to in 1821.⁶⁰ The following year another referendum calling for a constitutional convention was defeated, but this time the reformers opposed it as well. The referendum of 1822 provided for a constitutional conclave apportioned in the same manner as the legislature. In the words of reformers, little change on the extension of the franchise was expected to come from a "convention composed of delegates distributed in the same manner as the lower house."⁶¹

By 1822, the Republicans had once again solidified their dominance in state party politics. But a latent conflict boiled just beneath the surface between the agricultural interests and the urban interests of the state. With the Federalist Party all but dissipated, the "era of good feeling" meant the collapse in importance of national issues and the return of intrastate partisanship in Rhode Island. Yet, that same year and with little public debate, blacks were disenfranchised in Rhode Island. In its January session of 1822, the Rhode Island legislature moved to exclude blacks from the electorate but retained the property qualification on all white males. The statute read: "Be it enacted by the General Assembly, and by the authority thereof it is enacted, that the freeman of each town in this State, at any of their town-meetings, shall and they hereby have full power granted them, to admit so many white persons, inhabitants of their respective towns, freemen thereof, as shall be

⁶⁰ Sweet, p.30.

⁶¹ *Manufacturers' and Farmers Journal*, April 8, 1822.

qualified, according to this act."⁶² The act kept the freehold qualification for whites at \$134 and \$7 rent per year.

Two years later the first constitutional convention in the state's history was convened. Under the provisions of the convention, the constitution could only be ratified with a vote of three-fifths of all eligible voters. It was not even close: The proposed constitution of 1824 was defeated by nearly a 2-1 majority (3,206 to 1,668). The only towns that approved of the constitution were those described by Coleman as "expanding" - which included the northern belt of Providence, North Providence, Smithfield, Warwick, and Bristol. The static and declining towns of the south and west rejected the constitution by a margin of nearly 7 to 1.⁶³ The vote is telling, for it shows that the freemen of Providence who voted were willing to forego their concerns about universal white male suffrage in order to secure a constitution that reformed the basic structure of government and reapportionment schemes of the General Assembly. In other words, in the mid-1820s the suffrage question still took a backseat to other pressing issues of constitutional reform. Within a decade the suffrage question would lie at the heart of the constitutional debate.

The first attempt at constitutional reform thus failed miserably. Amidst the wave of democratic changes sweeping across the United States, and the concomitant expansion of the suffrage to most white males, Rhode Island was lagging further behind. The same year the proposed constitution went down, only 12.4% of the state's total white male population voted for president. In 1828, as voter turnout levels were nearing 70% across the country, 18% of the state's total white male population voted in the Adams-Jackson election. Through the 1830s, voter turnout for presidential elections in Rhode Island did not reach 25% of the total white male population. By 1840, when the national average soared to nearly

⁶² *Digest of Public Laws, 1822*, pp.89-90.

⁶³ Conley, p.211.

80%, about a third of the white male population voted in Rhode Island.⁶⁴ In short, the "Age of the Common Man" had not extended to Rhode Island; or more accurately, the age of the common man had ostensibly come and gone in the state, since a higher percentage of the white male population had voted before the War of 1812 than in the period of Jacksonian Democracy.

Constitutional reform receded for several years after the debacle of 1824, resurfaced briefly in 1829, but remained dormant until after the presidential election of 1832. That year, Anti-Jackson candidate Henry Clay won a plurality of the popular vote in Rhode Island.⁶⁵ A list of Providence freemen compiled in 1832 tallied only 1,216 eligible voters - roughly 32% of the white male population in the city.⁶⁶ While Andrew Jackson was returned to the White House with a self-proclaimed mandate to be the "tribune of the people," the Jacksonian Democrats of Rhode Island - comprised mainly agrarian interests to the south and west of the state - were staunchly opposed to any suffrage extension or reapportionment scheme in the General Assembly. Once again, Providence became the hotbed of agitation. In 1833, a radical group of workers began a push for constitutional reform which centered on the question of the restricted suffrage. Seth Luther, a carpenter and labor spokesman, led the charge as he taunted and ridiculed the propertied classes of the state in a speech delivered on April 19th that was later printed as *An Address on the Right of Free Suffrage*.⁶⁷ In it, Luther reminded his audience that he was merely a poor journeyman carpenter, but that the "small potato aristocrats" in Rhode Island had perpetuated a freehold system that was "contrary to the Declaration of Independence, the Constitution of the United States, the Bill of Rights of the State of Rhode Island, and the dictates of common sense." As Gettleman has pointed out,

⁶⁴ *Ibid*, p.219.

⁶⁵ Sweet, p.224.

⁶⁶ Conley, pp.236-7.

⁶⁷ Seth Luther, *An Address on the Right of Free Suffrage* (Providence: S.R Weedon, 1833).

Luther's rousing speech drew upon a Jeffersonian communitarianism that accepted economic inequalities but rested upon political equality and mutual respect.⁶⁸ Furthermore, he revived the natural rights philosophy of the Revolutionary Era - also found in Burrill's orations at the turn of the century - to argue that government is created by the people to protect inalienable rights, and that a republican form of government renders to the people the right to change their government when it violates those inalienable rights:

[The people]...have a right to assemble in primary meetings, and appoint delegates to the a Convention. That convention have [sic] a right to form a Constitution, and to submit it to the people. If they adopt it, it is the law of the land.⁶⁹

Luther's call for a constitutional convention operated on two levels at once. On the one hand, his was a tactical decision meant to overcome the experiences of the early 1820s, when the General Assembly had arranged for only freemen of the state to attend the convention. In 1822, reformers rejected the idea; in 1824, the convention produced a document that was voted down. Claiming that the people themselves had the right to appoint delegates, Luther and his followers hoped to do an end run around the reactionary Assembly. On the other hand, Luther's call was a powerful rhetorical device in the debate over the suffrage that linked the struggles of the Revolutionary period to the contemporary struggle for the franchise. By appealing to the natural rights philosophy of Jefferson, Luther also hoped to provide a moral justification for what he was asking the workers assembled before him to do - which was essentially break the law by taking part in an extra-legal constitutional convention.

The radical ideas put forth by Luther were co-opted the next year by a group of respectable business and professional men from both the Newport and the Providence areas.

⁶⁸ Gettleman, p.19.

⁶⁹ Luther, p.12.

According to Gettleman, this group also muted the radicalism of Luther, for it made the strategic decision to once again urge the General Assembly to convene a constitutional convention.⁷⁰ They called themselves the Constitutional Party, and chose as their intellectual leader a young Whig politician and lawyer from Providence by the name of Thomas Wilson Dorr.

When the Constitutional Party was formed in 1834, it was not necessarily in favor of universal male suffrage. In the General Assembly, Dorr did put forth a proposal to relax the suffrage qualification for the vote on the delegates to the convention, which was to convene later that year; yet, the General Assembly voted the measure down. Similar to the convention held a decade earlier, the delegation assembled at the Constitutional Convention of 1834 was a miniature version of the legislature. At the convention, Dorr opted for a more moderate tack and proposed a taxpaying qualification for the suffrage rather than a property qualification. He did not seek universal white male suffrage. Dorr's moderate proposal received but seven votes.⁷¹ On questions of legislative reapportionment, the convention delegates also did not budge. Moreover, it was clear that most of the convention delegates wanted the convention to fail: on November 10th, 1834, the last day before adjournment, a quorum did not appear and no votes were taken. The delegates present moved to adjourn until February 1835. The same thing occurred that February, and a motion of adjournment until June 1835 was passed. The summer of 1835 the convention finally fell apart when only Dorr and his ally Metcalf Marsh showed up.⁷²

After the demise of convention of 1834, the Constitutionlists continued to fight for political change through electoral politics. Initially they sought a coalition with Whigs in the

⁷⁰ Gettleman, pp.22-3.

⁷¹ *Manufacturer's and Farmers' Journal*, September 11, 1834.

⁷² Conley, pp.267-8; Gettleman, pp.27-8.

urban centers opposed to the Jacksonian Democrats in the rural south and west. However, the Constitutionals found the Whigs reluctant to push their agenda, and they chose to nominate and run their own candidates for political office. At a convention called in 1836, the party nominated Charles Collins to be its gubernatorial candidate. In the election he received only 135 ballots out 7,151 votes cast.⁷³ The next year, Dorr himself ran for U.S. Congress on the Constitutionalist ticket; he too received only scores of votes. By the close of 1837, the brief life of the Constitutionalist Party had come to an end, and Thomas Dorr vowed not to involve himself with electoral politics again unless nonlandholders took the initiative to agitate for the elective franchise.⁷⁴

While the leaders of the Constitutionalist Party mainly came from the northern industrial towns dominated by the Whig Party, it would be wrong to assume that most Whigs in the state were for even the most moderate of the constitutional reforms advocated by Dorr and his followers. Most of the state's Whig leaders did not want an extension of the suffrage to white male laborers for fear of a shift in the political - and economic - balance of the state. According to one opponent of the extension of the suffrage at the time, the economy of the state had been well-managed over the last three decades without the political participation of the nonlandholding masses.⁷⁵ Extension of the suffrage would jeopardize that. Thus, the state's Whigs leaders were in the anomalous position of advocating for reapportionment to increase representation in the Assembly for Providence and the other northern urban centers while generally objecting to the franchise extension. To make matters worse, the Providence Census in the late 1830s showed a growing influx of

⁷³ Conley, p.271.

⁷⁴ As Gettleman points out, Dorr complained that the disenfranchised Rhode Islanders "seemed quite willing to have [tyranny's] foot set upon their necks. Such being the case, they deserve their fate..." footnote, p.29.

⁷⁵ Jacob Frieze, *A Concise History of the Efforts to Obtain an Extension of the Suffrage in Rhode Island from the Year 1811 to 1842* (Providence: Benjamin Moore, 1842).

"foreigners not naturalized" - mostly Irish Catholics, as I pointed out earlier. The parish pastor in Providence counted a total of nearly 1,700 Irish parishioners in 1839; a decade earlier the number was estimated at 200.⁷⁶ Thus, a new question in the suffrage debate surfaced: what to do with those non-native born white males? As the 1830s closed, the response to the constitutional question of reform by the party of Jackson was to do nothing: the Democrats stonewalled on questions of reapportionment and extension of the suffrage, because reforms in both areas would have diminished the strength of the party in state politics. As for the Whigs, their stance was not much more flexible, and increasingly the party of Anglo merchants in the northern industrial towns was becoming consumed by nativist fears. Reformers such as Dorr were faced with the unenviable choice between two parties that colluded to disenfranchise propertyless whites for their separate reasons. For the time being, blacks were faced with the same choice.

Disenfranchisement, Discourse and Competing Race Cultures, 1770s-1840

Before moving on to a discussion of the Dorr conflict, I want to return to the circumstances surrounding the disenfranchisement of blacks in 1822 and the underlying competing race cultures in Rhode Island throughout the post-Revolutionary period. Earlier I mentioned that Rhode Island was consumed by Quaker influences over questions of slavery like other colonies during the Revolutionary period. Leaders such as Samuel Hopkins had been preaching against the evils of slavery in Newport since 1770. In 1774 the General Assembly passed a rather weak law which sought to abolish the slave trade that had been so lucrative to the southern port town of Newport. Moral and economic concerns over questions of race and slavery were evidently in conflict in revolutionary Rhode Island. the experience of the

⁷⁶ Conley, p.274.

state during the war - and more particularly, the performance of black soldiers during the war effort - allowed racial paternalism to take hold and dominate the racial views of the state's leaders for the next several decades.

The performance of black Revolutionary regiments was clear a half century after that conflict ended. In 1828, Tristram Burges, a Congressman who would become an ally of Dorr, took the floor of the House and described how slaves in Rhode Island had become loyal citizens. "At the commencement of the Revolutionary War," he began, "Rhode Island had a number of slaves. A regiment of them were enlisted into the Continental service, and no braver men met the enemy in battle."⁷⁷ Burges further explained that all of them were first granted their freedom before being conscripted. Nearly a decade before, John Eustis of Massachusetts had echoed the same sentiments, explaining that a battalion of 400 black Rhode Islanders had resisted and repulsed the advance of nearly 1500 troops headed by British Colonel Donop.⁷⁸ Reflecting upon the same battle in before the Rhode Island Anti-Slavery Society in 1842, a Dr. Harris, Revolutionary War veteran, explained:

I have another object in view in stating these facts. I would not be trumpeting my own acts; the only reason why I have named myself in connection with this transaction is, to show that I know whereof I affirm. There was a black regiment in the same situation. Yes, a regiment of Negroes, fighting for our liberty and independence - not a white man among them but the officers - stationed in this same dangerous and responsible position. Had they been unfaithful, or given way before the enemy, all would have been lost...They fought through the war. They were brave, hardy troops. They helped to gain our independence.⁷⁹

One of the most important figures who kept racial paternalism in the foreground of Rhode Island politics in the late eighteenth and early nineteenth centuries was Moses Brown. Brown was born into one of Rhode Island's leading mercantilist families in the mid eighteenth century. After the death of his wife in 1773 before he turned 30, Brown rejected

⁷⁷ Quoted in William C. Nell, *Colored Patriots of the Revolution*, p.126.

⁷⁸ *Ibid.*, p.126.

⁷⁹ *Ibid.*, p.130.

the Baptist faith of his family and instead turned to Quakerism. Brown's family had owned slaves, but on the eve of the Revolutionary War he and other Quakers such as Samuel Hopkins led the move to abolish the slave trade in 1774. After the war, Brown worked tirelessly for the abolition bill that passed the General Assembly in 1784. Breaking with Quaker practice, Brown involved himself both publicly and privately in politics on the state and federal level. When the Constitution was completed in 1787, Brown opposed its adoption on the grounds that it condoned the slave trade. In October of that year Brown and the Friends of Rhode Island spoke openly about the slave trade clause (Article I, section 9) as well as the fugitive slave clause (Article IV, section 2). On behalf of the Friends he wrote that "there is no sensible friend I have conversed on this subject but has not been disagreeably affected." He continued by saying that he was "afflicted to have an article in the constitution of these states so repugnant to the principles of liberty, truth and righteousness."⁸⁰

For the rest of his life until he died at the age of 97 in 1836, Brown adhered to a form of racial paternalism formed from his experiences in the early abolitionist movement of the Revolutionary Era. One such example was his involvement in the creation of the African Union Meeting House, the first black church in Providence established in 1820. One of the main purposes of the African Union Meeting House was to provide education for black children to supplant the educational instruction that had previously been provided in white households. Brown provided much of the funding for the construction of the Meeting House and helped to raise the rest. Brown's racial paternalism was spelled out most clearly in a short essay written to commemorate the history of the Meeting House.⁸¹ He contended

⁸⁰ Quoted in Mack Thompson, *Moses Brown: Reluctant Reformer* (Chapel Hill, University of North Carolina Press, 1962), p.193.

⁸¹ Moses Brown, *A Short History of the African Union Meeting And School House* (Providence: Brown and Danforth, 1821).

that "the slavish and gross state of ignorance of the people of colour, has of late years excited the commiseration of those who profess and exhibit themselves the active friends of humanity, and general extension of useful knowledge." With the end of slavery in the state, Brown went on to commend abolitionist societies for creating churches and schools "for the mental and moral improvement of this injured people." Yet, Brown went further, and asserted his belief that the transformation of the "African" was possible through religious and educational instruction:

The neglected objects of their consultation are the descendents of those miserable Africans, which were insidiously seduced, or violently from their native shores; the consideration of which, apart from the feelings of humanity, or the dictates, of policy, gives them a valid claim to public justice. If (as experience has evinced) there is, more or less, an inseparable connexion [sic] between knowledge and virtue, and ignorance and vice; it would seem to be a patriotic duty to impart to them all the advantages that can be derived from moral and intellectual culture...That they are endowed by an impartial Creator with capacities for such improvement, is now generally admitted; and that the stale imputation of inferiority in mental faculties is rejected; or rather, but few will avow the contrary opinion; although, as Montesquieu shrewdly remarks, "we must suppose them not to be men, or a suspicion would follow that we are not Christians."⁸²

Brown combined his own Quaker teaching grounded in compassion for one's fellow man with the Revolutionary rhetoric of natural rights and universal equality, and concluded that servile characteristics of persons of African descent were mutable and able to be transcended:

An elegant writer has observed with equal brevity and energy: "The authority of Jesus Christ himself must have more weight with Christians, than all the pomp and parade of the most absolute despots on earth. He taught us when we pray to say, 'Our Father.' This alone is sufficient to establish, on an immovable basis, the equality of human beings"...The Africans and their descendents are not only

⁸² *Ibid.*, p.11.

capable of acquiring the common rudiments of education, but the higher branches of science, the most plenary evidence could be adduced.⁸³

Moses Brown's *The History of the African Union Meeting House* appeared at a critical juncture in the history of the struggle for citizenship for blacks. It came amidst the transition from the dominant racial paternalism of the Revolutionary Era to racial ascriptivism and the accompanying rising hostility and essentialist rhetoric that occurred in the wake of the race riots of the 1820s and early 1830s. When the Rhode Island General Assembly had passed the law manumitting slaves over thirty years before, Moses Brown and his Quaker friends were instrumental in its drafting. The preamble to the bill began with ringing references to Declaration of Independence and its natural rights philosophy. "Whereas, all men are entitled to life, liberty, and the pursuit of happiness," it began, "and the holding mankind in a state of slavery, as private property, which has gradually obtained by unrestrained custom and the permission of laws, is repugnant to its principle, and subversive of the happiness of mankind, the great end of all civil government," the bill went on to suggest that colored persons would be included in the body politic of the state and stand together with whites as "one people."⁸⁴ Furthermore, "humanity" required that slaveholders instruct the children of slaves in morality, religion, reading and writing.

Moses Brown signified the last in a generation of leaders in Rhode Island who approached the racial divide with the paternalistic racial rhetoric found in the Revolutionary Era. But as blacks became more independent economically and socially, they were faced with an increasing hostility in the white population of the state. The changes in social conditions that I outlined earlier played a major role in the ideological transformation that occurred. As Robert Cottrol has argued, this hostility had its origins primarily in the laws of

⁸³ *Ibid.*

⁸⁴ *Records of the State of Rhode Island*, 10:7.

the market: a burgeoning free black population coexisted alongside poor whites in Rhode Island. Yet whereas previously black slaves worked in the fields and in the households of the white elite, free blacks now competed in an industrialized market place for the same jobs as poor whites.⁸⁵ With the influx of white ethnics from the late 1820s, an ascriptivist ideology moved to the foreground in the racial discourse.

Joanne Pope Melish concurs on this point. She contends that the legal arrangements around gradual emancipation were the main causal factors in rising hostilities because gradual abolition forced Rhode Island's (and much of New England's) white population to rethink questions concerning citizenship and race.⁸⁶ According to Melish, the discourse of "slavery" had, by the 1820s, been supplanted by the discourse of "race".⁸⁷ The former was founded upon the Revolutionary rhetoric of republicanism and abolitionism, and held at its core Moses Brown's contention that the degraded condition of blacks was due to the historical reality of slavery itself. If the servile characteristics of slaves were a result of the conditions that slavery created, then these characteristics could be transformed by simply changing the conditions. "Freedom" for blacks would effect an amelioration of condition. By 1820, however, the discourse of slavery had given way to a completely different set of assumptions about the differences between the races: now, the emphasis was placed, not on environmental explanations of difference and paternalistic solutions, but on essentialist arguments which characterized blacks as innately and immutably inferior. The solution: remove blacks from what was becoming a "white" polity. Melish analyzes New England society and concludes that, just several years removed from abolishing slavery, whites

⁸⁵ See Robert Cottrol, *The Afro-Yankees*, chapter 2.

⁸⁶ Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation in and "Race" in New England, 1760-1860* (Ithaca: Cornell University Press, 1998).

⁸⁷ *Ibid.*, p.2-3.

looked at the continued degraded condition of blacks and argued that "freedom" had not led to any substantial improvements.

For Melish, then, white New Englanders engaged in an "erasure" of their own historical experience.⁸⁸ Consequently, the very concept of freedom was reconceptualized, and whites constructed a discourse that placed blacks at a specific point along the continuum of freedom. Freedom now had several "degrees": on the one hand, blacks were free of slavery and were allowed to enjoy the economic fruits of their own labor. On the other, because of their inherent inferiority blacks were not capable or responsible enough to enjoy the political fruits of freedom by receiving the full rights of citizenship. This helps explain why the lawyers involved in the Hard Scrabble Riot of 1824 could conclude that destroying black neighborhoods promotes the "morals of the community."

Amidst this transformation, blacks were disenfranchised in Rhode Island. It occurred in rather unceremonious fashion. Indeed, very little was written at the time about the changes in the voting laws referred to the racial exclusion, except for a few newspaper articles which reported without commentary on the legislative session of the General Assembly. On January 18, 1822, just four days after the vote was cast to disenfranchise blacks, the *Providence American* ran a story that mentioned the racial restriction on voting almost as an afterthought:

The Election Law has been so amended, that no one, who is not possessed in his own right, of real estate of the value of 134 dollars, free of encumbrance, shall be entitled to the privileges of a freeman. This amendment, it is obvious, will operate as a sufficient check upon the manufacture of fraudulent votes. The right of eldest sons to vote by virtue of estates belonging to their fathers is abrogated, as being a relic

⁸⁸ *Ibid.*, p.3. This is not completely unlike the contemporary debate over affirmative action. Proponents of the latter argue that 30+ years of preferential treatment cannot reverse the historical reality of slavery and institutionalized discrimination, while opponents look at the lagging standardized test scores of blacks and argue that the differences are due to natural ability.

[sic] of feudal times, incompatible with the genius of free institutions. An attempt was made to dispense with the existing property qualification of voters; but the House had the good sense to reject the plan by a decided majority. The law was further amended, so as to deny the privilege of voting to all persons except free *white* males.⁸⁹

The very next day the *Newport Mercury* ran a condensed version of the exact same column; no mention was made of the racial voting restriction in *The Rhode Island Republican* in its summary of the General Assembly's proceedings shortly thereafter.⁹⁰ There was little or no outcry from the black community of the state, and very little explanation has been given for the change by either political actors of the time or later commentators.⁹¹ Prior to 1822, though blacks could legally vote, it has been estimated that few in Rhode Island actually met the \$134 freehold qualification and voted.⁹²

So why the move to disenfranchise? No clear explanation can be given here. But let me suggest one hypothesis before returning to a discussion of the re-enfranchisement of blacks in the wake of the Dorr War. Because there was no real threat from the electoral strength of the black community, I suggest that the move to disenfranchise may have been a symbolic act that has its justification the racial dynamic of the time in states bordering on Rhode Island. Immediately following the War of 1812, state after state revised its constitution. Furthermore, states bordering Rhode Island had enacted constitutional reform with similar racial restrictions in the previous years. Connecticut's state constitution was

⁸⁹ *Providence American*, January 18, 1822.

⁹⁰ *Newport Mercury*, January 19, 1822; *Rhode Island Republican*, February 6, 1822.

⁹¹ There is hardly any discussion of the disenfranchisement of blacks to be found in any of the voluminous accounts of the Dorr War and the events that led up to it. Later historians of the Dorr Rebellion (Mowry, Gettleman, Conley) mention the disenfranchisement of blacks in passing but do not offer detailed accounts or explanations of the change. Cottrol suggests that the change in voting laws was due to the heightening racial conflict between working class whites and blacks in the state. Lemons and McKenna intimate that racial disenfranchisement was due in large measure to the lack of political, social and economic organization of the black community. See Cottrol, *The Afro-Yankees*, p.43; J. Stanley Lemons and Michael A. McKenna, "Re-enfranchisement of Rhode Island Negroes," *Rhode Island History*, v.30 no.1 (1971), 3-13. Bartlett has a chapter on the suffrage and Negroes in his brief *From Slavery to Citizen*, but mentions the 1822 change only in passing.

⁹² See William H. Robinson, *Blacks in 19th Century Rhode Island: An Overview* (Providence: Rhode Island Black Heritage Society, 1978), p.66.

altered in 1818 and extended the franchise only to white males, while in 1821 New York's placed a \$250 freehold qualification on black males. Rhode Islanders were certainly aware of the changes occurring outside the state: as early as 1820, the *Manufacturers' and Farmers' Journal* called attention to the Connecticut constitution adopted in 1818 and the constitutional convention recently convened in the state of Massachusetts.⁹³ Throughout the winter of 1820 and the spring of 1821, the *Journal* ran a series of articles denouncing the Charter and calling for a constitutional convention formed by the people. Echoing George Burrill's Revolutionary rhetoric of the previous generation, the editorials argued that the right of revision of the Charter rested with the King; but since drafting of the Declaration of Independence there was nothing to prevent the General Assembly from granting this power to the people. The *Journal* declared: "This provision of the charter could not be repealed by the general assembly, so long as the controlling power of the crown existed - but, when that power was annihilated by the Revolution, the assembly was enabled to repeal either this, or any other security of the people's rights which the charter contained."⁹⁴

It may well be the case that the General Assembly of Rhode Island saw the changes enacted in neighboring states and followed suit. Whatever the justifications, the disenfranchisement of blacks in Rhode Island in 1822 came as a result of the convergence of economics, politics, and racial ideology. On the one hand, blacks were forging their own communities and seeking employment in an increasingly industrialized environment, thus pitting them against whites in the labor force. On the other hand, whites were migrating to urban centers, also seeking employment. At the same time, calls for constitutional reform reached a heightened pitch as more Rhode Islanders found themselves disenfranchised. Through the 1820s and 1830s, blacks receded within their own communities and practiced

⁹³ *Manufacturers' and Farmers' Journal*, November 27th, 1820.

⁹⁴ *Ibid.*, April 16th, 1821.

their own uplift ideology. Meanwhile, the rest of Rhode Island, far from a "white man's republic," had become an oligarchy run by the landholding Democratic farmers and the urban Whig merchants.

Re-enfranchisement Amidst Chaos: The Dorr War, 1841-1843

The election of 1840 brought a landslide victory to the Whig party both at the state and national level. In state elections, Whigs captured the governor's office and took control of the General Assembly. That same year the General Assembly sent James Simmons, a Whig, to the U.S. Senate. And William Henry Harrison trounced Martin Van Buren in presidential balloting. As head of the Democratic State Committee, Thomas Dorr was thoroughly embarrassed by the election results. Yet the election also caused a backlash of sorts, and actually had the unintended consequence of rejuvenating the suffrage movement. Turnout in the state was higher in 1840 than at any other time since 1818; the increasing number of nonlandholders saw the excitement created by the election for president and became aroused. Furthermore, the campaign tactics used by the Whigs were copied by the suffragists to jar the nonlandholders of the state from their political slumber.⁹⁵ A rejuvenated suffrage movement was also more organized as it geared up in its efforts to mobilize the disenfranchised of the state.

By 1840 Thomas Dorr moved to forge an alliance with the New York Equal Rights Democrats, also known as the Locofocos, to fight for political change in Rhode Island. Despite his frustration with the partisan deadlock on constitutional reform, Dorr nevertheless switched allegiances and became a "Democrat" - but a member of a small emerging faction

⁹⁵ These included marches, songs, the use of banners and slogans ("Tippecanoe and Tyler too" vs. "Little Van"), and bonfires.

of the Democratic Party that was assuming a regional identity. It must be remembered that the local Jacksonian Democrats were vigorously opposed to all reform measures. Nonetheless, by 1840 Dorr's faction and the agrarian, Jacksonian Democrats had entered into an uneasy alliance. In the wake of the election, agitation once again increased around the extension of the suffrage. On the heels of the 1840 election the Rhode Island Suffrage Association was born. It began to publish its own newspaper, the *New Age and Constitutional Advocate*, in November 1840. The *New Age* railed furiously against the landholders and printed acerbic editorials arguing for changes in the constitutional system of government in Rhode Island. It did so by once again invoking the natural rights philosophy found in Revolutionary rhetoric and making an appeal to the inalienable rights granted to all men. In its December 4th, issue, it said:

The right of suffrage is one of the natural rights of man. Deprived of this, he is incapable of self-protection, unless indeed, superior strength should give him what nature or society had deprived him of. In this case, *might* alone would constitute the quantum of right and justice which he held...Deprived of the right of suffrage, we have no protection for either life, liberty, or happiness, other than the will of accidental circumstances which governs others; they may provide for our happiness, and throw the strong arm of law around us to protect our life substance. But even here we are dependent on others, a dependence degrading to a great mind, calculated to degenerate and destroy the natural independence of our soul. For the line of natural and political justice is straight and direct - none can be elevated above it.⁹⁶

In early 1841 the Suffrage Party was created on the strength of the Suffrage Association and immediately held a series of mass meetings calling for an extralegal convention to write a constitution for the state. Originally, Dorr had played no part in the creation of either the suffrage association or the party and declined to be drawn into it as late as May 1841. Yet, when a "People's Constitutional Convention" was called on July 24th, Dorr became part of

⁹⁶ December 4th, 1840.

the movement. In August, he was elected as a delegate to the convention which was to convene on October 4th to draft a new constitution for the state.

With the urging of Dorr and other leaders of the Suffrage movement, elections for delegates to the convention were declared open to all male citizens regardless of nativity or race. By that summer and early fall, however, the issue of race was brought to a head. In September, a Suffrage Association assembly in Providence excluded blacks from participating. The incident began a debate in the city's newspapers. A suffrage sympathizer, writing in the *Providence Journal* under the pseudonym of "Town Born", drew upon Revolutionary rhetoric to argue for black suffrage:

Much fault has been found with the Association by some cavaliers, because upon their own principles they do not seem inclined to admit our colored brethren to an equal participation in suffrage. It is said, if "all men are born free and equal," if "the right to vote be a natural and inalienable right,"...why does the mere accident of color make a difference?⁹⁷

Yet, Town Born also expressed a keen understanding of the venomous racial animosity among the poor whites in the Association. He argued that, "...we know that, as a general rule, the Association thought it might be too great a shock to public sentiment to allow colored men this privilege, although as a matter of consistency, and to avoid giving offense to our abolitionist friends, the call was so worded as to include them." At the end of his editorial, Town Born cautioned blacks to be patient, for as soon as white universal suffrage was achieved, the Association would turn its attention to the suffrage of blacks. Two days later, a black man responded to Town Born's editorial with a forceful rejoinder on why blacks should not wait:

⁹⁷ *Providence Journal*, September 15, 1841.

From some of the views expressed by "Town Born," in his last number, I am compelled to dissent. If I do not misunderstand him, he is disposed in accommodation to the unreasonable prejudices of the country, to exclude, even under the new dispensation, the approach of which he hails with so much delight, our colored fellow citizens from the right to vote and to be elected to office. To be sure, he encourages them with the prospect of redress, at a different day, when the full blessings of universal suffrage shall come to be felt throughout our borders. In this matter, however, I would submit to no delay, consent to no compromise.⁹⁸

On September 24th, the black suffrage leader Alfred Niger was nominated by the executive committee to be treasurer of the Constitutional Convention that was to meet two weeks later. The majority in the committee favored Niger; a minority favored Thomas Green, a white. As the *Providence Journal* reported on September 27, 1841, the person responsible for nominating Niger was an ardent opponent of Negro suffrage and only nominated him in order to "smoke out" pro-Negro suffrage and pro-abolitionist members of the party. Many other members of the convention objected to a black man in a position of leadership. A vote was taken, and Green was elected by an undisclosed margin.⁹⁹

As the People's Convention convened on October 4th, 1841, racial tensions began to flare up within the Suffrage Association. Dorr and fellow suffrage leader Benjamin Arnold continued to plead for universal male suffrage regardless of race. Within the first days of the convention a motion was introduced inserting the word "white" into the suffrage qualification. In response Dorr introduced a petition by black leader Alexander Crummell which was read on the floor of the convention. It stated:

⁹⁸ *Ibid.*, September 17, 1841.

⁹⁹ *Providence Journal*, September 27, 1841.

The article to which we refer, disenfranchises that portion of the community generally entitled "colored." The reason for this proscription is seen in the terms employed - it is the existence of the fact *color*. We regard the proscription as unwarrantable, anti-republican, and in tendency destructive; and as such we protest against it... We are mostly native born citizens. We have lent our best strength in the cultivation of the soil, have aided in the development of resources, and have contributed our part to its wealth and importance. We have long, but with little aid, been working our way up to respectability and competence. It is evident to open eyes, that, repulsed and disenfranchised as we have been, we have, nevertheless, been enabled to possess ourselves the means and advantages of religion, intelligence, and property. Debarred as we have been of the advantages of learning, and denied participation in civil prerogatives, we unhesitatingly assert that we will not suffer by a comparison with our more privileged fellow-citizens of the same rank, in either religion, virtue, or industry.¹⁰⁰

Crummell's plea not only drew upon natural rights-based, republican principles, but also - and perhaps more importantly - the very experiences of the black community of Rhode Island over the previous two decades. In attempting to overcome the essentialist rhetoric of those arguing against black suffrage, Crummell and his colleagues argued that blacks had lifted themselves up from slavery to become good and productive citizens, and had proven themselves responsible for all the rights and privileges of citizenship.

Is a justification of our disenfranchisement sought in our want of christian character? We point to our churches as our reputation. In our want of intelligence? We refer not merely to the schools supported by the State, for our advantage, but to the private schools, well filled and sustained, and taught by competent teachers of our own people. Is our industry questioned? This day, were there no complexional hindrance, we could present a more than proportionate number of our people, who might immediately, according to the freeholder's qualification, become voters.¹⁰¹

Crummell's petition closed by once again tying the struggle of blacks to both the Revolutionary struggle 70 years prior and the struggle of the suffragists of the times.

¹⁰⁰ Quoted in *Burke's Report*, p.111.

¹⁰¹ *Ibid.*

Whether this may be so or not, political experience, the annals of nations clearly teach that there is always danger in departing from clearly defined universal truths, and resorting to unjustifiable and invidious partialities. We trust that your respected body, in the influence you can exert, will not do this. By all humane feeling, by all regard for principle, we entreat, do not this great wrong to us.¹⁰²

After the petition was read, Benjamin Arnold then took the floor and moved to have the word "white" stricken from the suffrage clause. As the *Providence Journal* reported on October 11, Arnold "considered himself bound to make it as a friend of the convention. It was according to all the principles upon which the suffrage association had been founded, and upon which they had hitherto acted. They were now to carry out these principles in action. And it was their duty to be true to them."¹⁰³ As proof, Arnold read from the resolutions passed earlier that year at the state meeting in Newport, which allowed for every American citizen to vote regardless of race. As he spoke, Arnold was interrupted by Nathaniel Mowry from Smithfield who complained that Arnold was mistaken: a different body from the Rhode Island Suffrage Association had approved of blacks to vote.¹⁰⁴ He further reasoned that if blacks could vote, they could also be "elected office; and a nigger that might occupy the chair where your honor sits. A pretty look that would be."¹⁰⁵ After the chairman restored order, Arnold responded that he was appealing to "human rights." He stated that he was "for rights and justice and freedom, and [I] joined the Suffrage cause because [I] thought these were the great causes of that movement." Arnold then concluded by urging his fellow suffragists to act on principle rather than expediency. "[You were] sent to act on fundamentals, not expedients, to form a Constitution in the spirit of truth, justice, and freedom, on the basis of the immutable and eternal principle."¹⁰⁶

¹⁰² *Ibid.*

¹⁰³ *Providence Journal*, October 11, 1841.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*, October 9, 1841.

¹⁰⁶ *Ibid.*

After Arnold spoke, several other delegates rose to speak against the racial exclusion. Colonel Wales stated:

[I do not] know what right [we] had to form a constitution enfranchising one part of [our] fellow citizens and disfranchising another....Did they choose their complexion when they came into the world? They were brought into existence arbitrarily, and ought not to be classed among criminals and malefactors as unworthy of the rights of suffrage. It [is] enough for [me] that they were men and American citizens.¹⁰⁷

Opposition to the removal of the racial restriction was just as passionate. William Spencer countered that his constituents' ascriptive views would never allow them to vote for a constitution that granted the franchise to blacks. Welcome Sayles also argued from the utilitarian perspective of the "greatest good for the greatest number." "Blacks [have] no right to vote in neighboring states, and under the present conditions of society, there was no sympathy between the whites and the blacks. It [is] endangering the whole project to strike out this word [white], and might prevent the adoption of a republican constitution in this state. It [is] endangering the rights of 15,000 white men."¹⁰⁸

Thomas Dorr was the last to speak before a vote was taken on the suffrage clause with the word "white" in it. Dorr began by stating that he was

Bound to believe the assertions of the members relative to the feelings of [your] constituents, because [I can] not contradict them by any other proof...[I do] not think that the people of Rhode Island [are] so illiberal as they [are] represented. [I] had heard before that the people of Rhode Island were narrow and harsh in their prejudice, but [I have] inevitably found them in reverse. This Constitution [is] not democratic in the broadest sense of the word...This Convention would be inconsistent with their former declarations, with their bill of rights just adopted and would diverge from the great principles acted out by Roger Williams.¹⁰⁹

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*

He ended by reminding the delegates that blacks had fought valiantly during the Revolution and that other states had granted the rights of citizenship to blacks on equal footing with whites. Though he closed in passionate defense of the rights of blacks, Dorr's entreaties were to no avail. The delegates quickly voted 46-18 to retain the word white in the suffrage clause. However, Dorr's influence in the convention led to two minor if not altogether inconsequential compromises on the issue. Though blacks were to be disenfranchised, in the People's Constitution, they were also exempted from military service and taxation. Second, Dorr was successful in getting the delegates to agree to a clause in the People's Constitution mandating a popular referendum on the issue of black suffrage at the first annual election after the initial session of the People's Legislature.

The deliberations at the People' Convention were decried by abolitionists both in and outside of Rhode Island. The suffrage association responded immediately with attacks of its own on the abolitionists, accusing them of sabotaging the convention. Amidst the proceedings of the Convention, the *New Age and Constitutional Advocate* ran an editorial stating that

There are some half-dozen lecturers in this State at present from other States, who are determined to prevent the adoption, as they say of the People's Constitution; although any person on hearing them will see at once that their main object is to break down all organization of both Church and State and convert the people to *transcendentalism*. They openly declare that it is not right to vote for this Constitution with the word "white" out, and still they make that word a reason for going against it. Their force is set against all government regulated by law, and all friends of a regulated government of any sort should be against them, but strange as it may appear many of our opponents who have been so from the commencement have jumped on with this class of disorganizers in hopes to ride down our Constitution.¹¹⁰

¹¹⁰ *New Age and Constitutional Advocate*, October 8, 1841.

However, Garrison's *The Liberator* would not relent in its condemnation of the People's Convention. On October 29th, it ran a piece written by members of the Rhode Island Anti-Slavery Society announcing the massive attempt underway to defeat the People's Constitution.

It is time for [the people of Rhode Island] to wake out of sleep and wrestle mightily with a corrupt public sentiment which is crushing humanity to the dust; and making merchandize of the image of God. Especially should they act in a spirited and united manner, at this time, when an attempt is making in Rhode Island, by the pseudo friends of political reform, to make the rights of a man dependent on the hue of his skin!¹¹¹

Nearly one month later, the Rhode Island Anti-Slavery Society reported on the mobilization that was gearing up in expectation of the December vote on the constitution. "The free suffrage question was debated with great spirit and at much length; and nearly one thousand dollars were obtained in money and pledges to blot out the proscriptive word 'white' from the new State Constitution which the free suffrage party are soon to present to the people."¹¹² Included in this effort was Frederick Douglass, who traveled to Rhode Island to assist in efforts to defeat the People's Constitution. But his and the rest of the abolitionists' efforts failed. In December 1841, the People's Constitution was approved overwhelmingly by state voters by a margin of 13,944 to 52. And with it the ties between the radically democratic Suffragists and the state's 3,000 black citizens were completely severed.

In late October after the People's Constitution was completed, black leaders immediately moved to petition the conservative landholders faction to test the latter's support for black suffrage. The landholders were gearing up for their own constitutional convention which was to take place in November 1841. Earlier that year, and much as they

¹¹¹ *The Liberator*, October 29th, 1841.

¹¹² *Ibid.*, November 19th, 1841.

had done since the late 1820s, blacks had petitioned the reactionary General Assembly for the basic right of citizenship. The same Alfred Niger who was nearly elected as an officer to the People's Convention, had made the case for black suffrage in an eloquent petition. Once again he drew upon the republican principles that had fueled the suffrage debate throughout the previous decade:

The memorial of the colored citizens of Rhode Island would respectfully represent: that the laws and statutes of the state, now to be amended, the colored population are denied the right of suffrage - debarred from the immunities of citizenship. To your honorable body...we beg with deference to present our claim and to ask an equal participation in the rights and privileges of citizenship. We are native born citizens descended from an ancestry stretching back to period almost coeval with the first settlers of the country. On American soil, beneath American skies, surrounded by American institutions, we first beheld the light of the impartial sun. Born in no foreign clime, not accustomed to a political creed repugnant to democratic principles and republican usage, we are members of the state of Rhode Island under the government of the United States, familiarized from youth with the nature, features, and operations of our government of our government, whose excellencies and peculiarities are accordant with the flow of our feelings and the current of our thoughts...And we have done service to the country. By the dint of our labour - by hard work and earnest activity, have we for years lent our best strength in the cultivation of the soil, in the development of its resources, and in contributing to its wealth and importance. If at any time danger threatened; the aid and defence we have contributed, has been more than proportionate. There is hardly a Battle field in the country but what is enriched with the blood and bones of colored men. Throughout the entire revolution they contributed their aid. They were seen at Bunker Hill, they were present at YorkTown. The most splendid naval achievements were owing to no small extent to the valor of colored Americans...As citizens we have at all taken our part in common burden and expenses; we have at ways been ready and prompt tax payers. If there is any considerations that may be offered on the part of any of the people, why they should participate in the privileges of citizenship; we know of no one who can present more or weightier ones than we. We have been and are a wronged people - yet have done the country no injury. In the construction of a State Constitution for which your honorable body was appointed, and which you now purpose - we beg that our claims may not be forgotten: - we respectfully ask a participation in the prerogatives of Citizenship.¹¹³

¹¹³ *Petition from the Black Citizens of Rhode Island, 1841* (Rhode Island State Archives).

Blacks had no choice but to turn to the conservative forces - known by the early 1840s as the Law and Order Party - in control of the government for help. While the Law and Order Party opposed the People's Constitution, the product of its own constitutional convention held in November 1841 was no more beneficial to Rhode Island blacks. It too barred blacks from voting. But remaining true to the nativist sentiments upon which party ideology rested, the new constitution also set a property for naturalized white males at \$134. By contrast, the People's Constitution made no distinction between native born and naturalized white males. The landholders began to release broadsides designed to prey upon nativist fears:

By the People's Constitution, should it go into operation, a large body of foreigners already in the State, would be brought immediately to the polls...Thereby our native mechanics and workingmen would suffer by the competition, for labor; and the balance of political and civil power would inevitably be placed in the hands of emigrants from foreign countries, who would, either directly or indirectly control the State. Let native American citizens pause and reflect, and honestly decide, if they are or are not willing to become subject to such control; and then act accordingly.¹¹⁴

Though the conservative forces created a media blitz in support of the "Legal" Constitution, it failed by the small margin of 676 votes out of 16,702 cast. Buoyed by the "ratification" of the People's Constitution and the defeat of the Legal Constitution, the Suffragists immediately called for an election to vote for state officers. In April 1842, Thomas Dorr was elected to the governorship in an election where only 6,539 votes were cast. In May, he moved to seize the Providence arsenal and the reigns of government. By this time the conservative forces had been promised federal assistance from President Tyler in the event of civil unrest. Within a few days the conflict fizzled as Dorrites scattered and Dorr himself fled the state. However, while in exile Dorr promised to return to Providence and capture what in his eyes was his constitutional and hence legitimate right to power. In

¹¹⁴ Quoted in Lemons and McKenna, p.10.

the meantime, he traveled to other states garnering support for his cause, finding it in many places. For example, Dorr was received warmly by New York's Democratic machine Tammany Hall in mid-May 1842 and was promised armed assistance from several units of the New York militia should they be needed. William Cullen Bryant's *Evening Post* supported Dorr's cause, and upon his departure the Democratic party hosted a colorful parade to honor Dorr attended by prominent politicians such as Samuel Tilden and Ely Moore.¹¹⁵ This outside support gave Dorr the confidence to believe he could actually win in an armed insurgency.

In June he returned to Rhode Island with a rebellious army upwards of 1,100 men ready to march on Providence. The "legal" government officials were ready. On June 25th, Governor Samuel King declared martial law and assembled nearly 3,000 troops in Providence. At the request of the Law And Order Party, Providence's black community raised two companies and nearly 200 men, which eventually became part of the Providence Home Guard and helped patrol the streets of the city. The army of the chartered government was quick in putting the Dorr rebellion down: by July 2nd, all government forces had returned to their home stations to resume civilian activities, and on July 4th – the day the People's Legislature was to reconvene with a Governor Dorr in the executive branch – the Providence militia held a massive parade to celebrate its victory.

Some commentators have asserted that the victory of the government's forces was due in large part to the help of the black community in and around Providence.¹¹⁶ Whether this is the case or not is less important than the political calculation made by both Rhode Island's blacks and the Law and Order Party amidst the Dorr turmoil. Faced with exclusion from the Suffrage Party's push for the extension of the franchise, the black community had

¹¹⁵ Conley, *Democracy in Decline*, p.336.

¹¹⁶ See, for instance, Lemons and McKenna, "Reenfranchisement of Rhode Island's Negroes," pp. 11-13.

no choice but seek a political alliance with the Law and Order Party. In turn, the Law and Order Party was for all intents and purposes indebted to blacks, and in return for their support, many leaders of the constitutional convention called in September 1842 advocated striking the word "white" from the suffrage clause. When the constitution was completed and ratified, blacks were granted the franchise, but foreign-born males in Rhode Island would have to meet the \$134 freehold qualification. In the last days of the convention, the delegates voted to drop the word "white" from the suffrage clause by a vote of 45-15.¹¹⁷ In November 1842, the constitution was approved 7,024-51 - though Dorr and the Suffragists urged their supporters to boycott it, which they did. By January 1843, due to the extraordinary events which flowed from the Dorr War, blacks were granted the right to vote in Rhode Island.

Conclusion

Reflecting upon the events of the Dorr War, Frederick Douglass commented that, "we cared nothing for the Dorr Party on the one hand, or the 'law and order' party on the other. What we wanted, and what we labored to obtain, was a constitution free from the word *white*."¹¹⁸ Indeed, blacks had made a political calculation in the midst of the conflict that worked to their advantage. Chased out of a coalition with the Suffrage Association, they had little choice. Blacks emerged on the winning side of the conflict and achieved their objective of the elective franchise. These outcomes may have merely been the result of chance and good fortune. In other words, black Rhode Islanders found themselves in the right place at the right time. However, to leave the discussion there is to overlook the underlying events that

¹¹⁷ Rhode Island House of Representatives, *Journal of the Convention Assembled to Frame a Constitution for the state of Rhode Island*, at Newport, September 12, 1842.

¹¹⁸ Quoted in Lemons and McKenna, p.11.

preceded the Dorr War and the factors that essentially made it possible for blacks to be "in the right place at the right time" and exploit the situation for advantage.

First, by the early 1840s blacks in Rhode Island had carved out a means of subsistence for themselves in the face of relentless political hostility and physical assault over the previous two decades and longer. To be sure, the petitions submitted by Alfred Niger and Alexander Crummell amidst the Dorr conflict were documents containing extraordinary rhetorical devices: they drew upon fundamental aspects of the American belief in industry, fairness, and equality. But they were more than mere rhetoric. From the 1820s on, blacks in Rhode Island had lifted themselves up and out of slavery with only scant help from paternalistic whites. By 1830, racial paternalism was all but dead in the state. Yet, by 1840 blacks could well make the case that they had been "industrious," and they pointed to their black churches and black schools, and the members of the community who had become well-to-do and respectable in the eyes of whites. Once the Dorr conflict ensued, their justifications for equal citizenship were backed up with some real solid evidence of their "worthiness."

Second, by the early 1840s the nativist sentiments amongst the Law and Order Party members had reached such proportions that, to the minds of the leaders of the Party, blacks posed less of a threat than white, largely Catholic immigrants. As Elisha Potter, Whig politician who had served as president of the constitutional convention of 1824, noted in the wake of the Dorr conflict: "[The Law and Order Party] would rather have the negroes vote than the d----d Irish."¹¹⁹ Nativism cut to the center of the Dorr conflict, a point that has often been overlooked by other commentators.¹²⁰ Furthermore, nativism was fueled in large degree by the growing presence of the abolitionist movement in Rhode Island, which as we

¹¹⁹ Conley, p.345.

¹²⁰ This is at least the conclusion of Patrick Conley, pp.309-10.

saw became intensely involved in promoting free suffrage for blacks throughout the Dorr War. Dorr sympathizer William Goodell underscored this point after the conflict when he wrote:

If abolitionists may stand aloof from the oppressed *white* men of Rhode Island, because they, and their friends in other states, stand aloof from the oppressed *colored* men of the country, then may the oppressed whites of R. Island, and their friends, on the same principle, stand aloof from the efforts of abolitionists, on the ground that they do not care, equally, for the rights of the poor and the wronged *whites*. Such a prejudice against abolitionists has extensively existed, from the beginning, because, it has been said, there are aristocrats in their ranks...If abolitionists can see white liberty crushed in Rhode Island, without alarm and sympathy, the objection will acquire vast force.¹²¹

Nativism and abolitionism combined to give blacks a space for political opportunity amidst the conflict. But that space was created only after the suffrage movement had succumbed to ascriptivism, against the wishes of its leaders.

Third and related to the previous two points, the Dorr War allowed the political space for the reemergence of racial paternalism in Rhode Island. Paternalism was an outgrowth of the Dorr War; to be sure; on the other hand, the discourse of racial paternalism also served as justification for the opportunity blacks received to prove their "patriotism" when the conflict erupted. I will come back to a point I have made in the previous chapters, which is to say that the paternalism was founded partly on expediency and partly on principle. In the case of Rhode Island, paternalism had its direct roots in the experience of the tiny rebelling colony during the Revolutionary Era. As a New York newspaper at the conclusion of the Dorr War put it:

¹²¹ William Goodell, *Rights and Wrongs of Rhode Island*, pp.4-5.

The colored people of the Rhode Island deserve the good opinion and kind feeling of every citizen of the State, for their conduct during the recent troublous times in Providence. They promptly volunteered their services for any duty to which they might be useful in maintaining law and order. Upwards of a hundred of them organized themselves for the purpose of acting as a city guard for the protection of the city, and to extinguish fires, in case of their occurrence, while the citizens were absent on military duty. The fathers of these people were distinguished for their patriotism and bravery in the war of the Revolution, and the Rhode Island colored regiment fought, on one occasion, until half their numbers were slain. There was not a regiment in the service which did more soldierly duty, or showed itself more devotedly patriotic.¹²²

The actions on the part of blacks during the Revolutionary War, which both fed and justified the racial paternalism of the Revolutionary Era, were played out again during the Dorr War. Blacks had proven themselves - once again - worthy of the rights of citizenship amongst the white elite of the Law and Order Party. Their reward was the elective franchise. Once again, Goodell understood the paternalistic sentiment undergirding the choice of the law and order men to grant the franchise to blacks when he wrote:

Up to [May 1841], as we know, the suffrage party were hooted at, for wishing to admit the 'low Irish and the niggers to the polls...But the tune has turned now. When the contest came lately, to the sword, the city aristocracy were [sic] willing to have the help of the colored people, the most of whom were their dependents, their laborers, their coachmen and their domestics. They enrolled them as firemen, and admitted some of them into the military...the admission of the dependent colored people to vote, as well as to fight, and the boast of their support, *answers their selfish purposes and is impudently trumpeted to their praise.*¹²³

If these are the factors that allowed blacks to be "in the right place at the right time" when the Dorr War ensued, I want to close here by addressing the formation of racial politics that resulted from the conflict. In my introduction I suggested that partisanship structured racial political opportunity, but that racial conflict also structured

¹²² Quoted in William C. Nell, *Colored Patriots of the Revolution*, p.131.

¹²³ *Ibid.*, p.12.

coalition formation. The evidence supports the claim that a realignment of the political parties took place in the state, but also that race played a large role in it. Before the Dorr War, the partisanship displayed by the Whigs and the Democrats in Rhode Island was structured more by statewide demographic and sectional conflicts than by national ideological divisions. Thomas Dorr himself began his political career as a Whig, became a founding member of the Constitutional Party in the mid 1830s, switched his allegiance to the Democrats in the late 1830s, and then aligned himself with the Suffrage Association and its offshoot, the Suffrage Party. Indeed, the suffragists transcended the conventional partisan lines, as Richman makes clear: "As for the Dorr Rebellion and national party politics, there is a sense in which at first there no connection between them. The suffragists were composed of Whigs and Democrats alike."¹²⁴ After the Dorr War, two political parties of Rhode Island aligned more closely with the national parties on the issue of race. The Democrats indeed became the Jacksonian "white man's party" after the conflict, while the Whigs formed an alliance with blacks until their demise in the mid 1850s. Cottrol estimates that somewhere between 700-1,000 blacks voted consistently - comprising anywhere from nearly 5%-22% of the vote - after their enfranchisement in 1843.¹²⁵ At times it was the difference between winning and losing. For instance, the Whigs lost the gubernatorial race of 1845 by a few hundred votes, but managed to win it the following year by less than one hundred votes. During the election of 1848 in which the slaveholding Whig Zachary Taylor was matched against Democrat Lewis Cass and Free Soiler Martin Van Buren, the Whig newspaper *Providence Journal* drew upon the paternalism that had led to the enfranchisement of blacks and reminded

¹²⁴ Richman, *Rhode Island: A Study in Separatism*, p.306.

¹²⁵ Cottrol, *Afro-Yankees*, p.78.

them of the alliance they had formed. The day before the election that November it stated:

The party which gave you the right to vote asks for your votes tomorrow. The men who have always stood by you ask you to stand by them. They ask you to do no new thing, to support no new principles, but only to stick by your old friends and your old principles. They ask you to stand by the Whig Party, which is our party and your party; - the party of freedom and liberality and of all enlightened progress...After having enjoyed the right of suffrage for six years and during all that time maintained the character of orderly citizens, will you now make Dorrites of yourselves by voting for Martin Van Buren...It is almost an insult to ask such questions. We know that you will not; we know that you will vote tomorrow just as you have always voted and will give another evidence of your attachment to correct principles and sound government.¹²⁶

Despite misgivings about voting for a slaveholder, blacks in Rhode Island voted the Whig ticket faithfully that year and continued to do so until antislavery and nativism completely consumed the party in the mid 1850s. By then, racial paternalism had already taken hold.

¹²⁶ *Providence Journal*, November 6, 1848.

Chapter 7

Conclusion: Race, Party and Discourse in the Antebellum North

Herein lie buried many things which if read with patience may show the strange meaning of being black here at the dawning of the Twentieth Century. This meaning is not without interest to you, Gentle Reader; for the problem of the Twentieth Century is the problem of the color-line.¹

Standing on the precipice of the twentieth century, DuBois asked the gentle readers of *The Souls of Black Folk* to cast their glances backward with him to consider how the color-line had come to be *the* perennial problem in America since its origins. If DuBois sought to sketch out the shape of the Twentieth Century, that task was only to be accomplished by bringing into sharp relief its prelude. In this sense, *The Souls of Black Folk* is a work of both remembrance and admonition - just as much a reminder of the "presence of the past," to borrow a phrase from Sheldon Wolin, as a harbinger of things to come.

DuBois' wrote *Souls* just over three decades after the war to free the four million enslaved black souls in the South ceased. It appeared at a time when the race problem in the United States had been forgotten, i.e., pushed to the backburner of the national political agenda. The Republican Party had given up its attempt to "reconstruct" the South at the moment the Democratic Party sought to "redeem" it by writing blacks out of a social contract founded squarely on the concept of whiteness. DuBois admonished his readers that this "new" social contract taking shape at the dawn of the twentieth century looked very much like the old one. To paraphrase Charles Mills, both were underwritten

¹ W.E.B. DuBois, *The Souls of Black Folk* (New York: Bantam Book, 1989), p.xxxi.

by race.² Thus, the "grain of truth" DuBois asked his readers to seek in the pages of *The Souls of Black Folk* was the contours of an American social contract premised on a prior, more basic racial contract.

Such was the dogged tenacity of the color-line, and DuBois would issue constant reminders of its significance throughout his long career. Three decades after the publication of *Souls*, he wrote in *Black Reconstruction in America*:

The most magnificent drama in the last thousand years of human history is the transportation of ten million human beings out of the dark beauty of their mother continent into the new-found Eldorado of the West. They descended into Hell; and in the third century they arose from the dead, in the finest effort to achieve democracy for the working millions which this world had ever seen. It was a tragedy that beggared the Greek; it was an upheaval of humanity like the Reformation and the French Revolution. Yet we are blind led by the blind. We discern it in no part of our labor movement; no part of our industrial triumph; no part of our religious experience.³

The foregoing pages should be viewed as a modest attempt to take DuBois' admonitions seriously. I have placed a singular focus on the problem of the color-line in this work, but have sought to do so by remaining within three basic parameters - all of which in their own way flow directly or indirectly from DuBois' work. First and most fundamentally, I have cast a glance backward in time to explore the question of how race has underwritten one portion of the American social contract. Though my study focuses on a relatively small section of the country during one limited period of time, it tacitly reveals, with DuBois, the central role that race has played and continues to play in the development of American politics.

Second, by focusing on racial voting restrictions in the antebellum North, I have sought to explore the question of what happens when race is "forgotten" in the United

² See Charles Mills, *The Racial Contract* (Ithaca: Cornell University Press, 1997).

³ *Black Reconstruction in America* (New York: 1935), p.727.

States, i.e., pushed to the backburner of the national political agenda. The ideological and discursive origins of the American Revolution unleashed tremendous political forces that had consequences unintended by many Revolutionary leaders. One was the degree to which the natural rights rhetoric of the Revolution would be used to justify the abolition of slavery. Revolutionary leaders could not make the case credibly that all human beings were by nature free and equal while continuing to hold three quarters of a million persons of African descent in bondage. Put another way, these early abolitionists argued that the American social contract could not legitimately (i.e., morally) be founded upon a racial contract. As we are well aware, efforts to write a more racially inclusive social contract during the Revolutionary Era met with limited success, just as similar efforts of the Radical Republicans during Reconstruction were by and large left incomplete. Most northern states enacted gradual abolition laws in the wake of the Revolution, while individual slaveholders in the South emancipated their slaves voluntarily. But the full rights of citizenship for blacks were not granted. While race played little or no direct role in the causes of the Revolution, the dynamic of the Revolutionary Era nonetheless placed race at the center of the national political agenda.

All of this was to change over the closing decades of the eighteenth and opening decades of the nineteenth centuries. From the 1780s on, race became a "local" concern, i.e., an issue for individual states to deal with as they saw fit. The Constitution had crafted a set of compromises and deferments over the issue of slavery which proved acceptable to northern and southern elites at the time. Compromise and deferment on the national level would continue throughout the antebellum period: the Missouri Compromise of 1820, the Compromise of 1850, and the Kansas-Nebraska Act of 1854 were all attempts by the federal government to appease both northern and southern

interests. Ultimately they failed in completely appeasing either side, and the issue of slavery would soon have to be settled on the battlefield. Meanwhile, state governments were free to implement policies pertaining to race - just as they were in the period of Jim Crow in the post-Reconstruction South.

With no federal protection, blacks were left to the mercy of the forces of state politics. In order to get a clearer sense of the dynamic of racial conflict during this "forgotten" period, then, an analysis of the development of state politics is required. This is what I have engaged in here. In this regard, the current study takes its bearings in form from V.O. Key's masterful work on the Jim Crow South, *Southern Politics in State and Nation*.⁴

This leads me to the third parameter within which I have attempted to remain. Both DuBois and Key understood that, without the watchful gaze of the federal government, individual states would be left on their own to craft policies pertaining to race. At the same time, each saw larger trends in the post-Civil War period within which the dynamic of state politics and policies had to be placed. For DuBois, the larger problem was of course the reemergence of an oppressive racial contract after the all-too-brief interlude of Reconstruction, at the center of which stood the "public and psychological wage" DuBois correctly claimed whites received in the United States.⁵ For Key, the problem consisted in the overall absence of party competition in the South that allowed the revamped racial contract to function effectively.⁶ Both scholars understood that particular state and regional developments must be placed within these larger contexts to determine, whenever possible, the impact of the latter on the former.

⁴ V.O. Key, *Southern Politics in State and Nation* (New York: Vintage Books, 1949).

⁵ *Black Reconstruction*, p.704.

⁶ Key, *Southern Politics*, especially chapter 14 entitled "The Nature and Consequences of One-Party Factionalism."

The context within which I have sought to situate this study is the grand narrative of American Democracy that unfolded in the opening half of the nineteenth century. Chilton Williamson has called that tale the transition "from property to democracy." During this period state after state in both the North and the South rewrote their constitutions, dropping property qualifications and thereby expanding the electorate. All of this took place amidst the transition from the first to the second party eras. As the age of Jacksonian Democracy got underway, political observers such as Alexis de Tocqueville extolled the virtues of Democracy in America. By the 1830s and 1840s, the United States could indeed boast that it had attained what no other country had: universal white male suffrage. The expansion of the suffrage along with role the Jacksonian era played in that expansion provide the crucial backdrop to this study. Clarifying the relationship between the slow steady march toward universal white male suffrage and the uneven enactment of racial voting restrictions in the North is one of the major goals of this dissertation.

The issue of racial voting restrictions has been explored here in four northern states with four very different outcomes, all during the antebellum period. As we have seen, New York placed a property qualification on voting for blacks of \$250 in 1821. Pennsylvania disenfranchised blacks in 1838. Massachusetts granted blacks the right to vote in the early 1780s and never denied them that right throughout the antebellum period. And Rhode Island first disenfranchised blacks by state statute in 1822 and re-enfranchised them in the wake of the Dorr War in 1843. My analysis of these different outcomes suggests that we can only understand them through an account of the development of each state beginning in the Revolutionary era. For it is there that we find the foundation to the "racial contract" created in each state. The historical inquiry

undertaken highlights the socio-economic, partisan, and discursive components to the racial contract of each state. It argues that the enactment of racial voting restrictions across state lines is a function of 1) the level of racial antagonism born of socio-economic conflict in each state; 2) the level of racial cleavage in partisan and electoral competition in each state; and 3) the strength of competing racial narratives in each state.

In looking at these four case studies, this work has drawn upon and engaged at least three areas of study: socio-economic approaches to racial conflict; treatments of the role race plays in partisan competition and coalition formation; and theoretical interpretations of the impact of race on the development of political culture. In concluding, I want to address how this study engages each of these areas of study - where it agrees with them, where it diverges from them, and where it goes beyond them.

The Socio-Economic Structuring of Racial Conflict

In the wake of the Revolutionary War, most northern states passed gradual abolition laws, referred to as *post nati* statutes. Of the four states under study here, only Massachusetts did not pass such a law: slavery was outlawed there through constitutional interpretation in 1783. Massachusetts was also the only state under study that listed no slaves in the first national census of 1790. For New York, Pennsylvania, and Rhode Island, the process of emancipation was gradual as the eighteenth century closed and the nineteenth century commenced.

The deliberate nature of emancipation in the post-Revolutionary period took place against a backdrop of tremendous social and economic change in the North. In each of the four states examined, the onset of the nineteenth century signaled the transition from an agrarian (New York, Pennsylvania and Massachusetts) or maritime (Massachusetts

and Rhode Island) economy to one based largely on manufacturing. At the same time, immigration was altering the ethnic makeup of many northern states. By the opening decade of the nineteenth century, New York and Pennsylvania had witnessed a significant influx of immigrants, particularly of Irish descent. By contrast, visible levels of immigration were delayed in Rhode Island and Massachusetts for several decades. The timing of immigration played a large role in the levels of racial animosity in each of these states, as we have seen.

Just up from slavery, blacks were faced with the difficult task of carving out independent lives for themselves and providing the means of economic sustenance. As I have pointed out, slavery operated much differently in the North than in the South. Rather than toiling on large plantations, slaves concentrated in northern urban centers worked as "domestics" in their owners' homes. As free blacks moved out of white households and into their own (segregated) communities, they sought work anywhere they could find it. Naturally, they competed on the lowest rung of the economic ladder with poor whites - many of whom were recent immigrants in places like Philadelphia and New York City. The socio-economic conflicts thus caused racial tensions in those areas where urbanization, immigration, and industrialization were the most pronounced. On the one hand, the larger the growing free black population, the more visible blacks were and hence the more resentment they faced. On the other, the earlier immigration, urbanization and industrialization took place, the more likelihood that racial animosities would flare up. This explains why New York and Pennsylvania experienced more racial conflict earlier than Rhode Island and Massachusetts. The social and economic milieu of the early nineteenth century across the North tested what Joanne Pope Melish has called "the

stability of social identity and the meaning of citizenship for whites as well as for people of color."⁷

By the early decades of the nineteenth century, socio-economic forces combined to structure racial conflict in northern states. Taken in this context, I agree with those authors who argue that "racial difference" is a social construct created out of socio-economic antagonisms. The findings here also confirm other works that have focused on arguments about "whiteness" and the origins of race discrimination. In *The Rise and Fall of the White Republic*, Alexander Saxton argues that racial difference operated with causal impact in the nineteenth century but was premised on economic (class) conflict. Saxton explains that "the hard side of racism generally appeared in nineteenth century America as a corollary to egalitarianism."⁸ The United States became a "white republic" largely because a coalition formed around the concept of white egalitarianism, united, among other things, in its animosity against blacks and those who would protect black interests. Developments in the early nineteenth century in New York and Pennsylvania, as well as in Rhode Island amidst the Dorr War bear out Saxton's conclusions.

David Roediger makes similar arguments about the creation or "invention" of whiteness. Roediger follows DuBois and argues for the primacy of race conflict in the United States. Eschewing a strict Marxist interpretation, Roediger concludes that, for northern workers in the nineteenth century, the "pleasures of whiteness could function as a wage."⁹ Richard Allen and Noel Ignatiev also focus on the creation of whiteness, but fasten their analyses on the ideological transformation of the Irish in America from a

⁷ Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780-1860* (Ithaca: Cornell University Press, 1998), p.1.

⁸ Alexander Saxton, *The Rise and Fall of the White Republic: Class, Politics and Mass Culture in Nineteenth Century America* (London: Verso Press, 1990), p.186.

⁹ David Roediger, *Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso Press, 1991), p.13.

racially oppressed group to one that became vigorous upholders of slavery and white supremacy.¹⁰ Examples of the Irish role in the creation and perpetuation of racial antagonisms abound in this study and confirm Allen and Ignatiev's findings.

The case studies here thus support the conclusion that the existence of a set of socio-economic factors served to create, structure, and perpetuate racial conflict. New York and Pennsylvania experienced significant racial tensions early in the nineteenth century, while Rhode Island and Massachusetts experienced racial animosities to a lesser degree and somewhat later. I argue that the timing and severity of the racial conflict was in part a function of the nature of gradual emancipation, and the onset of urbanization, immigration, and industrialization. These were all necessary conditions for the presence of racial conflict.

Most of the authors cited above, however, choose to leave their analyses there with the socio-economic structuring of racial conflict. In this regard, they have remained true to the New Labor History tradition of which many are part. These scholars deliver on their promise to write history "from the bottom up." I agree that the racial conflict witnessed in these four states was brought on initially by socio-economic forces that bubbled up from below to place demands on the political system. But leaving it at that assumes that the socio-economic structuring of racial conflict was determinative of political outcomes. Put another way, the "dependent variable" of racial voting restrictions in each of these four states was presumably directly caused by the socio-economic factors just discussed. It is here that I part ways with the New Labor History perspective.

¹⁰ Theodore Allen, *Invention of the Whites Race...*; Noel Ignatiev, *How the Irish Became White* (New York: Routledge Press, 1995).

The Racial Structuring of Partisan Competition

Nothing contained in this study suggests that the decision to either allow blacks to vote or write them out of the electorate was an inevitability determined by socio-economic forces. Furthermore, an analysis restricted to socio-economic conditions refuses to "subjectivize" the causes of political outcomes by identifying political actors who respond to the underlying demographic and socio-economic situation and seek to shape outcomes to their political advantage. What emerges from this study is that racial conflict, rooted in social and economic forces, became a political problem requiring a solution by political actors using the levers of the political machinery at their disposal.

From this conclusion we are inevitably led to consider the role that political parties in the first and second party eras played in these outcomes. As Klinkner and Smith write, "as political scientists we must insist that any analysis...must come to grips with the incentives that shape the behavior of political parties."¹¹ Most political scientists have placed political parties at the center of democratic political life, and many have argued that they are essential for the creation and extension of democratic values.¹² The question around which this dissertation centers - the right to vote - is of fundamental importance to any rudimentary definition of democracy. Consequently, we were led to analyze how partisanship and partisan competition affected the issue of racial voting restrictions, and how racial conflict structured partisan competition.

The findings here confirm the conclusions of some works which deal with race and partisanship while refuting others. For example, in *Uneasy Alliances*, Paul Frymer analyzes the impact of partisan competition on the articulation of the interests of African Americans. He argues that parties in the United States have compelling incentives *not* to

¹¹ Philip A. Klinkner and Rogers M. Smith, *The Unsteady March: The Rise and Decline of Racial Equality in America* (Chicago: University of Chicago Press, 1999), p.8.

¹² See for instance, E.E. Schattschneider, *Party Government* (Westport, Conn.: Greenwood Press, 1942).

incorporate and mobilize blacks into the political system because doing so would disrupt existing coalition formation within the political party. "The success of broad-based parties," Frymer writes, "rests on the marginalization of black interests."¹³ Blacks represent a unique group in U.S. history for the obvious reasons of the sordid history of slavery and discrimination. As a consequence, Frymer contends that blacks, more than any other group, suffer from what he calls "electoral capture," which he defines as those circumstances when the group has no choice but to remain in the party."¹⁴ Once part of the coalition that forms a political party, blacks have nowhere to go politically. Political leaders are aware of the dilemma blacks face. At the same time, they engage in their own political calculus; electoral incentives to win and maintain political offices lead them to downplay the interests of blacks because articulating these interests would lead to alienating the "median voter." Party leaders maximize votes while minimizing the articulation of black interests. Blacks, on the other hand, remained "captured" because, in a two-party system, there is really no alternative.

Frymer works from a rational choice perspective and makes the compelling case that party leaders from Martin Van Buren in the 1820s to Bill Clinton in the 1990s had little incentive to articulate black interests in seeking and holding on to office. Much of this study confirms Frymer's findings. For example, blacks in New York were a "captured" group of the Federalists in the first party era and then of the Whigs in the second. Evidence suggests that as early as 1800 the black vote in New York was decisive in certain municipal elections. Jeffersonian Republicans quickly moved to eliminate the electoral advantage of the Federalists by first intimidating blacks and then moving to disenfranchise them through a change in the state constitution. As I pointed out in chapter

¹³ Paul Frymer, *Uneasy Alliances* (Princeton: Princeton University Press, 1999), p. 7.

¹⁴ *Ibid.*, p. 8.

3, electoral incentive played a large role in the motivations of the political actors. After the constitution of 1821 placed a property qualification on blacks of \$250, those blacks still qualified to vote continued to vote the Whig ticket - even though the New York Whig Party refused to articulate forcefully the rights of blacks during the second party period.

A similar experience obtained in Rhode Island in the wake of the Dorr War. Given the franchise after the Law and Order Party put down Thomas Dorr's rebellion, blacks were captured by the Whigs and voted the Whig ticket loyally until the party's demise in the mid 1850s. As we saw in chapter 6, the Whig Party did little to articulate black interests during this period. For example, blacks in Rhode Island were pressed hard by Whig leaders to vote for presidential candidate Zachary Taylor in 1848 over the Free Soil candidate Martin Van Buren - even though Taylor was a slaveholder. Whig leaders consistently reminded blacks that they had been granted the franchise by the Whig Party. The granting of the franchise should then be repaid with black loyalty come election time. At the same time Rhode Island Whigs refused to press for the advancement of black rights. For example, Whigs refused to do anything about school desegregation or the right of blacks to sit on a jury even though they held political power after the Dorr War. In Frymer's terms, blacks had been "captured" by the Whig Party and had little alternative. Consequently, party leaders received the benefit of electoral capture without paying any of the costs in terms of policy preferences.

In Pennsylvania, the Democratic Party was able to disrupt the electoral capture of blacks by the Whigs when Democratic leaders were successful in placing a racial voting restriction in the state constitution adopted in 1838. Their efforts came on the heels of a controversial county election in which the black vote proved to be decisive. The Whig

Party had captured the black vote, and the Democratic Party disrupted the electoral capture through disenfranchisement. The latter was a means of maintaining electoral advantage in Pennsylvania for the remainder of the antebellum period.

Electoral capture of the black vote did not play a major role in Massachusetts. Throughout the antebellum period, black density remained miniscule in the state. Thus, blacks provided neither a decisive electoral advantage nor posed a real electoral threat to either of the parties during the first and second party eras. While electoral competition was stiff at times, the racial structuring of partisan competition was much weaker in Massachusetts than in New York, Pennsylvania, or Rhode Island. Overall in Massachusetts, however, one party dominated most of the time, and lost only to fusion campaigns. By then black voting rights were firmly established.

The concept of electoral capture helps to explain the racial dynamic of partisan coalitions in the current study and helps us to understand some of the outcomes here. But if Frymer's work assists us in our understanding of the incentives and limitations party leaders face while seeking to maximize votes, his work does little to help us understand the racial dynamic of *partisan coalition formation* in the first place. His analysis thus suffers from what most analyses working from a rational choice perspective are guilty of: first, Frymer assumes that the interests of political actors are fixed and driven mainly by electoral incentive, and second, Frymer's account fails to help us explain how political actors come to understand their (self) interests in the first place.

The Discursive Structuring of Racial Coalition Formation

Historical experience suggests that political elites are motivated both by ideological principle and electoral incentive. Often times the two are used in tandem to achieve

desired outcomes: party leaders maximize votes by employing certain ideological principles in the pursuit of those votes. In espousing ideological principles, political elites construct narratives about civic identity and the "people" meant to be part of that civic collectivity.¹⁵ In pursuing their objectives political elites tell the rest of us how the world works. At bottom, this is a discursive act - i.e., an act rooted in the use of language and narrative. Discourse and the use of narrative thus become a powerful lever in the political machinery employed by political elites as they seek electoral advantage.

My argument here - and indeed the place where this study contributes most to a study of race in the antebellum North - is that two competing racial narratives, what I have called "race cultures," were utilized across the four states in the antebellum period. Political actors constructed stories about race and citizenship and then asked the masses to imagine themselves characters in those stories. I have steered clear of calling either of these narratives "racist" for obvious reasons. On the other hand, each narrative was "racialized." Notwithstanding some efforts by political elites to the contrary, the civic community formed in each narrative involved in some way skin color and a concept of identity based on that skin color. I have termed these race cultures racial paternalism and racial ascriptivism.

Political actors in each of the four states employed either the discourse of racial paternalism or racial ascriptivism for partisan gain. The utilization of these discourses thus does not contradict rational choice perspectives; in fact, they serve to complement the findings of works such as Frymer's and others. However, my point in focusing heavily on these competing race cultures goes deeper. If it is true that political elites used racial paternalism or racial ascriptivism as a discursive tool to further their ends, then it is

¹⁵ See, for instance, Rogers Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997), p.6.

also true that it was through these racial narratives that political elites came to understand the racialized world they inhabited in the first place. No other means of comprehending that racialized world was available to them. A corollary to this point is to say that political actors could only comprehend their own interests within the context of racial paternalism and racial ascriptivism.

These two racial narratives formed the opposite points on an ideological spectrum on race in the United States. Taken together they constituted the *metanarrative* of race in America - a "discourse-in-being" - that had emerged well before the Revolutionary Era but which came into sharp focus around that time and in the decades to follow. While political elites used these narratives to shape the identity of the "people" for their own gain, they were limited in how far they could go in shaping the identity of the "people" because political elites themselves had in fact been shaped ideologically by the racial discourse they had inherited.

On one side stood racial paternalism, whereby whites sought a more inclusive society founded upon the relative equality between the races. It had its roots in the Revolutionary ideology of the 1760s and 1770s. Racial paternalism did not rest on a racial contract rooted in whiteness. But this is not to suggest that political actors espousing racial paternalism believed in the natural or social equality of blacks and whites. Racial paternalism cannot be considered a mere subset of the "liberal political tradition" espoused by Hartz, Myrdal or Tocqueville. On the contrary, many racial paternalists understood blacks to be inferior, but believed it was the duty of whites to uplift the black race out of the degraded condition within which blacks found themselves. It was impossible to discern if the degraded condition of blacks was due to their natural inferiority or environmental factors. Racial paternalists thus opted for the latter in the

construction of a racial narrative. And they employed the race culture of paternalism as they argued that blacks could be responsible citizens if the environmental factors which led to their degraded condition were removed. My contention is that they argued this point both as a matter of political expediency and as a matter of ideological principle.

On the other side stood racial ascriptivism, which political actors made use of to write blacks out of the social contracts formed and reformed state by state in the early nineteenth century. Racial ascriptivism held fast to the notion that blacks were inherently inferior to whites, and that the United States was to be a country founded upon the concept of whiteness. The racial ascriptivism which anchored Taney's decision in the *Dred Scott* case in 1857 had been in existence since before the Revolutionary War. But it began to make its way into the political discourse by the turn of the nineteenth century after the racial paternalism of the Revolutionary Era subsided. Racial ascriptivism would be utilized over the next several decades to argue for the disenfranchisement of blacks in New York, Pennsylvania and Rhode Island. Blacks should not be allowed to vote, went this line of thinking, because they were not competent to vote, or because the United States was the land for the "oppressed Sons of Europe," in Thomas Branagan's words. Massachusetts was the only state of the four that resisted ascriptive views throughout the antebellum period.

In making the case for the existence of these competing race cultures in the antebellum North, I have gone beyond previous understandings of "political culture" and the place of race within political culture as that term has traditionally been used. In short, few have gotten it right.¹⁶ Both the liberal and republican traditions fail to accurately capture the persistence of a certain set of racial attitudes in the sets of beliefs we associate

¹⁶ See chapter 2.

with liberalism and republicanism. Furthermore, while the current work builds on Rogers Smith understanding of "ascriptive traditions of Americanism," it goes beyond his formulation by analyzing the peculiar and specific way in which race was talked about in these northern states, beginning in the Revolutionary Era and continuing through the antebellum period. To be sure, there were racially ascriptive views of blacks and citizenship that led to the creation of discriminatory citizenship laws. The evidence here bears this out. But to rest the case with that generalization does not open access to a wider range of discourses that operated during this period. Where, for instance, do we place Alexander Hamilton, Peter Jay, or Charles Sumner in Smith's account? Were they "racial" liberals? Republicans? Racial ascriptivists? All argued for the rights of blacks when it came to questions of citizenship, and yet it is very unlikely they could be considered racial liberals in any sense that the concept is currently understood. It is for this reason that the current work contributes to a more nuanced understanding of race and political culture - or what I have called "race culture."

Relevance of This Study to Present Understandings of Racial Conflict

I began this concluding chapter by quoting the work of W.E.B. DuBois as a means of highlighting the way in which he incessantly drew attention to the problem of the color-line. The question may be posed as to what a work which focuses mostly on the beginnings of the nineteenth century has to say about a world standing on the precipice of the twenty first century. To be sure, the conclusions contained here are limited in time and place to the four states under study as they developed roughly from the Revolutionary Era through the middle decades of the nineteenth century. But ultimately I believe these conclusions can be used to explore larger, more general questions about the

nature and development of racial conflict in the United States: how blacks and whites become racially identified; what role discursive practices play in racial formation and identification; how the meaning of these identities and the accompanying discourse do or do not change over time; how racial conflict structures institutional development; and how institutions structure racial conflict. All of this is another way of saying that the color-line in America may be redrawn here and there, but it is never completely erased.

In *The Unsteady March*, Klinkner and Smith conclude by drawing parallels between the state of race relations at the end of the twentieth century to those at the end of the nineteenth. They unearth re-emergent patterns between the racial world they inhabit and the one inhabited by DuBois. The similarities are striking. Klinkner and Smith cite no less than eleven parallel movements that occurred at the end of the nineteenth century which they argue were afoot at the end of the twentieth.¹⁷ I would argue that, of these eleven, more than half had actually taken hold at the beginning of the nineteenth century as well, including the following:

- Arguments for State and Local Governance instead of National Governance;
- Emergence of Laissez-faire Ideologies;
- The Resurgence of Scientific Racism;
- Arguments about the Criminality of Racial Minorities;
- Calls for Immigration Restriction;
- Disempowerment of Black Voting;
- Abandonment of Integrated Public Education;
- Rise of Black Nationalist Doctrines;

¹⁷ See *The Unsteady March*, pp.317-351.

- Abandonment of Racial Equality by the Party of Reform.

In the period this dissertation examines, each of the themes listed above were used as part of the justification to institute racial hierarchies and write blacks out of the American social contract. The actual similarities which connect this earlier period to the turn of the twentieth century as well as the turn of the twenty first are perhaps less important than the normative justifications given in each of the periods. In other words, if there is continuity between eras, my sense is that it lies in the discursive debate about race, in the way that we talk about race and the ways in which we are limited in the way we talk about race. The "presence of the past" then lies in the racial narratives that were molded at the country's founding and which persisted in a modified form since. From the ascriptivism undergirding the racial hierarchies implemented in the post-Civil War, Jim Crow South, to the racial paternalism found in Justice John Marshall Harlan's dissent in *Plessy v. Ferguson*, to what Jim Sleeper refers to the "liberal racism" of the post-civil rights era,¹⁸ and to the debates that rage today over measurements of intelligence and its relationship to racial difference, it becomes apparent that the racial narratives over the sweep of U.S. history and into the contemporary era are not divorced completely from those earlier narratives which this work has sought to uncover. And future works which connect contemporary racial narratives or the seeds of contemporary race culture to those in a previous time period would help to further our understanding of the enduring problem of the color-line.

¹⁸ Jim Sleeper, *Liberal Racism* (New York: Viking Press, 1997).

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