★ PART ONE ★

Former Black-American Members

"*The Fifteenth Amendment in Flesh and Blood*"

THE SYMBOLIC GENERATION OF BLACK AMERICANS IN CONGRESS, 1870–1887

When Senator Hiram Revels of Mississippi—the first African American to serve in Congress—toured the United States in 1871, he was introduced as the "Fifteenth Amendment in flesh and blood."[1] Indeed, the Mississippi-born preacher personified African-American emancipation and enfranchisement. On January 20, 1870, the state legislature chose Revels to briefly occupy a U.S. Senate seat, previously vacated by Albert Brown when Mississippi seceded from the Union in 1861.[2] As Senator Henry Wilson of Massachusetts escorted Revels to the front of the chamber to take his oath on February 25, the *Atlanta Constitution* reported that "the crowded galleries rose almost en masse, and each particular neck was stretched to its uttermost to get a view. . . A curious crowd (colored and white) rushed into the Senate chamber and gazed at the colored senator, some of them congratulating him. A very respectable looking, well dressed company of colored men and women then came up and took Revels captive, and bore him off in glee and triumph."[3] The next day, the *Chicago Tribune* jubilantly declared that "the first letter with the frank of a negro was dropped in the Capitol Post Office."[4] But Revels's triumph was short-lived. When his appoint-

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Joseph Rainey of South Carolina, the first black Representative in Congress, earned the distinction of also being the first black man to preside over a session of the House, in April 1874.

Oil on canvas, Simmie Knox, 2004, Collection of U.S. House of Representatives

In a print featured in an 1870 Harper's Weekly, *Jefferson Davis's ghost lurked in the Senate Chamber, observing the swearing-in of the first black Senator, Hiram Revels of Mississippi. Revels's importance is given Shakespearean proportions by placing the words of Othello's villainous Iago in Davis's mouth. This print was drawn by artist Thomas Nast, who sympathized with Radical Republicans in Congress.*

Image courtesy of Library of Congress

Reconstruction:

Refers to both the 12-year period (1865–1877) and political process after the American Civil War in which the former Confederate states were re-admitted to the Union, beginning the nation's long process of readjustment after the end of slavery.

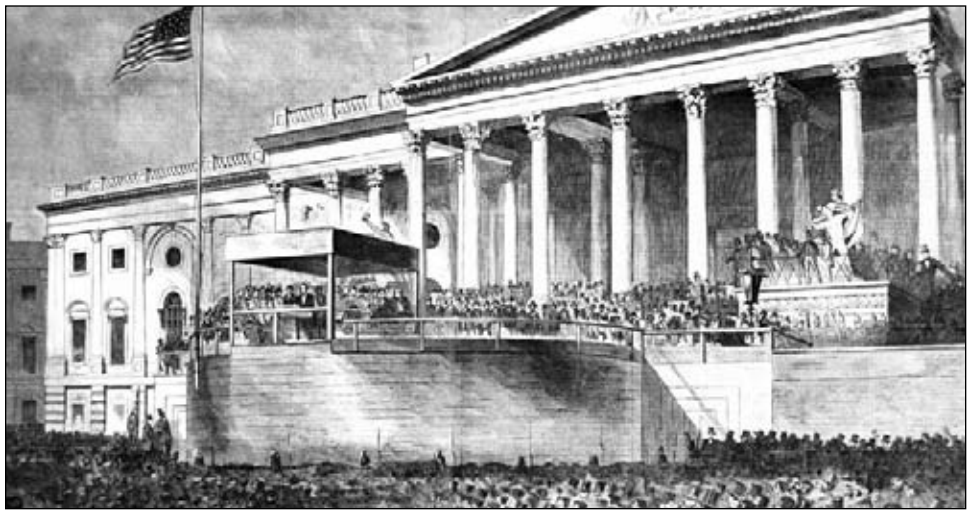
ment expired the following year, a leading white Republican, former Confederate general James Alcorn, took his place for a full six-year term.

In many respects, Revels's service foreshadowed that of the black Representatives who succeeded him during Reconstruction—a period of Republican-controlled efforts to reintegrate the South into the Union. They, too, were largely symbols of Union victory in the Civil War and of the triumph of Radical Republican idealism in Congress. "[The African-American Members] have displaced the more noisy 'old masters' of the past," a reporter with the *Chicago Tribune* wrote, "and, in their presence in [Congress], vindicate the safety of the Union which is incident to the broadest freedom in political privileges."[5] The African-American Representatives also symbolized a new democratic order in the United States. These men demonstrated not only courage, but also relentless determination. They often braved elections marred by violence and fraud. With nuance and tact they balanced the needs of black and white constituents in their Southern districts, and they argued passionately for legislation promoting racial equality. However, even in South Carolina, a state that was seemingly dominated by black politicians, African-American Members never achieved the level of power wielded by their white colleagues during Reconstruction. Though pushed to the margins of the institutional power structure, the black Representatives nevertheless believed they had an important role as advocates for the United States's newest citizens.

Reconstruction's New Order

On New Year's Day 1863, Republican President Abraham Lincoln signed the Emancipation Proclamation, freeing slaves in captured portions of the Confederacy, and changing the goal of the two-year-old Civil War from one of suppressing a rebellion and preserving the Union to bringing a new order to the United States.[6] The North's victory in 1865 elated the newly freed slaves, but their freedom also generated new questions about the future economic and political landscape of the South. Sweeping change transformed the former Confederacy in the decade that followed, as the Northern victors in Congress experimented with ways to reconcile with their former enemies.[7]

Radical Republicans were the driving force in Congress in the waning days of the Civil War. Primarily former abolitionists who represented Northern constituencies, these politicians looked to implement in the postwar South their "utopian vision of a nation whose citizens enjoyed equality of civil and political rights, secured by a powerful and beneficent state."[8] They emphasized the political equality of American men, yet with few exceptions, stopped short of calling for the social integration of the races. The venerable Charles Sumner of Massachusetts—a fiery, well-spoken abolitionist who endured an infamous beating from South Carolina Representative Preston Brooks on the Senate Floor in 1856— led the Radical Republicans in the Senate. Pennsylvania Representative Thaddeus Stevens—caustic, brooding, and a brilliant political strategist—led the charge in the House. Sumner and Stevens hoped Democratic President Andrew Johnson, who succeeded the assassinated President Lincoln in April 1865, would be even more harsh than Lincoln in readmitting Confederate states. But Johnson believed in limited federal intervention and did not share the Radical Republicans' sweeping vision of freedmen's rights. The President's plan granted amnesty to repentant former Confederates and turned southern politics over to Union loyalists. The administration and the congressional majority were



President Abraham Lincoln became a symbol of hope for African Americans. Harper's Weekly *published this image, shown here in detail, of the crowd gathered at the Capitol for Lincoln's first inauguration in 1861.*

Collection of U.S. House of Representatives.

soon at odds. Of the 29 vetoes issued by Johnson—many involving Reconstruction bills—15 were overridden, more than for any other President.[9]

Unable to circumvent Johnson, Radical Republicans sought to remove him. In January 1867, Republican Representative James M. Ashley of Ohio introduced a resolution, adopted by the House, instructing the Judiciary Committee to "inquire into the conduct of Andrew Johnson," with an eye toward impeaching the President. The committee initially rejected the measure. But in September 1867, after President Johnson attempted to dismiss Secretary of War Edwin Stanton—who opposed Johnson's Reconstruction plan and worked closely with congressional Radicals—the committee recommended impeachment proceedings in a 5 to 4 vote, claiming Johnson had violated the Tenure of Office Act (14 Stat. 430–432). The full House rejected that report, but Johnson was bent on confronting Congress. In February 1868, when the President again tried to dismiss Stanton, congressional retribution was swift. The House voted 126 to 47 to impeach President Johnson, though the Senate later acquitted him by a single vote.

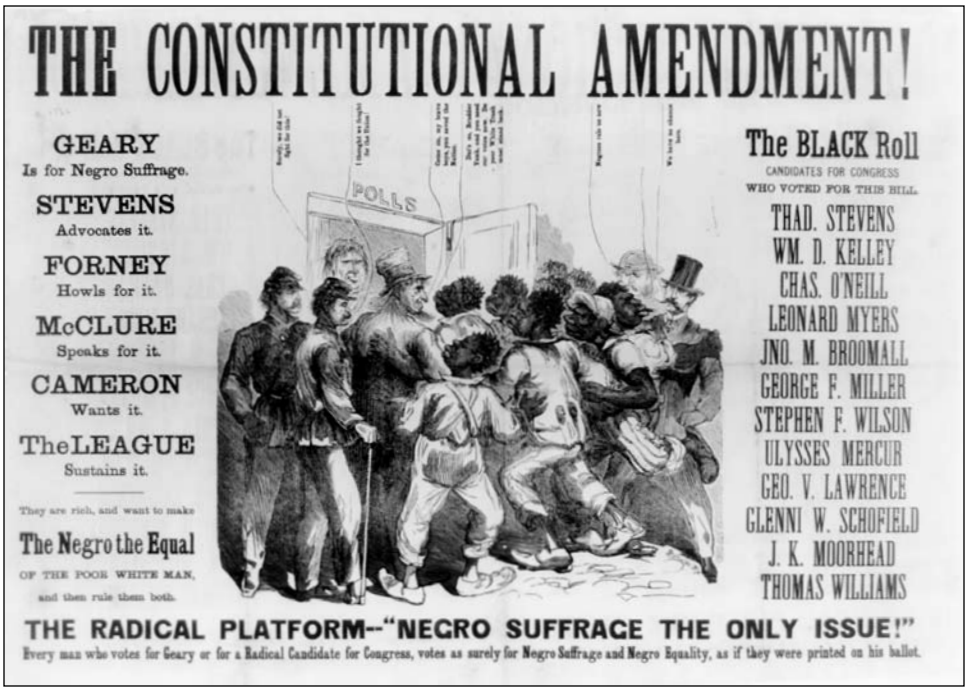
Even in the face of presidential intransigence, the Radical Republicans imposed a bold agenda of strict reforms upon the former Confederacy. Collectively, their push for African-American political rights surpassed any measure ever seen in the United States. The 38th Congress (1863–1865) quickly passed and submitted for ratification the 13th Amendment (13 Stat. 744–775)—outlawing slavery—in 1865. That same year, Congress established the Freedmen's Bureau (13 Stat. 507–509), which was charged with preparing the newly freed slaves for civic life by providing social services and education. In 1866, the 39th Congress (1865–1867) passed the first Civil Rights Bill (14 Stat. 27–30), granting American citizenship to freed slaves, and then expanded upon the legislation by approving the 14th Amendment (14 Stat. 358–359), which enforced the equality of all citizens before the law. On the final day the House met during the 39th Congress, the Radicals divided the former Confederacy into five military districts, each commanded by a U.S. Army general and ruled by military law. The act also provided strict conditions for re-admission to the Union: each of the 10 remaining Confederate states was required to rewrite its constitution at a convention attended by black and white delegates, to guarantee black suffrage, and to ratify the 14th Amendment.[10] In a rare move, the 40th Congress (1867–1869) convened minutes after the 39th Congress adjourned and quickly granted greater authority to the commanders of each military

Freedmen's Bureau:

From 1865 to 1872, the Bureau of Abandoned Lands, Freedmen, and Refugees (better known as the Freedmen's Bureau) provided resources such as food, clothing, and medical treatment to freed slaves and southern white refugees. The Freedmen's Bureau also interceded with employers to secure economic and civil rights for freed slaves and worked with northern philanthropists to open schools for them.

This 1868 Currier & Ives *print, titled "The Freedman's Bureau," featured a young man dressing for a visit to Congress. An ambivalent image highlighting both the subject's conscientiousness and low economic status, this commercial decorative print reflected the complex attitudes toward African Americans during the period.*

Image courtesy of Library of Congress



This 1866 political cartoon, distributed by a white-supremacist candidate, declared that Republicans sought to grant suffrage to black men in order to create a voting bloc for themselves. Detractors of the campaign for full black male suffrage were attempting to discredit abolitionist Representative Thaddeus Stevens of Pennsylvania and others.

Image courtesy of Library of Congress


Fortieth Congress of the United States of America;

A RESOLUTION

Proposing an amendment to the Constitution of the United States.

Article XV.

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Ratified on February 3, 1870, the 15th Amendment (S.J. Res. 8) forbade any state to deprive a citizen of his vote because of race, color, or previous condition of servitude.

The original 15th Amendment, Center for Legislative Archives, National Archives and Records Administration

district by vesting them with considerable powers to hold elections and determine citizens' eligibility to vote. The 15th Amendment (16 Stat. 40–41), which passed in 1869, enforced the right to vote for eligible African-American men. Thus, in an effort to achieve their ambitious vision for a racially transformed South, Radical Republicans drastically changed the status of southern blacks; within the space of a decade, millions who formerly had been classified as property exercised their new rights as voters and potential officeholders.[11]

After the ratification of the 15th Amendment, former slaves flocked to the ballot boxes and the more ambitious sought political office. By 1877 about 2,000 black men had won local, state, and federal offices in the former Confederate states.[12] But although black voters formed the bulk of the Republican constituency in the former Confederacy, black officeholders never achieved significant power within the GOP ranks. Nor did any southern state elect black officeholders in proportion to its African-American population. Finally, black politicians never controlled a government at the state level during the Reconstruction Era even though the populations in several states were majority black.

Pre-Congressional Experience

Slavery

All 17 of the African-American Congressmen elected between 1870 and 1887 came from the new Reconstruction governments in the former Confederacy. All but two—Representatives Robert Elliott of South Carolina and James O'Hara of North Carolina—were born in the South and just under half (eight) were born into bondage. Even the early lives of those who had not been enslaved were profoundly shaped the by the institution of slavery. Laws restricting the movements and opportunities of free and enslaved blacks in the South uprooted families and lives. Before age 25, John Hyman of North Carolina was sold at least eight times. Joseph Rainey of South Carolina, though free, faced several legal obstacles while traveling to

wed Susan Rainey in Philadelphia in 1859; only with the help of friends did Rainey avoid being charged as a criminal for an unauthorized visit to a free state. When the newlyweds returned to Charleston, they had to circumvent laws disallowing free blacks from returning to the South.

While navigating the antebellum South was difficult for all blacks, skin color affected postbellum African Americans' economic and political opportunities.[13] Regional differences of opinion on racial miscegenation dated back to colonial slavery. Fifteen of the Reconstruction-Era Congressmen hailed from the Lower South, a geographic region stretching southwest from South Carolina. Thirteen were of mixed race heritage. The Lower South adopted a Caribbean plantation system of slavery from its earliest colonization that included three castes: white, "mulatto" (or mixed race), and black.[14] Often, biracial slaves were given less menial tasks, offered more educational opportunities, and treated on better terms than darker slaves, giving them many advantages that prepared them to be leaders in their postbellum communities. Those who were the sons of their white masters or of prominent local white men especially benefited from being light-skinned, both within and outside of the bonds of slavery. Four Reconstruction-Era black Members were likely the offspring of their former slaveowners.

Relative to communities of slaves, free black communities in the antebellum Lower South were small, urban, economically independent, and overwhelmingly of mixed race. These communities developed from the private manumission of favored personal servants or a slaveowner's offspring, as well as free black immigrants during the colonial period. The 1850 Census was the first to include statistics on the mixed race population in the United States. Eighty-six percent of mulatto Americans (350,000) lived south of Maryland. Though only 39 percent of this population lived in the Lower South, 75 percent of them were free and the bulk of them lived in Charleston, South Carolina, New Orleans, Louisiana, and other port cities.[15] Three of the black men who served in Congress in the postbellum years descended from the free, mixed-race elite in the Lower South.

Though mulattos in the Lower South had more opportunities than their darker neighbors, their existence in a racial middle ground presented a unique set of challenges. Before and after the Civil War, mixed-race men and women were fully accepted by none. Colonial and antebellum mulatto aristocrats often looked down on darker-skinned blacks, who frequently resented these elites because of the privileges they enjoyed and the snobbery they sometimes exhibited. Southern whites made fewer distinctions between gradations of skin color, preferring a rigid boundary between black and white.[16] For example, Mississippi Senator Blanche Bruce's black constituents were skeptical about his privileged background, and their concerns intensified when Bruce made his permanent home in Washington, DC, to escape violence in Mississippi. He took his position on civil rights from a distance, regarding the African-American cause as a practical political strategy rather than as a personal issue. Yet, despite his centrist politics, Mississippi whites refused to support his re-election because of the color of his skin.[17]

Education

The educational backgrounds of these 17 men were mixed, though collectively they far exceeded those of most African Americans of the time. From the colonial period on, southern states banned teaching both free and enslaved black children to read and write, largely as a means of social control. Restricting the slaves' education

Mulatto:

The offspring of a European-American and African-American union; also used loosely in the 19th century to describe anyone of mixed race resembling a mulatto.

Antebellum:

The era preceding a war, especially the American Civil War, 1861–1865.

Postbellum:

The period after a war, especially the American Civil War, 1861–1865.

"The Result of the Fifteenth Amendment," a print from 1870, featured a parade surrounded by vignettes of the new opportunities provided by the law and individuals instrumental in the amendment's enactment.

Image courtesy of Library of Congress

limited their ability to survive apart from their masters. Southern cities afforded the best opportunities to circumvent anti-literacy laws. Ignoring harsh punishment, well-educated free blacks and liberal whites sometimes opened illegal schools to teach urban slaves.[18]

Most of the black Congressmen who were raised in urban areas attained basic skills. The more fortunate—both slave and free—obtained an education as children. Hiram Revels attended one of two schools for black children in Fayetteville, North Carolina. "Together with the other colored youths [I] was fully and successfully instructed by our able and accomplished teacher in all branches of learning," Revels recalled. Advancement beyond the secondary school level, however, was not an option open to any black men in the antebellum South. "While I appreciated the educational advantages I enjoyed in the school and was proud of what I could show in mental culture," Revels admitted, "I had an earnest desire for something more than a mere business education . . . I desired to study for a profession and this prompted me to leave my native state."[19] Revels went on to attend seminary and received a college education in Indiana, Ohio, and Illinois. Others also born in the South acquired educations in the North or in Canada.

Those who were not educated as children—predominantly former slaves—acquired reading and mathematical skills or a trade as adults during and after the Civil War. State and local governments sometimes financed public schools, or normal schools, but the Freedmen's Bureau used federal money to fund educational institutions. By 1870, more than 4,000 schools in the South served nearly a quarter-million students.[20] Having learned the photographer's trade, future Mississippi Representative John Lynch attended a few months of night school in Natchez, Mississippi, after 1865. Lynch improved upon his brief formal education by reading northern newspapers and listening in on lessons at an all-white school adjacent to his photography shop.

Professional Background

In many respects, the professional backgrounds of the 19th-century black Representatives reflected the work experiences of black officeholders in the South generally; however, many were also ambitious entrepreneurs. Most 19th-century black Representatives were educators; seven served as teachers and five worked as school administrators. Others were clergy, farmers, barbers, tailors, hotel managers, steamboat porters, photographers, or store owners.

Many 19th-century political aspirants flocked to the newspaper industry, as these publications were primarily organs for political parties and a time-honored vehicle for advancing one's political career.[21] Black newspapers increased slowly in the 1870s due to widespread illiteracy in the black population, yet these publications increased fivefold in the next decade.[22] Black Representatives used their newspapers to aid their campaigns. Richard Cain of South Carolina bought the *South Carolina Leader* (renamed the *Missionary Record* in 1868) to express the political and theological views of his African Methodist Episcopal (AME) Emanuel Church congregation, which was, one local observer noted, "one of the strongest political organizations in the state."[23] Robert Smalls of South Carolina also started his own newspaper, the *Beaufort Southern Standard*, in 1872. As well, Josiah Walls of Florida bought the *Gainesville New Era* newspaper after losing his re-election bid in 1874, to retain a public presence and to boost his odds of recapturing his seat. Alabama Representative James Rapier worked briefly as a reporter for a northern newspaper. In 1872, after white newspapers refused to print his speeches or acknowledge his candidacy for Congress, he started his own newspaper, the *Republican Sentinel*, in Montgomery, Alabama, and used it to promote his campaign.

Given their relative professional success, it is no surprise that 19th-century black Representatives were affluent relative to the rest of the population. At least seven amassed more than $5,000. The average worth of the first 16 black Members of Congress (first elected before 1876) was $5,825. Forty-one percent of state and local black officeholders, generally, were worth less than $1,000 each.[24] Senator Blanche Bruce, the wealthiest individual, was worth more than $150,000 when he served in the U.S. Senate; he amassed his fortune primarily through real estate.[25] Several South Carolinians participated in the speculative railroad fever that swept across the South during Reconstruction. Four black South Carolina Representatives—Joseph Rainey, Richard Cain, Alonzo Ransier, and Robert Smalls—partnered with seven others to form the Enterprise Railroad Company in 1870. The small, horse-drawn rail service shipped goods from the wharves on the Cooper River in Charleston to stations farther inland that connected to major cities. The business barely weathered the boom-and-bust economy of the early 1870s. It passed to white ownership in 1873 and lasted until the 1880s.[26]

E.E. Murray's 1883 print, "From the Plantation to the Senate," illustrated notable black leaders including Joseph Rainey of South Carolina, Hiram Revels of Mississippi, and Josiah Walls of Florida.

Image courtesy of Library of Congress

Crafting an Identity

The Republican Party and Black Representation

All of the 19th-century black Representatives were Republicans, recognizing and appreciating the role that the Republican Party played in obtaining their political rights and—for many—their emancipation.[27] Most remained lifelong Republicans and encouraged their black constituents to vote for white GOP candidates as well. "We are not ungrateful or unappreciative people," Robert Smalls said on

African-American Members of Congress were often grouped together in the public imagination. This print, from Speaker James G. Blaine of Maine's memoirs, Twenty Years of Congress from Lincoln to Garfield*, showed, clockwise from upper right: James Rapier of Alabama, John Lynch of Mississippi, Joseph Rainey of South Carolina, and Hiram Revels of Mississippi. Blanche K. Bruce of Mississippi is pictured in the center.*

Collection of U.S. House of Representatives

Nominating convention:

A meeting of local party officials to select the delegates who eventually designated party nominees for elective office or represented the locality at state or national conventions. Developed in the 1820s and 1830s, the system ensured that only one member would run for an elective position while providing structure and publicity for the party. In the early 20th century the modern primary election replaced nominating conventions as the principal method for selecting congressional candidates.

the House Floor. "We can never forget the Moses who led us out of the land of bondage."[28] In 1872, Liberal Republicans ran their own candidate, newspaper editor Horace Greeley, against incumbent President Ulysses S. Grant, testing the black Representatives' loyalty to the GOP. The Liberal platform embraced the enforcement of the Reconstruction Amendments, amnesty for former Confederates, and a laissez-faire economic policy. Prominent advocates for black civil rights, including Senator Charles Sumner, joined the Liberal camp. Despite their agreement with most of the Liberal Republican platform, black Representatives generally allied themselves with the GOP. Jeremiah Haralson of Alabama told a meeting of prominent black New Orleans politicians, "I have been a slave all my life and am free on account of the Republican Party, and if it comes to an issue, I for one am ready to let Charles Sumner fall and let the Republican Party stand."[29] Grant handily defeated Greeley—who also ran as the Democratic candidate.[30]

Factionalism was an even larger problem for the GOP in the South than it was on a national scale. Propped up by military rule under Reconstruction governments, southern Republicans recognized early on that their majorities depended on courting both black and white constituencies—especially as former Confederates regained the right to vote. Various Republican factions disagreed on how best to accomplish this, pivoting on several fulcrums in the Reconstruction South. The foremost was geographic origin, dividing between carpetbaggers and scalawags. Carpetbaggers were white Republicans from the North, who were primarily Union veterans seeking new political and economic opportunities in the South. White GOP partisans native to the South, many of whom were Unionists during the Civil War, were known as scalawags. Initially, scalawags were typically elected on more conservative platforms—they favored leniency toward former Confederates and focused on the economic rehabilitation of the war-torn South. Carpetbaggers tended to run more radical campaigns, advocating forceful civil rights legislation protecting black southerners.[31]

The nominating convention system used to select candidates only exacerbated GOP factionalism. In a practice born in the 1830s, voters elected delegates, who then attended local conventions to elect candidates for Congress as well as for other state and local offices. Delegates elected candidates by voice vote; if a single candidate did not receive a majority of votes, the convention chair would call for another round of voting (or balloting) and continue this practice until a majority was obtained. The convention system initially consolidated party power and allowed party leaders to control the flow of the conventions. However, in the Reconstruction South, party conventions were often contentious, violent, and inconclusive in the face of several factions. Those not officially receiving the party nomination often ran as third-party "Independent Republican" candidates.[32] Race was a second fulcrum on which GOP factions balanced, and white Republicans losing nominations to black candidates frequently ran as Independent Republicans in the general election, effectively splitting the GOP vote.

White Republican leaders were careful to maintain hegemony, even in states with black majorities, such as South Carolina, which had the largest black population (60 percent) concentrated in the low country—coastal areas with pre-war rice and cotton plantations.[33] A series of strong, white Republican governors came to power throughout the Reconstruction period, often bolstered by the large black electorate. Carpetbagger Robert Scott (1868–1872), scalawag Franklin Moses (1872–1874),

and carpetbagger Daniel Chamberlain (1874–1877) all served as Republican executives.

The Scott and Moses administrations were ridiculed nationwide for their corruption. A former doctor and Civil War colonel from Ohio, Robert Scott arrived in South Carolina as an assistant commissioner in the Freedmen's Bureau in 1866. He soon became a staunch defender of African-American rights in the South, volunteering his medical services and setting up camps and clinics for destitute freedmen. Scott's popularity catapulted him to the governor's mansion just two years later, primarily via the black vote. Yet Scott's administration soon succumbed to accusations of kickbacks and bribes involving the state's railroad funds as well as corrupt practices by the State Land Commission, created to purchase and resell parcels of land to freedmen. Scott left office in 1872 under a cloud of scrutiny, leaving the state heavily in debt. His successor, South Carolina native Franklin Moses, followed his predecessor's practices, often steering public money into projects to pay down his personal debt. When creditors attempted to arrest him, Moses called in the state militia to defend himself. Thoroughly discredited by 1874, Moses did not stand for re-election.[34] Alonzo Ransier, who had earned a reputation for honesty statewide, despite having served as lieutenant governor under Scott, was particularly critical of the Moses administration. He told an audience of constituents, "let every man feel that society at large will hold him and the party accountable for every misdeed in the administration of government, and will credit him with every honest effort in the interest of the people and . . . of good government."[35] Generally, however, the black Representatives defended their GOP state governments against attacks by Democrats on the House Floor. Josiah Walls noted that, "daily, you hear it loudly proclaimed upon this floor by the enemies of this Government that 'reconstruction' in the South caused by the enfranchisement of the Negro 'is a failure.' . . . But they suggest no remedy for evils that are said to exist, nor do they deny the fact that it is the [white supremacists] banded together for the very purpose of overthrowing regularly established State governments by force and fraud."[36]

The relationship between black and white Republicans was the "progeny of a simple quid pro quo," explains one scholar. "Republicans wanted southern black votes to secure their burgeoning political dominance, and, in exchange . . . African Americans wanted protection from discrimination . . . and a greater share of freedom and equality."[37] African Americans eventually expressed a hope that the freedmen constituency would have a choice in party loyalty in the future. Representative John Lynch noted on the House Floor, "I want to see the day come when the colored people of this county can afford to occupy an independent position in politics. But that day, in my judgment, will never come so long as there remains a strong, powerful, intelligent, wealthy organization arrayed against them as a race and as a class."[38]

Relegated to a single party, black candidates had the overwhelming task of balancing both factions of the Republican Party. One historian notes that "since [African-American politicians] could neither leave the party, nor control it, black Republicans began to operate as a pressure group within it. . . . In this sense, they were practicing what later became known as ethnic politics. Operating as a group, they tried to barter votes for offices and benefits."[39] Black officeholders saw themselves as advocates for their race, not just their constituents—a political strategy

Carpetbagger:

A derogatory term applied by the popular press to a Northerner who went to the South during Reconstruction to pursue economic or political opportunities. Many of these Northerners carried their belongings in carpetbags. This term is also used by observers of current political affairs to describe a person who interferes with the politics of a locality to which he or she has no permanent or genuine connection.

Referencing the trend of northerners moving to southern states to run for elective office, Harper's Weekly *illustrated the "carpet bagger" in another drawing by Radical-Republican-sympathizing cartoonist Thomas Nast, its November 9, 1872, issue.*

Image courtesy of Library of Congress

Scalawag:
A derogatory name denoting an imposter or intriguer, especially in politics. In the 19th century, the popular press applied the name to white southerners who willingly worked within the system of the Union-backed state Reconstruction governments.

that was later described as "surrogate" representation.[40] Richard Cain, who served in the 43rd and 45th Congresses (1873–1875; 1877–1879), regularly referred to the "five million people for whom I speak," indicating the total African-American population in the United States at the time.[41]

Elections

Black-majority districts were essential for electing African-American Representatives, especially in South Carolina, which elected relatively large numbers of black Members. Only one man served a district whose population was less than 50 percent black: James Rapier represented, for one term, a southeastern Alabama district whose population was 44 percent black.[42] The rest served districts whose populations were typically at least 60 percent African-American. Reconstruction-Era Republican state legislatures gerrymandered (drew districts that maximized their voting populations) southern states to boost the party's national strength upon their return to the Union. As speaker of the Mississippi state assembly in 1872, John Lynch reapportioned the state's six seats in the U.S. House of Representatives, creating five Republican-dominated districts. Later that year, he won a coastal seat with a majority-black (55 percent) population.

A.R. Waud portrayed the agents of the Freedmen's Bureau as peacemakers between blacks and whites in this 1868 print.
Image courtesy of Library of Congress

South Carolina was, arguably, the crucible of black congressional experience in the Reconstruction South; six of the 17 Black Americans to serve in Congress during Reconstruction were from the Palmetto State. This number alone, however, fails to convey South Carolina's influence on black service in the Capitol during the 19th century. Only one Congress—the 46th Congress (1879–1881)—did not have a black man in the South Carolina delegation between 1870 and 1887; no black men from any state served in the House during that Congress. In the 42nd Congress (1871–1873), all but one of the state's four congressional districts were represented by black men. Richard Cain's election as an At-Large Representative (representing the entire state) in the following Congress meant five out of six South Carolina Representatives were black.

Several factors account for South Carolina's dominance in black representation. Union forces captured some of the South Carolina Sea Islands as early as 1861,

emancipating the large slave populations and introducing them early to the educational and economic benefits of Reconstruction—as well as political organization. Led by a mixed-race elite, black Charlestonians also organized quickly after the war's end. Protesting the Black Codes—a series of restrictive laws dictating black employment, movement, and lifestyle approved by the state legislature in September 1865—black South Carolinians organized a statewide Colored Peoples Convention in November. Several future South Carolina Members of Congress cut their political teeth at the convention, including Joseph Rainey, Robert De Large, Alonzo Ransier, and Richard Cain. Their protest proved successful; in early 1866 the new military commander of South Carolina, Union General Daniel Sickles, nullified the Black Codes. After the 15th Amendment became law, the Republican Party quickly marshaled the large, organized population on the South Carolina coast into a dominant voting bloc.[43] Unlike other states, whose black participation succumbed to white Republicans by the 1870s, black South Carolinians maintained a majority in the state legislature from 1868 to 1876. Black presiding officers reigned in the state house of representatives from 1872 to 1876; Robert Elliott resigned his seat in Congress to take over the state speakership in 1874.

Black candidates still faced monumental electoral obstacles, despite the majority of black and Republican voters in their districts. Violence and intimidation were commonplace during congressional campaigns. A variety of white supremacist groups existed, the most notorious being the Ku Klux Klan (KKK). Red Shirts and Rifle Clubs operated out of South Carolina. White Leagues flourished throughout the South.[44] White supremacists threatened black voters and attacked the candidates during campaigns. The irregularities and confusion resulting from violent campaigns led to an influx of contested elections, and the House Committee on Elections handled an unusually heavy caseload during the Reconstruction Era. Established in the 1st Congress in 1789, the committee was charged with rendering judgments on disputed elections based on evidence and witness testimony. Members of the panel heard each candidate's evidence asserting his right to the seat. The committee voted for its choice candidate and reported its findings to the whole House for a final vote. Usually, the candidate representing the majority party had a distinct advantage because votes within the committee and on the House Floor were often decided along party lines.[45] Sixty percent of cases heard by the committee between 1867 and 1911 were from the former Confederacy—a percentage that is even more impressive given the Confederate states constituted around 25 percent of the House.[46]

Though every southern state experienced violent elections, Alabama was the center of KKK activity. In September of 1868, Klansmen forced James Rapier to flee his home for a Montgomery, Alabama, boarding house where he lived in obscurity for a year. Seeking re-election in 1874 to his southeastern Alabama district, Rapier faced stolen and destroyed ballot boxes, bribery, fraudulent vote counts, armed intimidation, and murder. Frightened black voters stayed home and Rapier lost the election.[47] The inability of his central Alabama neighbor Jeremiah Haralson to garner more than 700 votes in a district whose population was more than 80 percent black led the *New York Times* to observe in 1884, "the Democrats will always win in Alabama, no matter how great the preponderance of the black voting population."[48]

When Mississippi Democrats vowed to recapture the state government in the spring of 1874, Representative John Lynch's re-election campaign nearly succumbed to the pressure. "The Democrats were bold, outspoken, defiant, and

Gerrymander:

The act of dividing a geographic area into districts so as to give one party an unfair advantage during elections. In the early 19th century, the party of Massachusetts Governor Elbridge Gerry redrew the state's congressional districts to favor its candidates. One district resembled a salamander; hence the combination of "Gerry" and "mander."


EXECUTIVE DEPARTMENT,
State of Mississippi,
Jackson, Miss.

On January 25, 1870, the provisional governor of Mississippi certified that the Mississippi state legislature elected Hiram Revels to the United States Senate.

Hiram Revels's original election certificate, Center for Legislative Archives, National Archives and Records Administration.

At-Large Representative:
A Representative elected to the House in statewide voting when a majority of the state delegation was elected by single-member, geographically defined districts. This method for electing differs from the general ticket, in which an entire delegation is elected statewide. Until the mid-20th century, At-Large Representatives were often elected immediately following decennial apportionment. At-Large elections were abolished by federal law in 1968.

determined," Lynch remarked. "I noticed that I was not received and greeted." Mississippi Democratic clubs were converted into "armed military companies" that raided his Republican meetings.[49] At an evening speech in Vicksburg, lights were extinguished and Lynch was nearly crushed in a riotous stampede.[50] Lynch was the only Republican to survive a Democratic sweep in the polls in Mississippi. "It would be a source of personal pride and congratulation if I could declare upon the floor of the House of Representatives today that mob-law and violence do not exist in any part of the South and are not tolerated by any portion of its citizens," Lynch said. "The circumstances are such that the facts would not sustain me in making this declaration."[51] Senator Blanche Bruce made a similar observation. Having witnessed White League intimidation, Bruce warned his colleagues that "violence so unprovoked . . . is a spectacle not only discreditable to the country, but is dangerous to the integrity of our free institutions."[52]

Contested Elections

Black Representatives in the Reconstruction Era were profoundly affected by contested elections. A contested election prevented the seating of the first black man who won a congressional election. On October 4, 1868, John Willis Menard, an Illinois-born mulatto newspaper editor who had held several GOP patronage positions since 1862, declared his candidacy for a special election to fill a vacant New Orleans, Louisiana, seat in the U.S. House of Representatives. Though he won the special election with 65 percent of the vote, his opponent, Democrat Caleb Hunt, contested the results, and the House Committee on Elections declared the seat vacant. Menard defended his right to take office, becoming the first black man to speak before the House while it was in session, on February 27, 1869. Three other black men—Joseph Rainey, Josiah Walls, and Richard Cain—all lost contested elections. Rainey remained in his seat, despite the ruling of the Committee on Elections, because the House never took up his case for a full vote. Five black Members contested six separate elections they lost. Only John Lynch and Robert Smalls successfully contested their 1880 electoral losses before the majority Republican 47th Congress (1881–1883).[53]

Black Members preoccupied with defending their contested seats lost valuable time needed to introduce legislation or give speeches on the House Floor. As the enormous caseload trickled through the Committee on Elections, the panel often delayed its deliberations until late in the second session. Contested elections and the personal and political turmoil that ensued marred the political career of Josiah Walls. The Ku Klux Klan, entrenched near his northern Florida home, managed to unseat him twice by running ex-Confederate generals against him in contests for an At-Large seat and a district representing eastern Florida. Walls was unable to legislate at all in the 44th Congress (1875–1877), as he was preoccupied defending his seat.

Washington Experience

Black Representatives found one of the country's most expansive black elite communities when they arrived in Washington during the Reconstruction Era. In the postwar years, the country's well-educated and wealthy African-American population escaped the violence of the South and competition from white elites in Boston and Philadelphia to settle in Washington. The "black 400" were drawn to the capital city because of its cultural opportunities, government employment, and relative economic security, and because of the presence of one of the country's

premier black colleges: Howard University. They considered themselves socially superior to the rest of the 40,000-plus African Americans in the city, who were primarily former slaves seeking refuge in the city following the Civil War.[54] Black Representatives were well accepted among the black elite. Blanche Bruce's family was among the leading households; he purchased a lavish home near Mount Vernon Square in the District of Columbia and socialized in the highest circles of the "black 400."[55] Several black Representatives lived in the upper-class black neighborhoods near Howard University.

Other black Representatives lived in upscale boarding houses and homes near Lafayette Square and on Capitol Hill.[56] In the 42nd Congress, Benjamin Turner of Alabama and Josiah Walls occupied the same boarding house on 14th Street in the northwest section of the city, near Franklin Park. The two were close neighbors to Joseph Rainey and to prominent Republicans including Speaker James G. Blaine of Maine as well as Senator Sumner and Representatives Benjamin Butler and George Hoar, all of Massachusetts.[57]

Yet African Americans in Congress during the Reconstruction Era also experienced widespread discrimination. In an 1874 newspaper interview, Joseph Rainey documented the second-class treatment he and his colleagues received in Washington. He noted that black Representatives were forced to pay higher rent and higher prices at local restaurants.[58] "Why is it that colored members of Congress cannot enjoy the same immunities that are accorded to white members?" Rainey asked on the House Floor. "We are here enacting laws for the country and casting votes upon important questions; we have been sent here by the suffrages of the people."[59]

A defining feature of the experience of black Congressmen on Capitol Hill in the 19th century was their relative isolation. Only a handful of black Representatives served at any given time, and the two black Senators did not serve together. The apex of black Membership in Congress during the 19th century was, ironically, in the Democrat-controlled House during the 44th Congress. Seven African Americans served in the House and Blanche Bruce kept his seat in the Senate. Because of their small number and because they were a relative novelty, these men were often under the glare of public scrutiny. When the African-American Representatives arrived in Washington, they faced skepticism of their ability to fulfill their duties. "When the first black man took his place in the House of Congress, Americans looked on with wide-opened mouths and eyes, with caustic criticism," Marie Le Baron reported for the *St. Louis Daily Globe* in the opening paragraph of her piece profiling the Members of the 43rd Congress. Skeptics, she continued, held "openly expressed doubts of his ability to retain and fill the place of honor, and creditably to himself and to the white nation."[60]

Black Congressmen typically received high marks for their performance from Republicans, who generally welcomed their colleagues to their respective chambers. Speaker Blaine later praised his black colleagues in his memoirs. "They were as a rule, studious, earnest, ambitious men," wrote Blaine, "whose public conduct . . . would be honorable to any race."[61] Senator Roscoe Conkling of New York escorted Senator Blanche Bruce to his swearing-in, beginning a lifelong friendship. Conkling coached Bruce in Senate procedure and procured him advantageous committee assignments. Bruce named his only child for the New York Senator.

Though floor debate remained civil for the most part, black Congressmen

In a unique case of double contested elections, African-American Pinckney B. S. Pinchback of Louisiana was elected simultaneously to both the Senate and House. Pinchback lost the contested House seat and, citing claims of fraud in the state legislature, the Senate denied him his seat as well. Serving as provisional governor of Louisiana at the time, Pinchback signed his own election certifications.

Image courtesy of Library of Congress

When the first black Members of Congress arrived in Washington, DC, they found a majestic, marble Capitol with a massive dome completed during the Civil War. "National Capitol," Ballou's Pictorial Weekly Drawing-Room Companion, 1856.

Collection of U.S. House of Representatives

occasionally encountered the patronizing attitude of their opposition. A northern Democrat, New York Representative Samuel Cox was consistently adversarial. Representative Hoar once noted that the black Members had in Cox "the most formidable antagonist, perhaps the most trained and experienced debater in the House."[62] In a memorable run-in with the New York Democrat, Joseph Rainey attempted to interrupt Cox's scathing remarks regarding Republican governments in South Carolina. Cox responded with a patronizing, "Oh honey, sit down," eliciting laughter from the chamber.[63] Chairman of the Committee on Elections in the 44th and 45th Congresses, Virginia Democrat John Harris also harangued the black Representatives. In a floor debate on January 5, 1874, Harris rhetorically asked, "Is there not one gentleman on the floor who can honestly say he really believes that the colored man is created his equal?" Alonzo Ransier quietly replied with a simple, "I can," to which a flustered Harris retorted, "Of course you can; but I am speaking to the white men of the House; and, Mr. Speaker, I do not wish to be interrupted again by him."[64] Another Democrat, John Brown—a young, wealthy, outspoken Member from Kentucky—regularly ignored the black Members and refused to yield to them in debate.[65] Richard Cain made light of the fact that blacks were often treated as inferiors in Congress. "We believe that we are made just like white men," he said. "Look; I stretch out my arms. See; I have two of them, as you have. Look at your ears; I have two of them. I have two eyes, two nostrils, one mouth, two feet. I stand erect like you. I am clothed in humanity like you. I think, I reason, I talk . . . Is there any difference between us? Not so far as our manhood is concerned."[66]

"Heroes of the Colored Race," a print published by J. Hoover of Philadelphia in 1881, pictured Senator Blanche K. Bruce of Mississippi, orator Frederick Douglass, and Senator Hiram Revels of Mississippi. The vignettes depicted scenes from African-American life as well as portraits of other Members of Congress: John Lynch of Mississippi, Joseph Rainey of South Carolina, Charles Nash of Louisiana, and Robert Smalls of South Carolina.

Image courtesy of Library of Congress

Legislative Interests

Committee Assignments

Black Congressmen's committee service underscored their lack of power in the House Chamber. Most black Members had low-ranking committee assignments. Though two men—Richard Cain and Robert Smalls—served on the prestigious Agriculture Committee, their power was limited.[67] Certainly, the brevity of African-American careers during this era contributed to their lack of seniority and influence

on committees, but it does not fully explain their inability to secure prominent committee assignments.

Beginning in the 1840s in the Senate and in the post–Civil War era in the House, length of service began to determine the committee hierarchy; the more terms in Congress, the higher the rank. But this process of broad and multidecadal centralization within the House evolved slowly and, until the 1910s, seniority was not the primary determinant of committee hierarchy.[68] Perhaps of greater consequence to black Members during Reconstruction was their relative isolation from the key individuals in the party leadership who had power to procure or assign plum committee posts. Even the longest-serving black Member of the period, Joseph Rainey, had difficulty rising in the ranks in his nine years in Congress. GOP leadership consistently assigned Rainey a rank lower than his seniority permitted. Most blatantly, Rainey was the last-ranking GOP Member on the newly created Select Committee on the Freedmen's Bank in the 44th Congress, even though he had more terms of service than any other Member on the committee.[69] No black Member chaired any House standing committee. Senator Blanche Bruce chaired two select committees: the Select Committee to Investigate the Freedmen's Savings and Trust Company and the Select Committee on Levees of the Mississippi River, which oversaw development of the river's delta region.[70]

The House and Senate Education and Labor committees were the most common assignments for black Congressmen.[71] Senators Hiram Revels and Blanche Bruce served on the Senate panel. Five men took seats on the equivalent House committee. Black Congressmen vocally supported the sale of federally owned land in the South and West to fund public education. But even congressional allies considered such a program controversial. Opponents feared federal funding for schools would impede states' rights and blocked black Members' efforts to enact such legislation. Josiah Walls, one of the most vocal supporters of the program, insisted the national government must provide for education of southern blacks because, left to their own devices, southern state governments would not act. "It is useless to talk about patriotism existing in those states . . . who now and always have believed that it was wrong to educate the Negro and that such offenses should be punishable by death or a lash," Walls chided. "Away with the patriotism that advocates and prefers ignorance to intelligence!" Joseph Rainey was so desperate to fund normal schools, he even supported a $1 poll tax (which would have disfranchised many newly freed slaves) to directly fund public education. "Do you suppose I want my two children hindered in the enjoyment of educational opportunities in this country," Rainey asked, "merely on account of their color when we are taxed to support those schools?"[72]

Absent key committee assignments and leadership positions, the relatively small number of black Members lacked the ability to drive a legislative agenda. Most introduced bills on the House or the Senate Floor only to have them die in committee. The near-universal desire among black Congressmen to reimburse depositors to the Freedmen's Bank illustrates how both the House and the Senate rebuffed black legislators' dogged efforts. Congress established the bank in 1865 to help freedmen manage their money; however, reckless loans and corruption depleted the bank's $57 million in deposits, forcing it to close in 1874. Mismanagement and a lack of resources continued after the bank's failure. Three commissioners were appointed to reimburse depositors, but shortly afterward they were criticized for failing to complete their overwhelming task. The bank's failure had far-reaching

The second African American to serve as a Senator, Blanche K. Bruce of Mississippi later noted that success in the Senate required managing his relationship with all of his colleagues: "The novelty of my position [compels me] to cultivate and exhibit my honorable associates a courtesy that would inspire reciprocal courtesy."

Image courtesy of Scurlock Studio Records, Archives Center, National Museum of American History, Smithsonian Institution

This famous print titled "The first colored senator and representatives—in the 41st and 42nd Congress of the United States" was published by Currier & Ives *in 1872. The group portrait assembled Robert De Large of South Carolina, Jefferson Long of Georgia, Hiram Revels of Mississippi, Benjamin Turner of Alabama, Josiah Walls of Florida, Joseph Rainey of South Carolina, and Robert Elliott of South Carolina.*

Image courtesy of Library of Congress

effects on black businesses that continued well into the late 1890s.[73] Nearly every black Member of Congress sponsored a bill to provide financial relief to African Americans who lost their savings when the Freedmen's Bank failed. However, no one was a greater advocate than Senator Blanche Bruce, who took the reins of the Select Committee to Investigate the Freedmen's Savings and Trust Company in April 1879. Bruce's committee was unable to convince the Senate to reimburse depositors. Yet Bruce used some of his own personal fortune as well as his political clout to raise funds to reimburse a small portion of depositors.[74]

Lacking any qualitative institutional power, African Americans in Congress were relegated for the most part to ancillary, passive support roles for legislation shaped almost entirely by their House and Senate colleagues. Rather than acting as legislative entrepreneurs or public advocates, black Members of Congress were resigned to those roles the institution's leaders tolerated: cheerleading for reform legislation or providing firsthand accounts of civil rights abuses to sway public opinion. Where Congress's true power lay—behind the closed doors of committee meetings and markup sessions—African-American Members had virtually no influence.

On April 20, 1871, President Ulysses S. Grant, shown with Secretary of the Navy George M. Robeson and presidential advisor General Horace Porter in this Frank Leslie's Illustrated *print, signed the Third Ku Klux Klan Act, which enforced the 14th Amendment by guaranteeing all citizens of the United States the rights afforded by the Constitution and providing legal protection under the law.*

Image courtesy of Library of Congress

Ku Klux Klan and Amnesty Acts

Reconstruction-Era Congresses were preoccupied with curbing racial violence that afflicted the postwar South. Disturbing reports about the activities of the KKK, as well as other white supremacist groups, inspired congressional leaders to pass a series of three Ku Klux Klan Acts (also known as the Force Acts) during the 41st and 42nd Congresses (1869–1873).[75] The first reinforced the 15th Amendment (universal manhood suffrage), the second placed all southern elections under federal control, and the third protected the voter registration and justice system from infiltration and intimidation by Klansmen. The 10 black Members who served in the Congresses voting on these bills universally supported the legislation. Most significantly, their electoral struggles confirmed the need for such measures. "If you cannot protect the loyal men of the South," Robert Elliott warned in April 1871, "then have the loyal people of this great Republic done and suffered much in vain, and your free Constitution is a mockery and a snare."[76]

Yet Congress softened the forceful nature of the Ku Klux Klan legislation by enacting generous pardons for former Confederates. The bill offered near blanket amnesty, excepting former public servants and military personnel who resigned their positions to join the Confederacy. Senator Hiram Revels and Representatives Joseph Rainey, Robert De Large, and Benjamin Turner voted for the bill in their respective chambers. "We are desirous, sir, of being magnanimous," Rainey told his congressional colleagues in May 1872. "We have open and frank hearts toward those who were our former oppressors and taskmasters. We foster no enmity now, and we desire to foster none for their acts in the past to us, nor to the Government we love so well."[77] Rainey was among those who cast a "yea" vote for amnesty provided the Ku Klux Klan Acts remained enforced. Robert De Large pledged his support only if former Confederates swore a formal oath of allegiance to the Union. One of the more conservative black politicians, Turner, expressed no animosity towards former slaveowners—though he had been a slave—and focused on procuring economic aid for his war-torn state. "I have no coals of fiery reproach to heap upon [former Confederates] now," Turner informed his congressional colleagues. "Rather would I extend the olive branch of peace, and say to them, let the past be forgotten."[78] Not

all black Members agreed; Representatives Jefferson Long of Georgia and Robert Elliott voted against the bill, primarily out of their wish to solidify black rights in the South before restoring former Confederates to full political participation.

Civil Rights Bill of 1875

No issue preoccupied black Representatives more than the 1875 Civil Rights Bill (18 Stat. 335–337). Neither the Civil Rights Act of 1866, which guaranteed citizens the right to enter into contracts and to purchase, sell, or lease property, nor the series of Ku Klux Klan Acts, which had incrementally outlawed discrimination in voter registration in local and congressional elections and empowered circuit judges to appoint election supervisors, satisfied ardent reformers, such as Senator Charles Sumner. He introduced legislation on May 13, 1870, that provided the basis for the Civil Rights Bill of 1875.[79] Senator Sumner envisioned a far more sweeping bill that would fully enforce and expand upon the 13th, 14th, and 15th Amendments. The centerpiece of his original bill outlawed racial discrimination in juries, schools, transportation, and public accommodations. However, Illinois Senator Lyman Trumbull, chairman of the powerful Judiciary Committee, disapproved of the bill and trapped it in his panel for more than two years.

On December 2, 1873, the opening day of the 43rd Congress, Sumner dutifully submitted his civil rights bill.[80] On December 18—bolstered by the GOP's 111-Member majority—House Judiciary Committee Chairman Benjamin Butler submitted his own bill, which echoed much of Sumner's language.[81] A former states' rights Democrat, Butler changed his party allegiances and his attitude toward African Americans while serving as a brigadier general in the Civil War. Recalling the deaths of black Union soldiers on the battlefield, Butler declared, "May my right hand forget its cunning and my tongue cleave to the roof of my mouth if I ever fail to defend the rights of these men who have given their blood for me and my country . . . God helping me, I will keep that oath."[82]

Opponents lined up to denounce the bill when it came to the House Floor the following January, railing against the measure's perceived threat to incite "a war of the races, [in which]the black race in this country will be exterminated," in the words of Representative Milton Durham of Kentucky.[83] Democrats stood up one by one, claiming that the Civil Rights Bill attempted to enforce rights beyond the scope of the Constitution, usurped states' power to regulate common (public) schools, and forced the undesired social mixing of the two races. Amendments aimed at killing the Civil Rights Bill soon flooded in at such an alarming rate that Butler was forced to recommit the bill to the House Judiciary Committee on January 7 for consideration.

In the Senate, Sumner's passing breathed new life into his legislative agenda. On his deathbed on March 11, 1874, Sumner allegedly repeated at least three times to Representative George Hoar: "You must take care of the civil rights bill—my bill, the civil rights bill—don't let it fail!"[84] Primarily out of respect for their deceased colleague, Senators passed the bill—29 to 16—two months later.[85] The legislation was referred to the House Judiciary Committee on June 18, leaving the lower chamber to consider both pieces of legislation.[86]

A GOP debacle in the 1874 midterm elections further endangered the Civil Rights Bill. Sixty-two House Republican incumbents failed to win re-election; 43 hailed from northern or western states. The large GOP majority in the House during the 43rd Congress gave way to a 79-Member Democratic advantage in

As chairman of the House Judiciary Committee, Representative and Civil War Brigadier General Benjamin Butler of Massachusetts submitted his own version of the Civil Rights Bill in 1874.

Image courtesy of Library of Congress

Lame Duck Session:

Refers to a session of Congress that transpires after congressional elections but before the start of a new Congress. In the 19th century, new Congresses commenced on March 4 (though both Chambers often convened for business at later dates). Thus, after biennial fall elections, a new Congress was not seated for four months. Congress often convened for an additional, or lame duck, session in the intervening weeks in a hurried effort to complete legislative business. Ratification of the 20th Amendment in 1933 set the start date for new Congresses to January 3, drastically reducing the time period in which a lame duck session could transpire. As a result, modern Congresses have rarely held lame duck sessions.

the 44th Congress.[87] A financial panic in 1873 and the resulting depression, as well as multiple charges of corruption in Republican President Ulysses S. Grant's administration, were primarily blamed for the loss.[88] However, growing public disinterest in and frustration with civil rights legislation were also at fault. A top House Republican, James Garfield of Ohio—where GOP electoral losses were especially devastating—noted "a general apathy among the people concerning the war and the negro."[89] James Sener, a scalawag from Virginia, blamed prolonged congressional debate on the Civil Rights Bill for his electoral loss. Noting that he continually opposed the bill during the first session of the 43rd Congress, he claimed his constituents feared that "under the whip and spur of party pressure," Sener might "yield my honest convictions to the will of the majority."[90] Among those who lost their elections was Benjamin Butler, who succumbed to Democrat Charles P. Thompson with 47 percent of the vote as compared to Thompson's 53 percent.[91] However, the electoral loss also rallied Republican Representatives, who returned to the lame duck session in 1875 determined not to leave office without passing some form of civil rights legislation.

The victorious Democrats, however, believed their mandate included scuttling the Civil Rights Bill. They continually halted business by submitting multiple motions to adjourn every time Butler attempted to place the legislation on the House Calendar for debate. A top GOP lieutenant, John Cessna of Pennsylvania, attempted to circumvent Democrats by drastically changing House Rules, disposing of all dilatory motions (those put forward strictly to stall consideration of legislation) for the remainder of the term. The change failed to achieve the two-thirds majority needed to alter House Rules after 15 Republicans defected. But over strong Democratic objections, Cessna worked with Speaker Blaine to broker a compromise, restricting the use of dilatory motions and opening an opportunity to debate civil rights legislation.[92]

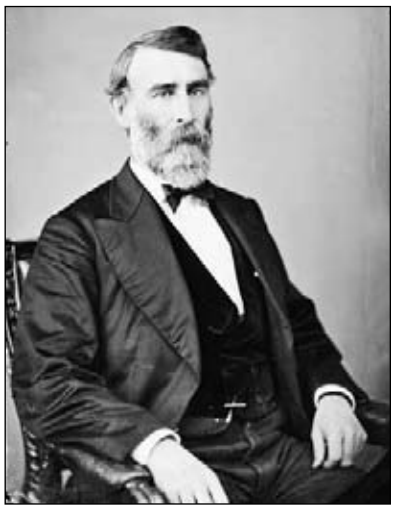
During the precarious lead-up to the 1874 elections, few white GOP supporters spoke on the House Floor on behalf of the Civil Rights Bill. Facing some of the former Confederacy's great orators, the black Representatives carried the debate on the measure throughout the 43rd Congress by making some of their most famous and impassioned speeches. The record-breaking seven black men on the House Floor was, in itself, an argument in favor of the bill. As one scholar notes, "their presence demonstrated that equality in politics could work [and] . . . signaled the drastic change that had overtaken the country's political order."[93] The climax of the first session was Robert Elliott's eloquent rebuttal to former Confederate Vice President Alexander Stephens of Georgia on January 6, 1874. Elliott's speech, in which he asserted that the federal government's highest duty was to protect African Americans, received attention and praise from newspapers nationwide.[94] The *Chicago Tribune* —a newspaper typically favorable to black Representatives—delivered a glowing review of the South Carolinian's speech: "Mr. Elliott has demonstrated the real force of the new order of things."[95]

As southern Democrats denied any racial discrimination on the part of southern railroads, hotels, theaters, and restaurants, the black Representatives provided vivid anecdotes of personal experiences with racism and segregation in public accommodations as evidence of the need for a Civil Rights Bill. Joseph Rainey claimed he was unable to procure first-class tickets on some railway lines and pointed out that he could not eat in the first-class dining room on a boat from

Washington to Norfolk. Forced to wait for a table in the servants' dining room, Rainey had shouted, "I'd starve first," and thereafter brought his own meals while traveling. Rainey drilled this injustice into the heads of his colleagues: "Do you think it is right that when I go forth from this capital as an honored member of Congress that I should be subjected to the insults from the lowest fellow in the street if he should happen to feel so inclined?"[96] When traveling from his district to the nation's capital, John Lynch noted, "I am treated, not as an American citizen, but as a brute. Forced to occupy a filthy smoking car both night and day, with drunkards, gamblers, and criminals; and for what? Not that I am unable or unwilling to pay my way; not that I am obnoxious in my personal appearance or disrespectful in my conduct; but simply because I happen to be of a darker complexion."[97] James Rapier pointed out the irony of the second-class treatment he received while traveling though he had a privileged role as a Representative. "Just think that the law recognizes my right upon this floor as a law-maker, but that there is no law to secure me an accommodation whatever while traveling here to discharge my duties as a Representative. . . . Is not this most anomalous and ridiculous?" Rapier reminded his colleagues that, "Every day my life and property are exposed, are left to the mercy of others, and will be so long as every hotel-keeper, railroad conductor, and steamboat captain can refuse me with impunity."[98]

Opponents argued that regulating discrimination in public accommodations and transportation was beyond the scope of the Constitution. The Reconstruction Amendments, which already guaranteed the basic political rights afforded to all male citizens, extended the federal government's power to its limit. "The colored people are now in substantial enjoyment of their full rights and privileges granted by the recent amendments to the Constitution," argued Democrat John Storm of Pennsylvania. "This bill is thrust upon us now for no other purpose than exciting bad feelings." Virginian Thomas Whitehead added "now the colored man is a citizen. He can vote. He can hold office. . . . He can hold property. He can do in my state just what any other man can do. . . . Now, what is the object of this bill?"[99] While the Constitution could provide political equality before the law, southerners argued that it could not enforce social equality. John Harris of Virginia declared that the racial division was "a natural prejudice that God himself placed in the hearts of southern children," adding that a Representative of any race could be "thrust from a particular railroad car when his high position was not known."[100] Representative Whitehead observed that "the Almighty has given [black men] what he cannot get rid of—a black skin! . . . You have not the power to make him white and he will never be satisfied short of that."[101] James Blount of Georgia observed that Black Americans in the South did not care for equal access to theaters, hotels, and streetcars. "These people are poor," he observed, "and these things they care nothing about. . . . They are especially often involved in criminal charges. . . . [Judicial rights] are the rights of most practical value to them."[102]

Many southern Democrats' greatest fear was enforced social mixing between blacks and whites. "There are in the Southern States two races, as distinct in their social feelings and prejudices as in color," declared Representative Blount. "The sooner they are recognized by our rulers the better for both races and the country."[103] Democrat Charles Eldredge of Wisconsin blamed the unrest in the South on the "*unnatural relation* in which two races have been placed to each other," adding, "it is a result . . . which may always be expected when it is attempted to subject men



A six-term Representative from Virginia, John Harris belittled his black congressional colleagues by questioning their right to be called men.

Image courtesy of Library of Congress

Titled "The shackle broken–by the genius of freedom," this print memorialized a defining moment in South Carolina Representative Robert Elliott's congressional career, his 1874 speech in support of the Civil Rights Act.

Image courtesy of Library of Congress

By 1880, partisan politics began to divide the black vote, as depicted in this Frank Leslie's Illustrated, *portraying Democrats taunting Republican voters en route to the polls.*

Image courtesy of Library of Congress

of culture . . . to the domination and rule of brute force."[104] Despite their idealism, most Radical Republicans also believed African Americans belonged to a separate social sphere. Even Benjamin Butler admitted, "We do not propose to legislate to establish any equality." However, he clearly believed that equality did not divide on racial grounds: "Not all men are equal, *but every man has the right to be the equal of every other man if he can*. . . . And all constitutions, all laws, all enactments, all prejudices, all caste, all custom, all contravention of that right is unjust, impolitic, and unchristian."[105]

The African-American Members displayed considerable political pragmatism when addressing the issue of using legislation to compel social equality of the races. Richard Cain noted that "no laws enacted by legislators can compel social equality."[106] James Rapier claimed that the Civil Rights Bill "does not and cannot contemplate any such idea as social equality; nor is there any man upon this floor so silly as to believe that there can be any law enacted or enforced that would compel one man to recognize the other as his equal socially." However, he also rejected segregation as a caste system that prevented social mobility, calling such a method "an anti-republican principle in our free country."[107] John Lynch pointed out the hypocrisy of the argument that social equality divided on racial grounds: "I have never believed for a moment that social equality could be brought about even between persons of the same race. . . . But those who contend that the passage of this bill will have a tendency to bring about social equality between the races virtually and substantially admit that there are no social distinctions among white people, whatsoever."[108] As white southerners made dire predictions about the deleterious effects of the Civil Rights Bill on white southern culture, Richard Cain responded with his characteristic good humor: "I think [that if] so harmless a measure as the civil-rights bill, guaranteeing to every man of the African race equal rights with other men, would bring death to the South, then certainly that noble march of Sherman to the sea would have fixed them long ago."[109]

The sticking point on the final version of the Civil Rights Bill of 1875 became the section providing federal funding for and oversight of public education. Traditionally, states and local municipalities controlled public schools. Throughout the South, local prejudice led to uneven educational opportunities. The most controversial component, however, was the provision to desegregate public schools. Both Southern Democrats and moderate Republicans greatly feared angry white parents would pull their children out of mixed race schools, effectively ending public education in the South. "The great evil this bill has in store for the black man is found in the destruction of the common schools of the South," declared Roger Mills of Texas. "When the common schools are broken up in all the Southern States. . . what is to become of the children of the colored people? Are they to grow up on ignorance and vice?"[110] Milton Durham argued that his white constituents paid the bulk of the taxes and that many took advantage of public schools. "Should this bill pass," Durham warned, "and the children of freedmen demand admission into these schools, I believe the system in Kentucky will be so injured as to become worthless."[111] Moderate Republicans were wary of the education clause as well. Though Barbour Lewis of Tennessee supported the Civil Rights Bill, noting that "the colored people deserve this measure," he argued that integrated schools were unacceptable to all "because people of their own choice . . . simply as a matter of taste, have maintained separate schools."[112]

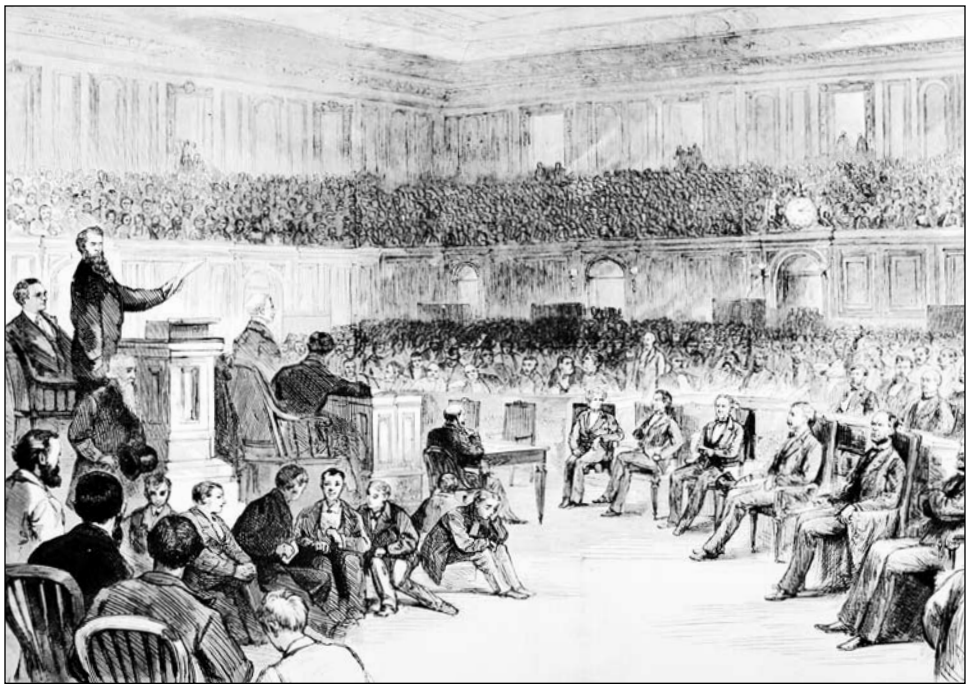
To move the bill out of the Judiciary Committee in the face of such broad opposition, Butler amended the education clause by inserting language that called for "separate, but equal" public schools.[113] By the time the bill came to a vote on February 4, 1875, three versions existed, each differing only on the education provisions: the amended House bill, calling for "separate, but equal" public schools; the Senate bill, which included the legislation's original intent to desegregate and federally fund common schools; and an amended version offered by Stephen Kellogg of Connecticut, stripping the bill of all references to public education.

Black Members vigorously defended the education clause, preferring almost unanimously the Senate version of the bill.[114] John Lynch contended that increased federal funding for education was the most harmless provision of the bill: "All share its benefits alike," he said.[115] Richard Cain sharply admonished his southern colleagues: "Examine the laws of the South, and you will find that it was a penal offense for anyone to educate the colored people there. . . . You robbed us for two hundred years. During all that time we toiled for you. We have raised your cotton, your rice, and your corn. . . . And yet you upbraid us for being ignorant—call us a horde of barbarians!"[116] Alonzo Ransier had great faith that equal rights and opportunities in education would allow talented black men to earn good standing in their communities and would in turn curb discrimination. "Let the doors of the public school house be thrown open to us alike," he declared, "if you mean to give these people equal rights at all, or to protect them in the exercise of the rights and privileges attaching to all freemen and citizens of our country."[117]

By the time the Civil Rights Bill came to a vote, the measure had been gravely wounded. The bill's last days were filled with desperate pleas from its supporters. "Spare us our liberties; give us peace; give us a chance to live; . . . place no obstruction in our way; give us an equal chance," Richard Cain pleaded. "We ask no more of the American people."[118] James Rapier despaired, "I have no compromise to offer on this subject. . . . After all, this question resolves itself into this: either I am a man or I am not a man."[119] Minutes before the final measure came to a vote in the House, Members passed Kellogg's amendment eliminating all references to public education, 128 to 48. A motion replacing the House version with the Senate bill failed soon afterward, 148 to 114. The battered Civil Rights Bill finally passed 162 to 99. The measure provided no mechanism to regulate public schools, but stipulated equal use of public transportation and accommodations regardless of race. It also prohibited the exclusion of African Americans from jury service. Black Members received the final version of the bill with mixed reactions: Richard Cain, John Lynch, Joseph Rainey, and James Rapier voted in its favor, despite its diluted form, but Alonzo Ransier and Josiah Walls were so disappointed by the elimination of the education clause, they declined to vote.[120] The legislation passed the Senate on February 27. On March 1, President Ulysses S. Grant signed it into law.[121] The fact that Republicans, who within days would be relegated to minority status, managed to steer such a bill through the chamber at the conclusion of a lame duck session represented a considerable legislative victory. But in their desperation to pass the measure, Republicans had left the Civil Rights Act of 1875 in such a weakened state that it did little to impede the creation of a system of segregation in the South. Moreover, the limited protection it did afford would soon be stripped by the courts.

To aid the passage of the 1875 Civil Rights Bill, three-term Representative Stephen Kellogg of Connecticut stripped the bill of all references to education.

Image courtesy of Library of Congress



In the 1876 presidential election, three states—Florida, Louisiana, and South Carolina—submitted a set of electoral votes for both candidates, Democrat Samuel Tilden and Republican Rutherford B. Hayes. The House and Senate created an Electoral Commission to determine the victor in the disputed states. This print from Harper's Weekly *depicts Democratic Representative David Dudley Field of New York objecting to the Electoral Commission's decision to award Hayes the Florida votes.*

Collection of U.S. House of Representatives

Rolling Back Civil Rights

After the passage of the Civil Rights Act of 1875, Congress enacted no further civil rights legislation for more than 80 years. The difficulty passing the weakened legislation indicated that the Radical Republicans' idealistic experiment had come to an end. Moreover, though Republicans made gains in the House in the 1876 elections, the political battle that erupted over disputed presidential returns (and its resolution) effectively ended Reconstruction.

The 1876 presidential contest between Republican candidate Rutherford Hayes and Democratic candidate Samuel Tilden caused an electoral crisis when South Carolina, Florida, and Louisiana submitted a set of electoral votes for each candidate. On January 29, 1877, the House adopted an independent 15-member Electoral Commission consisting of Representatives, Senators, and Supreme Court Justices—apportioned on party divisions in each body—to investigate the disputed electoral returns. The six black Representatives who served in the House during the discussion of the disputed election—three from two of the contested states—were among the minority opposing the establishment of the Electoral Commission. John Lynch made two speeches opposing the commission and later observed in his autobiography that the office of the presidency was too important to be placed in "a game or scheme of luck and chance."[122] Joseph Rainey noted the constitutional quandary of establishing the commission, since the framers had never contemplated such a mechanism. "Once permit the Constitution to be made a mere piece of pottery to fashion as party exigencies seem to demand," he warned his colleagues, "and in that moment we are cut adrift from safe moorings and carried beyond rescue upon tossing billows of the political sea."[123]

The Electoral Commission ruled eight to seven in favor of electing Hayes by one electoral vote over Tilden. Though no black Representative was afforded time to speak on the subject, all voted in favor of the commission's conclusion, supporting the election of a Republican candidate over a Democrat, despite their reservations about the commission's formation.[124] However, Hayes's victory came at the cost of

congressional Reconstruction. The new administration pulled federal troops out of the South, unbinding southern Democrats' ambitions to roll back the decade-long experiment in fostering racial equality. The new Republican President did little for black civil rights. A disillusioned John Lynch noted that "the Hayes administration not only completed the destruction of what had been thus accomplished, but made any further progress . . . absolutely impossible."[125]

Without federal protection for southern blacks, the next decade marked a period of "redemption"—the capture and control over local and state governments by white supremacists in the South. Historian C. Vann Woodward notes that the racial interaction during Reconstruction "was strained. It was also temporary, and it was usually self-conscious. It was a product of contrived circumstances."[126] African-American politicians examined anew their loyalty to the Republican Party. From his home in Macon, Georgia, Jefferson Long began encouraging black voters to vote for Independent Democrats if Republican candidates proved unsatisfactory. Long himself campaigned for several Independent candidates in the 1870s and 1880s.[127] Robert De Large noted during his congressional service, "I hold that my race has always been Republican for necessity only."[128] After leaving Congress, he and fellow South Carolinians Richard Cain and Alonzo Ransier allied with Martin Delany—a disillusioned former Republican who had abandoned the party for the Democrats and talked of a third party for African Americans in the South.

A series of Supreme Court decisions throughout the last three decades of the 19th century negated civil rights legislative gains and circumscribed protections for freedmen under the Reconstruction Amendments. The Supreme Court rejected the 1873 *Slaughterhouse Cases*—a set of three lawsuits initiated by Louisiana butchers challenging a state law that centralized the state's slaughterhouses into one private company. The butchers claimed protection under the 14th Amendment against state incursion on "privileges or immunities." The decision limited the ability of the federal government to protect Black Americans by confining its power to influence the states on behalf of individual rights. The *United States v. Cruikshank* and *United States v. Reese* decisions weakened the 15th Amendment's protection of voting rights in March 1876. *Cruikshank* initiated an erosion of the Civil Rights Act of 1875, as the court ruled the act did not guarantee First Amendment Rights. The high court in the *Reese* case opened a Pandora's box with its finding that the 15th Amendment did not confer upon any individual the right to vote, but merely forbade states to give any citizen preferential treatment. In this light, the right to vote derived from states, rather than the federal government—leaving state governments to determine how voters were qualified and under what circumstances voting would be allowed. In *United States v. Harris* (1883), the court determined that federal laws did not apply to private persons, which proved a blow to the Ku Klux Klan Acts. That finding essentially unleashed white supremacists to attack any African American seeking to exercise his political rights.[129]

On October 15, 1883, the rollback of civil rights continued when the Supreme Court struck down the 1875 Civil Rights Bill's weak provisions. Ruling 8 to 1, the court declared the law unconstitutional in the *Civil Rights Cases*. The majority opinion asserted that individuals were relegated to appealing to state governments—which proved unfriendly to Black Americans in the South—to stop such discrimination.[130] The two black Representatives serving at the time, James O'Hara and Robert Smalls, attempted unsuccessfully to revive portions of the Civil

Redemption:

A term used to denote either the political movement or the period in which white southerners worked to dismantle Reconstruction governments, disfranchise blacks, and reshape the South's legal system to foster labor control and subordination of blacks to whites.

"The Colored Congressman"

The President's dinners now are done,
And over all the bother;
He dined and wined 'em every one,
But not the colored brother.

He took the Congressmen in turn—
There's nothing could be fairer—
But the one whose turn came not at all
Was Congressman O'Hara.

In calling on the President
Of course his rights were stable;
He'd shake with "Chet," but couldn't get
His legs beneath "Chet's" table.

If, scenting for the dinner's fumes,
He pined for pork and "tater,"
His only living chance would be
To ring in as a waiter.

Of crowded off upon that track,
The next most likely switchin'
To hie him round in humbler guise
And chance it in the kitchen.

Which shows that black is hardly yet
The color of the winner
Since good Republicans still draw
The colored line at dinner.

Poem about Representative James O'Hara of North Carolina

From the *Boston Star* (reprinted in the *Washington Post* April 14, 1884)

This Thomas Nast sketch from an 1877 Harper's Weekly *made note of an African-American man voting for a Democrat. Until that time, the Republican Party was the party of most blacks.*

Image courtesy of Library of Congress

Rights Bill shortly thereafter. In December 1884, O'Hara offered an amendment to an interstate commerce bill prohibiting discrimination on railroad cars. Joined by Representative Smalls on December 17, the two made arguments echoing those of their predecessors who fought for the Civil Rights Bill. However, O'Hara and Smalls served in a minority and were speaking in a different era. Even many congressional Republicans viewed racial equality as an irreconcilable division between the North and South that should be ignored politely rather than discussed.

Conclusion

The 19th-century black Congressmen's inability to rise within the congressional power structure circumscribed their legislative legacy and relegated them to a symbolic representation of the accomplishments of the Civil Rights Amendments and northern victory in the Civil War. Yet they remained forceful advocates for the civil and political rights of their constituents, despite the obstacles they faced in and out of Congress. Their role as surrogate representatives for millions of newly freed African Americans provided a representational blueprint for black Members in future generations. The mantle of advocacy figuratively passed from the pioneer generation when the aged John Lynch—living in Republican Oscar De Priest's Chicago district in 1928—advised the new Member of Congress to place the interests of the African-American community before even partisan loyalty. "We need a man who will have the courage to attack not only his political opponents," he told De Priest, "but those within his own party who fail to fight unfair legislation directed toward people of color."[131]

The Supreme Court's *coup de grâce* to the Civil Rights Bill marked the end of the federal government's role as champion of freedmen. Over time, the government became impassive to the states' diminution of blacks' political and social status. Righteous Republicans excoriated southern Democrats for erecting an architecture of social and legal racial apartheid, while indignant southerners dismissed emblematic Republican racial initiatives as Janus-faced appeals to black voters. Both major parties regularly traded barbs about the "Negro issue" on the House and Senate floors. Thus, Congress shirked substantive legislative action to improve blacks' quality of life, repeatedly refusing to pass additional provisions intended to safeguard their 14th and 15th Amendment rights. Recognizing that a new era had dawned, James O'Hara concluded, "It is too late for the American Congress to legislate on the question of color."[132] What would soon develop was a rigid system of segregation codified in state law and tacitly sanctioned by the federal government.

Notes

1 Quoted in Maurine Christopher, *Black Americans in Congress* (New York: Thomas Y. Crowell Company, 1976): 9. Revels seems to attribute this quote to Massachusetts journalist Wendell Phillips. See "Autobiography of Hiram Revels," Carter G. Woodson Collection of Negro Papers and Related Documents, box 11, Manuscript Division, Library of Congress, Washington, DC.

2 U.S. Senators were elected by state legislatures until 1913, when the adoption of the 17th Amendment required their direct election. Jefferson Davis, formerly the President of the Confederacy, left his Senate seat at the same time Brown left his. The Union victors in the Civil War were quick to elevate Revels's place in the chamber, representing the state that once selected Davis, as a symbolic moment; they played their message so well that contemporary newspapers and many historians mistakenly place Revels in Davis's former seat. See, for example, *Congressional Globe*, Senate, 41st Cong., 2nd sess. (23 February 1870): 1513; Gath, "Washington," 17 March 1870, *Chicago Tribune*: 2; Maurine Christopher, *Black Americans in Congress* (New York: Thomas Y. Crowell Company, 1976): 5–6; Stephen Middleton, ed., *Black Congressmen During Reconstruction: A Documentary Sourcebook* (Westport, CT: Praeger, 2002): 320.

3 "The Negro United States Senator," 3 March 1870, *Atlanta Constitution*: 3.

4 "Washington," 27 February 1870, *Chicago Tribune*: 1.

5 "The Negro in Congress," 7 March 1871, *Chicago Tribune*: 2.

6 President Lincoln issued a preliminary version of the Emancipation Proclamation on September 22, 1862, after the Civil War battle of Antietam. In his message to the Confederacy, the President announced his intention to free the slaves in the rebellious states; one hundred days later he signed the official proclamation. For more information on the history of both proclamations, see James M. McPherson, *Crossroads of Freedom: Antietam* (New York: Oxford University Press, 2002): 138–146; James M. McPherson, *Battle Cry of Freedom* (New York: Oxford University Press, 1988): 562–563. See also the National Archives and Records Administration's online "Featured Documents" at http://www.archives.gov/exhibits/featured_documents/emancipation_proclamation/ (accessed 13 May 2008).

7 The Confederacy originally included 11 states (South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, Texas, Virginia, Arkansas, North Carolina, and Tennessee).

8 Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863–1877* (New York: Harper & Row, 1988): 230.

9 This includes the 21 formal vetoes and eight pocket vetoes issued by Johnson in the 39th and 40th Congresses (1865–1869). Johnson had the second-highest percentage of vetoes overridden (51.7 percent). Franklin Pierce, who had 55.7 percent of his vetoes overridden, issued nine vetoes only to have five overridden by the 33rd and 34th Congresses (1853–1857). See Office of the Clerk, "Presidential Vetoes," available at http://clerk.house.gov/art_history/house_history/vetoes.html.

10 Tennessee, which had rejoined the Union on July 24, 1866, was exempt from the requirements of the Reconstruction Act.

11 See Appendix J, Constitutional Amendments and Major Civil Rights Acts of Congress Referenced in the Text.

12 Eric Foner, *Freedom's Lawmakers: A Directory of Black Officeholders During Reconstruction* (New York: Oxford University Press, 1993): xi.

13 Several historians discuss the impact of skin color on the stratification of free and enslaved black communities in different regions of the South from the colonial to the postbellum periods. Winthrop D. Jordan discusses the colonial period in "American Chiaroscuro: The Status and Definition of Mulattoes in the British Colonies," in Edward Countryman ed., *How Did American Slavery Begin?* (Boston: Bedford/St. Martin's, 1999). Both Eugene D. Genovese and Paul D. Escott discuss stratification within slave communities in the antebellum period: Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Pantheon Books, 1974) and Escott, *Slavery Remembered: A Record of Twentieth-Century Slave Narratives* (Chapel Hill: University of North Carolina Press, 1979). For a discussion of the racial tensions within the free black communities in the antebellum period, see Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: The New Press, 1974). Joel Williamson provides a thorough history of racial miscegenation in the United States in *New People: Miscegenation and Mulattoes in the United States* (New York: The Free Press, 1980). Willard Gatewood examines the effects of skin color on the postbellum elite communities in *Aristocrats of Color: The Black Elite, 1880–1920* (Fayetteville: University of Arkansas Press, 2000).

14 The word "mulatto" first came into English use around 1666 to define those of mixed race. *The Oxford English Dictionary* and most major American dictionaries do not classify "mulatto" as offensive; however, the word's etymology is controversial. See *The Oxford English Dictionary*, 2nd ed., Vol. X., comp. J. A. Simpson and E. S. C. Weiner (Oxford: Clarendon Press, 1989), s.v. "mulatto"; Jordan, "American Chiaroscuro": 102, 107.

15 Williamson, *New People*: 25; Berlin, *Slaves Without Masters*: 179.

16 Berlin, *Slaves Without Masters*: 57, 277, 161–164, 280–281; Gatewood, *Aristocrats of Color*: 160. In popular press accounts, skin tone was a prominent descriptor of Reconstruction-Era black Congressmen. Observers uniformly described Representative Joseph Rainey as having an "olive" or "bright" complexion upon nearly every mention when he was first elected in 1870. In contrast, Representative Robert Elliott, the first non-mulatto elected to Congress, was often described as a "full negro," "purest African," or the "darkest" or "blackest" yet elected. See, for example, "Black Enough," 7 March 1871, *Atlanta Constitution*: 1; "Colored Congressmen," 16 April 1874, *National Republican* (Washington, DC): 6; "Washington," 2 April 1871, *Chicago Tribune*: 2; "How The Colored Members of Congress Look," 16 May 1872, Volume 49, *Zion's Herald*: 235; "South Carolina Congressmen," 14 November 1870, *New York Times*: 2.

17 William C. Harris, "Blanche K. Bruce of Mississippi: Conservative Assimilationist," in Howard Rabinowitz, ed., *Southern Black Leaders of the Reconstruction Era* (Urbana: University of Illinois Press, 1982): 27, 33.

18 Genovese, *Roll, Jordan, Roll*: 561–564; Richard C. Wade, *Slavery in the Cities: The South 1820–1860* (London: Oxford University Press, 1964): 173–176; see, for example, the Virginia law cited in Berlin, *Slaves Without Masters*: 304–305.

19 "Autobiography of Hiram Revels," Carter G. Woodson Collection, Library of Congress.

20 John Hope Franklin and Alfred A. Moss, *From Slavery to Freedom: A History of African Americans*, 8th ed. (New York: Alfred A. Knopf, 2000): 257.

21 In 1860, 74 percent of American newspapers reported a partisan affiliation; this figure jumped to 83 percent in the South. See Richard H. Abbot, *For Free Press and Equal Rights: Republican Newspapers in the Reconstruction South* (Athens: University of Georgia Press, 2004): 2.

22 Newspaper ownership generally skyrocketed in the Reconstruction period—the number of people identifying themselves as "editors," "newsmen," or "reporters," doubled between 1870 and 1880 and doubled again in the next decade. See Alan Bussel, *Bohemians and Professionals: Essays on Nineteenth-Century American Journalism* (Atlanta: Emory University Graduate Institute of the Liberal Arts, 1981): 7, 22.

23 Quoted in Joel Williamson, *After Slavery: The Negro in South Carolina During Reconstruction, 1861–1877* (Chapel Hill: The University of North Carolina Press, 1965): 206.

24 Foner, *Freedom's Lawmakers*: xxii (see Table 13). This is perhaps a low statistic given that 37 percent had unreported wealth. Also, black Congressmen on average were less wealthy than their white counterparts, who were typically worth between $11,000 and $15,000. See Terry L. Seip, *The South Returns to Congress* (Baton Rouge: Louisiana State University Press, 1983): 28 (see Table 4). According to a standard method of calculating the 21st-century value of 19th-century fortunes (taking 1870 as the basis year), the average black Member from the Reconstruction Era would have amassed roughly $92,000 in wealth in 2007 dollars. Senator Bruce's fortune would translate into more than $2.3 million in 2007 dollars. The typical white Member of Congress in that time period had amassed a fortune of between $180,000 and $250,000 in 2007 dollars. These figures are drawn from calculations using the historical Consumer Price Index data. Other methods for making such calculations, including extrapolations based on the Gross Domestic Product, produce sometimes drastically different valuations. For an explanation of the difficulty in accounting for inflation conversion factors and determining the relative value of dollars over long periods of time see Oregon State University's "Inflation Conversion Factors for Dollars, 1774 to Estimated 2018," at http://oregonstate.edu/cla/polisci/faculty-research/sahr?sahr.htm (accessed 14 May 2008).

25 Lawrence Otis Graham, *The Senator and the Socialite: The True Story of America's First Black Dynasty* (New York: HarperCollins, 2006): 5–7.

26 Edward A. Miller, Jr., *Gullah Statesman: Robert Smalls from Slavery to Congress, 1839–1915* (Columbia: University of South Carolina Press, 1995): 58; Bernard E. Powers, Jr., *Black*

Charlestonians, 1822–1885 (Fayetteville: The University of Arkansas Press, 1994): 169–170; Thomas C. Holt, *Black Over White: Negro Political Leadership in South Carolina During Reconstruction* (Urbana: University of Illinois Press, 1977): 164–165; Foner, *Reconstruction*: 361.

27 Some sources note that Jeremiah Haralson of Alabama ran for Congress as a Democrat in the 1868 election. See Loren Schweninger and Alston Fitts, III, "Haralson, Jeremiah," *American National Biography* 10 (New York: Oxford University Press, 1999): 37–38 (hereinafter referred to as *ANB*). Michael Dubin makes no mention of Haralson's candidacy for the 1868 general election; it is possible Haralson failed to win the nomination. See Michael Dubin et al., *U.S. Congressional Elections, 1788–1997* (Jefferson, NC: McFarland & Company, Inc., Publishers, 1998): 213.

28 *Congressional Record*, Appendix, 49th Cong., 1st sess. (30 July 1886): A319.

29 Quoted in Christopher, *Black Americans in Congress*: 133.

30 For more on the Liberal Republican movement, see Andrew L. Slap, *The Doom of Reconstruction: The Liberal Republicans in the Civil War Era* (New York: Fordham University Press, 2006).

31 Michael Perman, *The Road to Redemption: Southern Politics, 1869–1879* (Chapel Hill: University of North Carolina Press, 1984): 22–56.

32 Though the post–Civil War years saw the first interest in popular primaries, the convention system remained in place in the South. For more on this topic, see John F. Reynolds, *The Demise of the American Convention System, 1880–1901* (New York: Cambridge University Press, 2006); Charles Edward Merriam, *Primary Elections* (Chicago: University of Chicago Press, 1908): 1–17.

33 Foner, *Freedom's Lawmakers*: xii.

34 William L. Barney, "Scott, Robert Kingston," 19 *ANB*: 505–507; Christine Doyle, "Moses, Franklin J., Jr.," 15 *ANB*: 971–972.

35 Quoted in Christopher, *Black Americans in Congress*: 103.

36 *Congressional Record*, Appendix, 43rd Cong., 2nd sess. (2 March 1875): A166–169.

37 Michael K. Fauntroy, *Republicans and the Black Vote* (Boulder, CO: Lynne Reinner Publishers, 2007): 34.

38 *Congressional Record*, House, 43rd Cong., 1st sess (13 June 1874): 4955.

39 Perman, *The Road to Redemption*: 38.

40 For a discussion of surrogate representation using modern examples, see Jane Mansbridge, "Should Blacks Represent Blacks and Women Represent Women? A Contingent 'Yes,'" *Journal of Politics* 61 (1999): 628–657.

41 See, for example, *Congressional Record*, House, 43rd Cong., 2nd sess. (3 February 1875): 957.

42 Stanley B. Parsons et al., *United States Congressional Districts, 1843–1883* (New York: Greenwood Press, 1986): 146. Ultimately, Rapier left his seat after one term to run against Representative Jeremiah Haralson in a neighboring black-majority district. Josiah Walls also served as an At-Large Representative in Florida—with a population that was 44 percent black—in the 42nd Congress (1871–1873). See Parsons et al., *United States Congressional Districts, 1843–1883*: 99. Senators Hiram Revels and Blanche Bruce were both elected to the Senate by Republican majority state legislatures in Mississippi, a state whose black population was more than 50 percent black in 1870. See Foner, *Freedom's Lawmakers*: xiii.

43 Okun Edet Uya, *From Slavery to Political Service: Robert Smalls, 1839–1915* (New York: Oxford University Press, 1971): 32–36; Powers, *Black Charlestonians*: 81–85; Williamson, *After Slavery*: 371.

44 For more names and state affiliations of white supremacist groups, see Franklin and Moss, *From Slavery to Freedom*: 275.

45 In response to the growing number of contested elections, the Senate created its Committee on Privileges and Elections on March 10, 1871. See David T. Canon et al., *Committees in the U.S. Congress, 1789 to 1946*, Volume 2 (Washington, DC: Congressional Quarterly Press, 2002): 253–257.

46 Jeffrey A. Jenkins, "Partisanship and Contested Election Cases in the House of Representatives, 1789–1902," *Studies in American Political Development* 18 (Fall 2004): 130.

47 Loren Schweninger, "James T. Rapier of Alabama and the Noble Cause of Reconstruction," in Rabinowitz, ed., *Southern Black Leaders of the Reconstruction Era*: 86; Dubin et al., *U.S. Congressional Elections, 1788–1997*: 230.

48 "The Election in Alabama," 29 November 1884, *New York Times*: 1.

49 John Roy Lynch, *Reminiscences of an Active Life: The Autobiography of John Roy Lynch*, edited with an introduction by John Hope Franklin (Chicago: University of Chicago Press, 1970): 163–166.

50 John Hope Franklin, "John Roy Lynch: Republican Stalwart from Mississippi," in Rabinowitz, ed., *Southern Black Leaders of the Reconstruction Era*: 47.

51 *Congressional Record*, House, 44th Cong., 1st sess. (13 June 1876): 3781–3786.

52 *Congressional Record*, Senate, 44th Cong., 1st sess. (31 March 1876): 2101–2105.

53 Chester H. Rowell, *A Historical and Legal Digest of All the Contested Election Cases* (Washington, DC: Government Printing Office, 1901). Though Rowell offers one of the most comprehensive sources on the activities of the Committee on Elections for this era, his data are incomplete. At least six contested elections cases involving black men are missing from his volume.

54 The *New York Times* reports that, according to the 1870 Census, the total black population of the District of Columbia was 43,404. See "The Census of 1870," 8 July 1871, *New York Times*.

55 Gatewood, *Aristocrats of Color*: 38–68; Graham, T*he Senator and the Socialite*: 101.

56 Boarding houses were common lodging for Representatives, who often spent the short sessions in Washington living away from their families. Representatives often depended on one another, as well as their neighbors, as social companions during their months in Washington. See Tom Shroder, "Out of the Mud," 8 December 2002, *Washington Post Magazine*: 20–27, 41–48.

57 *Congressional Directory*, 42nd Cong., 2nd sess. (Washington, DC: Government Printing Office, 1872): 120–125.

58 James Whyte, *The Uncivil War: Washington During the Reconstruction, 1865–1878* (New York: Twayne Publishers, 1958): 242–243.

59 *Congressional Record*, House, 43rd Cong., 1st sess. (19 December 1873): 344.

60 Marie Le Baron, "Colored Congressmen," 12 April 1874, *St. Louis Daily Globe*: 3.

61 James G. Blaine, *Twenty Years of Congress From Lincoln to Garfield*, Volume 2 (Norwich, CT: Henry Bill Publishing Co., 1886): 515.

62 *Congressional Record*, House, 44th Cong., 1st sess. (15 July 1876): 4641–4644.

63 *Congressional Record*, House, 44th Cong., 1st sess. (18 July 1876): 4707.

64 *Congressional Record*, House, 43rd Cong., 1st sess. (5 January 1874): 376.

65 Kirt H. Wilson, *The Reconstruction Desegregation Debate: The Politics of Equality and the Rhetoric of Place, 1870–1875* (East Lansing: Michigan State University Press, 2002): 25.

66 *Congressional Record*, House, 43rd Cong., 1st sess. (24 January 1874): 901–903.

67 Charles Stewart III ranks the House Agriculture Committee as the chamber's eighth most desirable panel for this era. However, no black member of the Agriculture Committee rose above the second-to-last ranking GOP Member. For more information, see Stewart, "Committee Hierarchies in the Modernizing House, 1875–1947," *American Journal of Political Science* 36 (1992): 845–846. See also Canon et al., *Committees in the U.S. Congress, 1789 to 1946,* Volume 3.

68 On the general topic of centralization of power in the House, which gave rise to the hierarchical committee system, see Peter Swenson, "The Influence of Recruitment on the Structure of Power in the U.S. House, 1870–1940," *Legislative Studies Quarterly* VII (February 1982): 7–36. For an analysis of committee seniority see, Michael Aboam and Joseph Cooper, "The Rise of Seniority in the House of Representatives," *Polity* 1 (Fall 1968): 52–84. For an analysis of factors that mitigate seniority as the determining factor in committee hierarchy as well as a discussion of when the seniority system solidified in the House, see Nelson Polsby, Miriam Gallaher, and Barry S. Rundquist, "The Growth of the Seniority System in the U.S. House of Representatives," *American Political Science Review* 63 (September 1969): 787–807.

69 Canon et al., *Committees in the U.S. Congress, 1789 to 1946*, Volume 4: 295.

70 Representative James O'Hara was an unofficial subcommittee chairman on the Committee on Invalid Pensions in the 49th Congress. See Appendix F, Black-American Chairs of Subcommittees of Standing Committees in the U.S. House and Senate, 1885–2007.

71 The names and jurisdictions of these panels changed during the Reconstruction Era. In the House, the Education and Labor Committee was created in 1867 but was terminated in 1883 in favor of a Committee on Education and a Committee on Labor. In the Senate, the Education Committee was established in 1869 and was renamed the Committee on Education and Labor one year later. See Canon et al., *Committees in the U.S. Congress, 1789 to 1946*, Volume 1: 65; ibid., Volume 2: 77.

72 *Congressional Globe*, House, 42nd Cong., 2nd sess. (23 February 1872): 809; quoted in Christopher, *Black Americans in Congress*: 33.

73 For further reading, see Carl R. Osthaus, *Freedmen, Philanthropy, and Fraud: A History of the Freedmen's Savings Bank* (Urbana: University of Illinois Press, 1976).

74 Graham, *The Senator and the Socialite:* 120–121.

75 These were: the Ku Klux Klan Act (16 Stat. 140–146, approved 31 May 1870), sometimes referred to as the Civil Rights Act of 1870; the Ku Klux Klan Act (16 Stat. 433–440, approved 28 February 1871), sometimes referred to as the Civil Rights Act of 1871; and the Third Force Act (17 Stat. 13–15, approved 20 April 1871).

76 *Congressional Globe*, House, 42nd Cong., 1st sess. (1 April 1871): 392.

77 *Congressional Globe*, House, 42nd Cong., 2nd sess. (13 May 1872): 3382.

78 *Congressional Globe*, Appendix, 42nd Cong., 2nd sess. (30 May 1872): A530–531. The *Congressional Globe* was the precursor to the *Congressional Record* as a printed source for congressional debates, the last in a long series of privately published volumes. The increase in legislation and debate during the Civil War eventually overwhelmed the *Globe's* printers. In 1873, Congress transferred authority for publishing the debates to the Government Printing Office (GPO), which publishes them under the title *Congressional Record*. For more on this topic, see Elizabeth Gregory McPherson "The History of Reporting the Debates and Proceedings of Congress" (Ph.D. diss., University of North Carolina, Chapel Hill, 1940).

79 For a concise summary of congressional civil rights legislation in the 19th and 20th centuries, see Donald Bacon et al., *The Encyclopedia of the United States Congress*, Volume 1 (New York: Simon and Schuster, 1995): 354–363. See also Appendix J, Constitutional Amendments and Major Civil Rights Acts of Congress Referenced in the Text

80 See S. No. 1, *Congressional Record*, Senate, 43rd Cong., 1st sess. (2 December 1873): 2.

81 See H.R. 796, *Congressional Record*, House, 43rd Cong., 1st sess. (18 December 1873): 318.

82 *Congressional Record*, House, 43rd Cong., 1st sess. (7 January 1874): 458.

83 *Congressional Record*, House, 43rd Cong., 1st sess. (6 January 1874): 406.

84 Edward L. Pierce, *Memoir and Letters of Charles Sumner*, Volume 4 (New York: Arno Press, 1969): 598.

85 *Congressional Record*, Senate, 43rd Cong., 1st sess. (22 May 1874): 4176.

86 *Congressional Record*, House, 43rd Cong., 1st sess. (18 June 1874): 5162–5163.

87 Office of the Clerk, "Party Divisions," http://clerk.house.gov/art_history/house_history/partyDiv.html.

88 Steven W. Stathis, *Landmark Legislation, 1774–2002: Major U.S. Acts and Treaties* (Washington, DC: Congressional Quarterly Press, 2003): 111.

89 Quoted in Foner, *Reconstruction:* 555.

90 *Congressional Record*, House, 43rd Cong., 1st sess. (4 February 1875): 978.

91 Dubin et al., *U.S. Congressional Elections*, *1788–1997*: 231.

92 Asher C. Hinds, *Hinds' Precedents of the House of Representatives*, Volume 4 (Washington, DC: Government Printing Office, 1907): 353–354; Foner, *Reconstruction*: 555; Wilson, *The Reconstruction Desegregation Debate*: 38. Republicans lost some support in the final vote on the Civil Rights Bill because of the rule change. In a speech denouncing the bill, William Phelps of New Jersey noted, "In order to pass this bill we have altered the rules of procedure under which for fifty years this House has transacted its business." See *Congressional Record*, House, 43rd Cong., 2nd sess. (4 February 1875): 1001. Debate was often very contentious, with Butler facing the brunt of the attacks. On February 3, 1875, Butler found himself squaring off in the center aisle of the House Chamber with William McLean of Texas when the latter accused Butler of denigrating

the South. McLean hurled a personal insult at Butler, in violation of House Rules, and later retracted his comment. See *Congressional Record*, House, 43rd Cong., 2nd sess. (3 February 1875): 940–941, 943. The following day, John Brown of Kentucky declared, "If I wished to describe all that was pusillanimous in war, inhuman in peace, forbidden in morals, and infamous in politics, I should call it 'Butlerism.'" Brown was censured for his remarks. See *Congressional Record*, House, 43rd Cong., 2nd sess. (4 February 1875): 985–992. An attempt to strike Butler's words from the *Congressional Record* failed just before the Civil Rights Bill passed. See *Congressional Record*, House, 43rd Cong., 2nd sess. (4 February 1875): 1008. Though they overwhelmingly favored censuring Brown, black Members remained silent during the more heated bickering on the House Floor.

93 Wilson, *The Reconstruction Desegregation Debate:* 25.

94 See, for example, "Congress," 7 January 1874, *New York Times:* 1.

95 "Congressman Elliott's Speech," 8 January 1874, *Chicago Daily Tribune*: 4.

96 Christopher, *Black Americans in Congress:* 32–33.

97 *Congressional Record*, House, 43rd Cong., 2nd sess. (3 February 1875): 945.

98 *Congressional Record*, House, 43rd Cong., 1st sess. (9 June 1874): 4782–4785.

99 *Congressional Record*, House, 43rd Cong., 2nd sess. (3 February 1875): 951, 952–953.

100 *Congressional Record*, House, 43rd Cong., 1st sess. (5 January 1874): 377.

101 *Congressional Record*, House, 43rd Cong., 2nd sess. (3 February 1875): 953.

102 *Congressional Record*, House, 43rd Cong., 2nd sess. (4 February 1875): 978. For further discussion of the constitutional arguments made during Civil Rights Bill debate, see Wilson, *The Reconstruction Desegregation Debate*: 151–181.

103 *Congressional Record*, House, 43rd Cong., 1st sess. (6 January 1874): 411.

104 *Congressional Record*, House, 43rd Cong., 2nd sess. (4 February 1875): 983 (emphasis his).

105 *Congressional Record*, House, 43rd Cong., 1st sess. (7 January 1874): 455–456 (emphasis his).

106 *Congressional Record*, House, 43rd Cong., 1st sess. (10 January 1874): 565–567.

107 *Congressional Record*, House, 43rd Cong., 1st sess. (9 June 1874): 4782–4785.

108 *Congressional Record*, House, 43rd Cong., 2nd sess. (3 February 1875): 944.

109 *Congressional Record*, House, 43rd Cong., 1st sess. (24 January 1874): 901–903. For more on the equality debate in the Civil Rights Bill, see Wilson, *The Reconstruction Desegregation Debate*: 77–120.

110 *Congressional Record*, House, 43rd Cong., 1st sess. (5 January 1874): 385.

111 *Congressional Record*, House, 43rd Cong., 1st sess. (6 January 1874): 406.

112 *Congressional Record*, House, 43rd Cong., 2nd sess. (4 February 1875): 998–999.

113 Wilson, *The Reconstruction Desegregation Debate*: 37.

114 Most black Members preferred the Senate version of the Civil Rights Bill. See, for example, *Congressional Record*, House, 43rd Cong., 2nd sess. (4 February 1875): 1001. Richard Cain expressed lukewarm support for Kellogg's version, probably because of his firm rejection of the compromise "separate, but equal" legislation. See *Congressional Record*, House, 43rd Cong., 2nd sess. (4 February 1875): 982.

115 *Congressional Record*, House, 43rd Cong., 2nd sess. (3 February 1875): 943–947.

116 *Congressional Record*, House, 43rd Cong., 1st sess. (24 January 1874): 901–903.

117 *Congressional Record*, House, 43rd Cong., 1st sess. (7 February 1874): 1314.

118 *Congressional Record*, House, 43rd Cong., 2nd sess. (4 February 1875): 982.

119 Ibid., 1001.

120 Ibid., 1011.

121 *Congressional Record*, Senate, 43rd Cong., 2nd sess. (27 February 1875): 1870; *Congressional Record*, House, 43rd Cong., 2nd sess. (1 March 1875): 2013.

122 Lynch, *Reminiscences of an Active Life: The Autobiography of John Roy Lynch*: 195.

123 *Congressional Record*, Appendix, 44th Cong., 2nd sess. (25 January 1877): A60.

124 *Congressional Record*, House, 44th Cong., 2nd sess. (28 February 1877): 2019–2020.

125 Lynch, *Reminiscences of an Active Life: The Autobiography of John Roy Lynch*: 201.

126 C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 1955; reprint 2002): 29.

127 John M. Matthews, "Long, Jefferson Franklin," *ANB* 13 (New York: Oxford University Press, 1999): 875–876.

128 Quoted in Timothy P. McCarthy, "DeLarge, Robert Carlos," *ANB* 6: 383–384; Joel Williamson, *After Slavery*: 359.

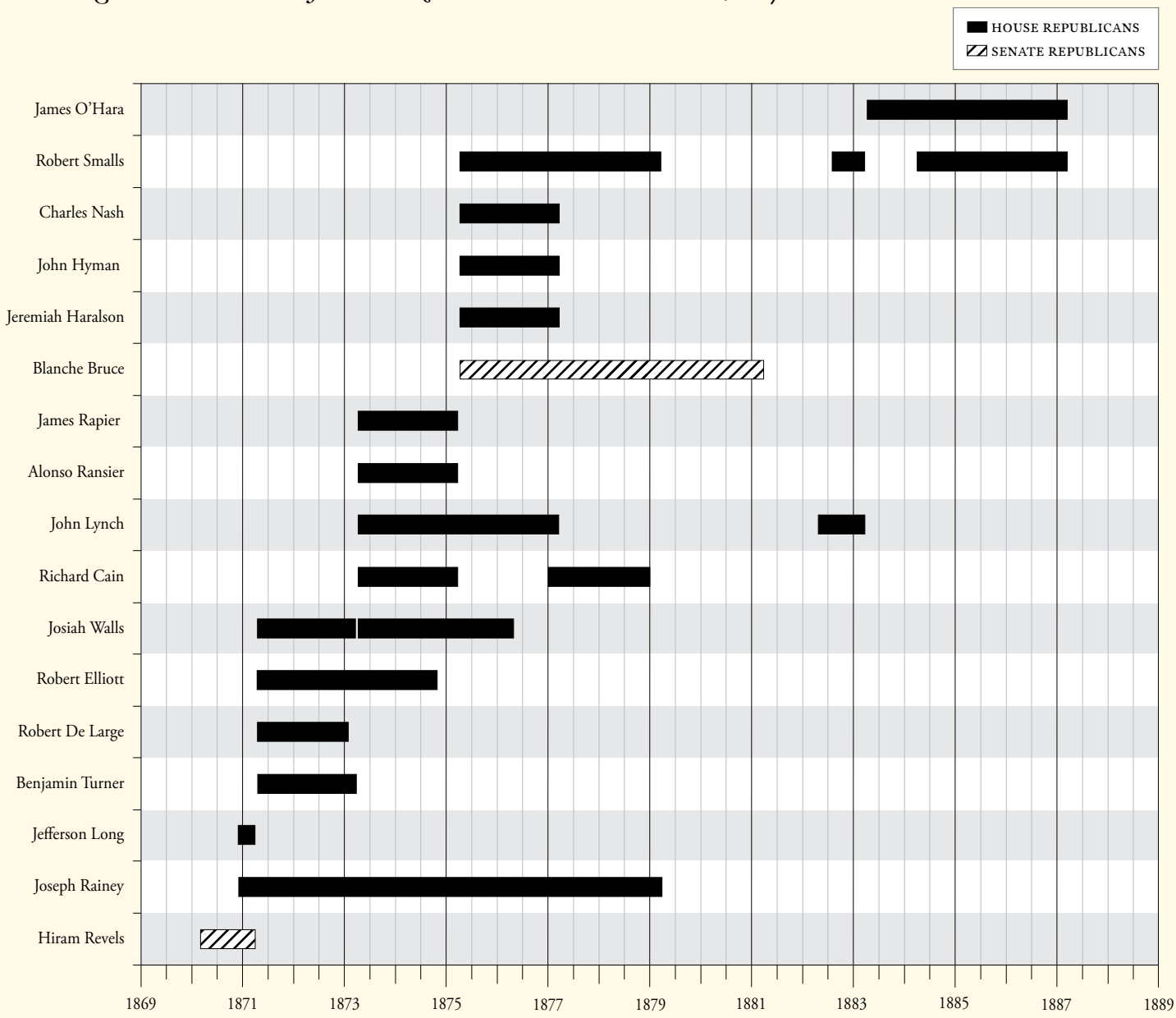
129 For more information, see Slaughterhouse Cases 83 U.S. 36 (1873), United States v. Cruikshank 92 U.S. 542 (1876), United States v. Reese 92 U.S. 214 (1876), United States v. Harris 106 U.S. 629 (1883), and Civil Rights Cases 109 U.S. 3 (1883). The various cases are discussed in detail in Kermit L. Hall, ed., *The Oxford Companion to the Supreme Court of the United States* (New York: Oxford University Press, 2002).

130 Robert J. Cottrol, "Civil Rights Cases," in Hall, ed., *The Oxford Companion to the Supreme Court of the United States*: 149.

131 Franklin, "Introduction," in Lynch, *Reminiscences of an Active Life: The Autobiography of John Roy Lynch*: xxx.

132 *Congressional Record*, House, 48th Cong., 2nd sess. (17 December 1884): 317.

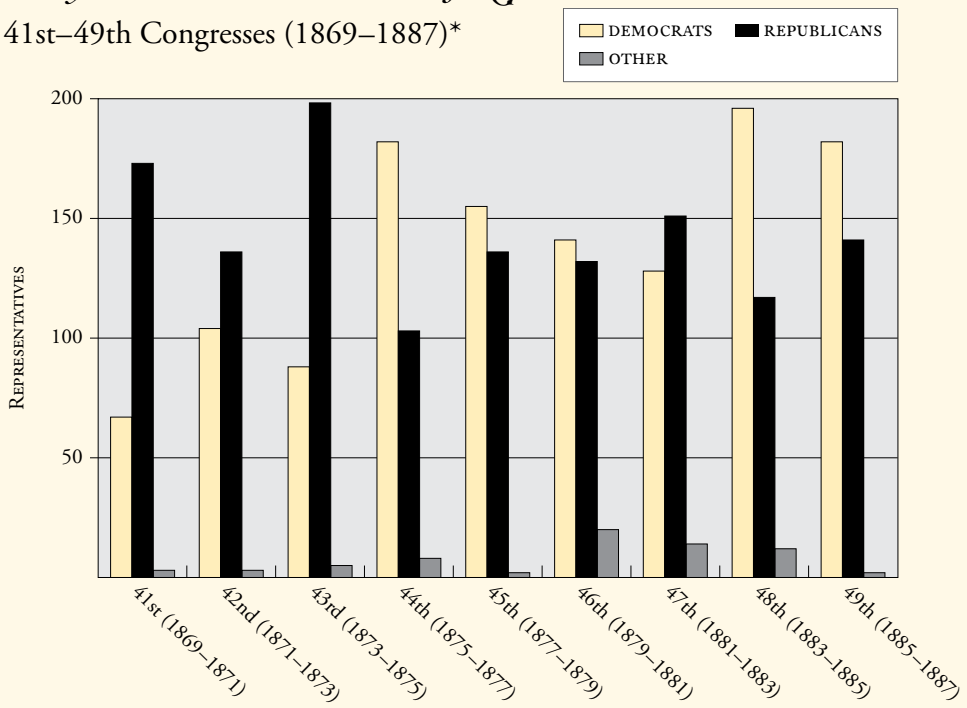
Congressional Service for Black Americans First Elected, 1870–1886



Source: *Biographical Directory of the United States Congress, 1774–2005* (Washington, DC: Government Printing Office, 2005); also available at http://bioguide.congress.gov.

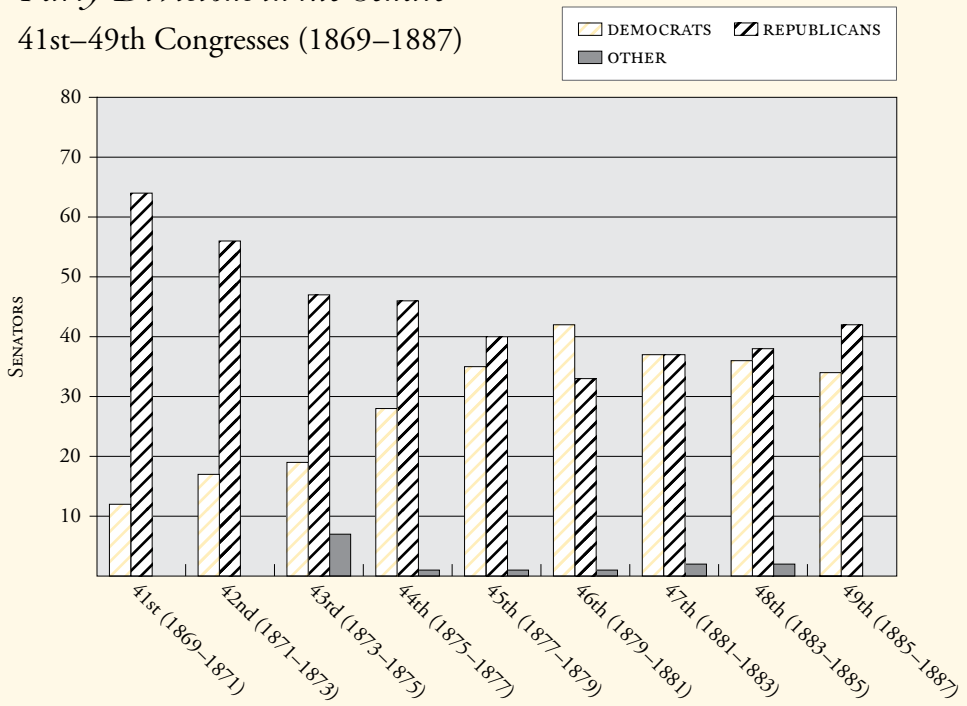
Party Divisions in the House of Representatives

41st–49th Congresses (1869–1887)*



Party Divisions in the Senate

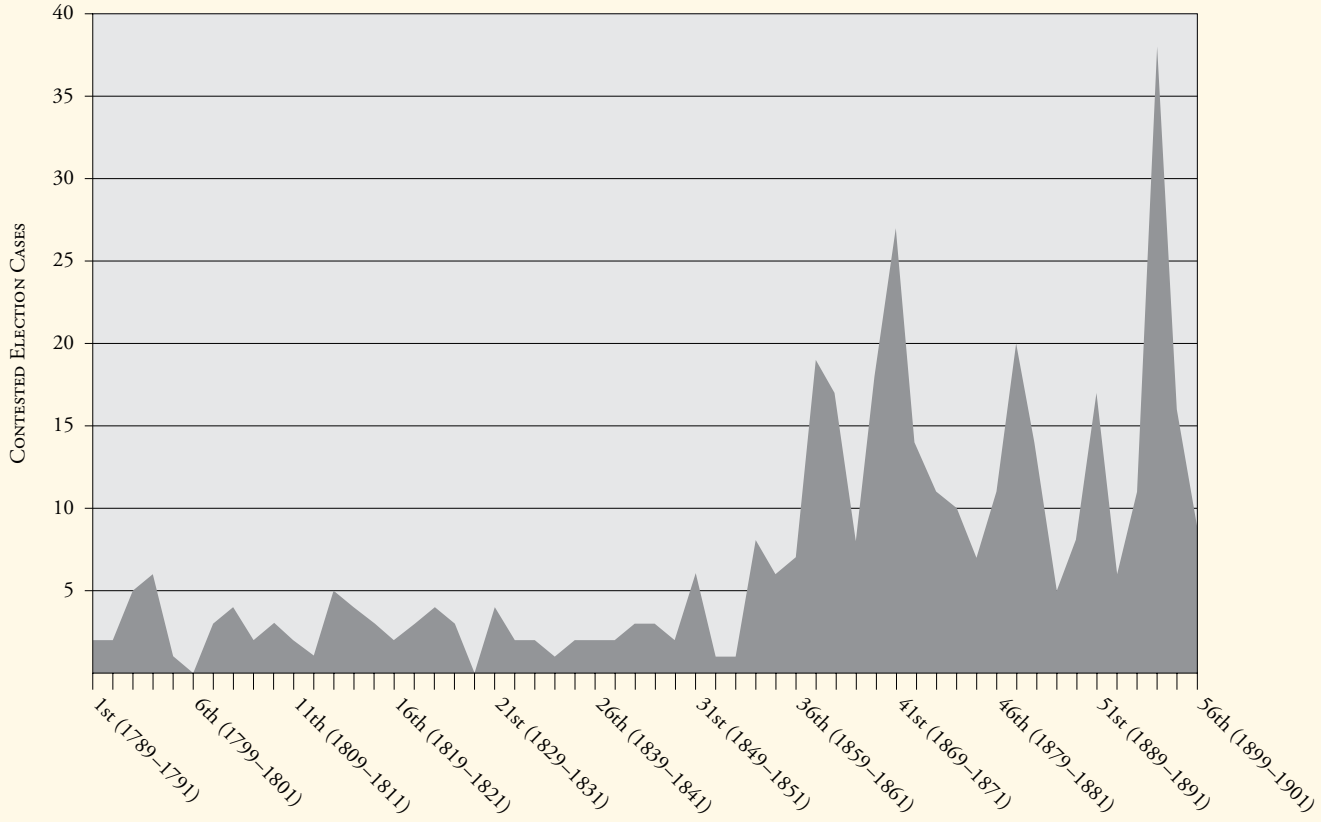
41st–49th Congresses (1869–1887)



Sources: Office of the Clerk, U.S. House of Representatives; U.S. Senate Historical Office.

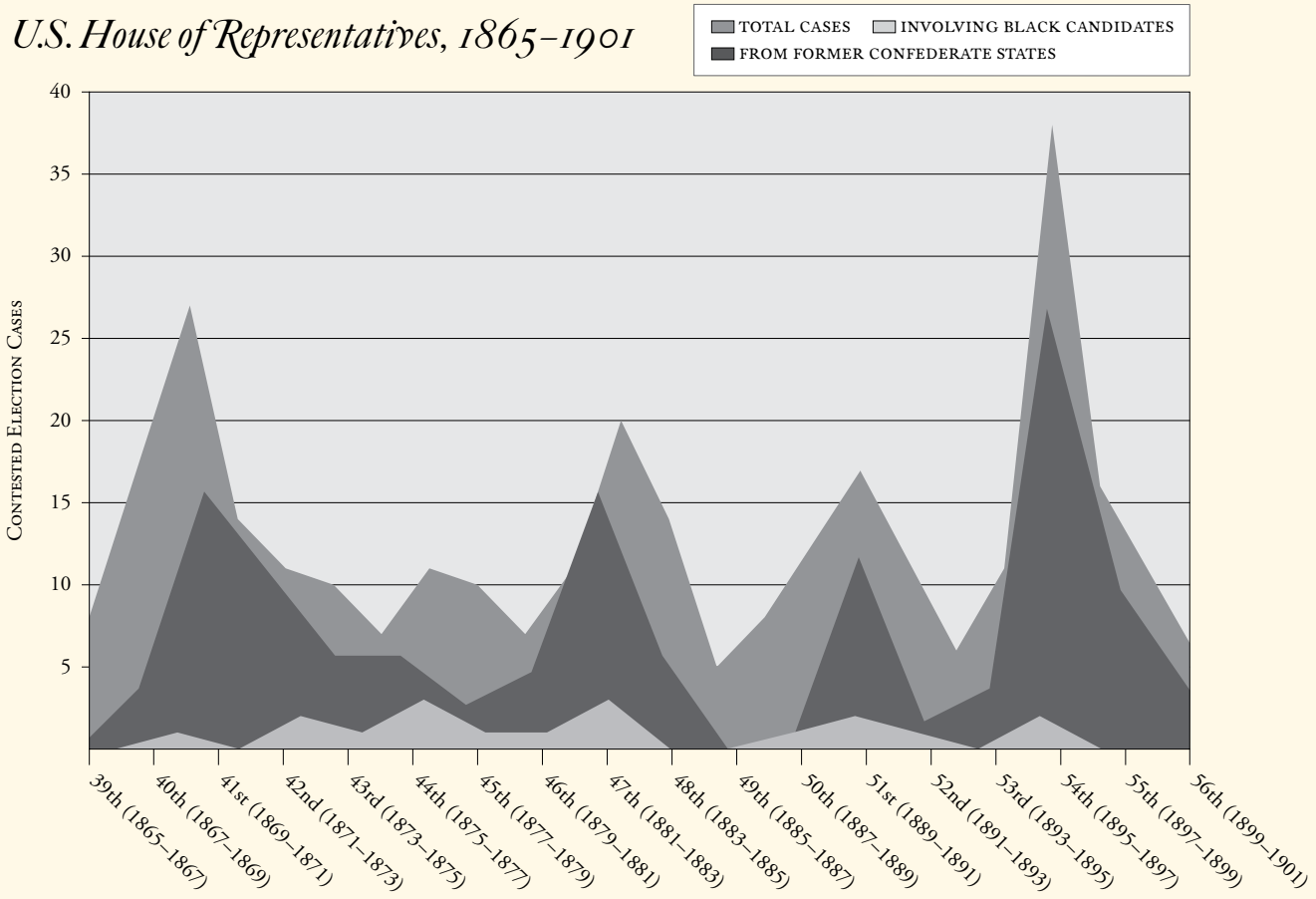
*Does not include Delegates or Resident Commissioners.

Contested Election Cases in the U.S. House of Representatives, 1789–1901



Source: Chester H. Rowell, *A Historical and Legal Digest of All the Contested Election Cases* (Washington, DC: Government Printing Office, 1901).

Contested Election Cases in the U.S. House of Representatives, 1865–1901



Source: Chester H. Rowell, *A Historical and Legal Digest of All the Contested Election Cases* (Washington, DC: Government Printing Office, 1901).