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National Parties and Racial Disenfranchisement

RICHARD M. VALELLY

ABOUT A CENTURY ago, conservative southern white politicians began to institute a system of electoral rules—literacy and good understanding tests, the poll tax and the like—intended to destroy their political opposition. When they finished around 1910, they had in effect killed off African American voting in this country, since the great majority of African Americans lived in the South. Lacking robust political representation, black Americans became vulnerable not just to Jim Crow but also to a gradual strengthening of de facto color lines in the nation as a whole. Color lines grew brighter in national and public settings (e.g., the District of Columbia, the federal civil service, the dining rooms of the Congress), in national institutions (e.g., the armed forces), and in national policies (e.g., social security and federal work relief in the 1930s)—all influenced by Congress and by southern Democrats. Such public segregation in turn tacitly legitimated efforts by northern party machines with white ethnic clienteles to establish color lines in public employment, schooling, and housing. The stage was thus set for the ghettos that greeted black migrants from the South for decades to come. By the 1930s and 1940s color lines were so much a feature of national life that Gunnar Myrdal aptly characterized their existence as an “American dilemma.”¹ This chapter on disenfranchisement tells a tale worth telling, therefore, not only because disenfranchisement was an extraordinary process, a shocking reversal of Reconstruction’s democratic gains that ushered in Jim Crow, but also because it clarifies the political origins of racial hierarchy in America today.

My approach to disenfranchisement focuses on *national party conflict* and its impact on the region. Such factors as poverty among black southerners, the restoration of the cotton kingdom and its quasi-feudal relationships, and continuing white racism, in both North and South, all abetted disenfranchisement.² But Reconstruction’s democratic gains had depended critically on the decisions of national Republican leaders. So too the eventual destruction of these gains in the 1890s, some two decades after the end of Reconstruction, also depended on the decisions of national Republican leaders.

This chapter thus joins a growing literature that corrects two widely held

misconceptions: that disenfranchisement dates from the collapse of Reconstruction and that the politics of racial equality dropped from the national agenda after the Compromise of 1877. The prospects of African American suffrage dimmed, to be sure, with Reconstruction's collapse—but voting continued, often at high levels, well into the 1880s. Black elected officials served in southern state legislatures and in Congress to the end of the nineteenth century. In the 1890s a militant biracial movement gained control of North Carolina's government. Parts of the South, even the Deep South, remained highly contested terrain long after 1877.³

Below I consider how national party dynamics affected (1) African American politicians and white allies, both southern Republicans and third-party independents (consider them “inclusionists”), and (2) regional conservative and race-baiting white Democrats (consider them “exclusionists”). Although the best literature on post-Reconstruction politics adequately covers regional and state-level party dynamics, rather less is known about the *interaction* between region and nation. The distinctive contribution of this article is to show that the eventual certainty of disenfranchisement depended on far-reaching change in the structure of national party competition.⁴

Party Dynamics, Systemwide Competition, and Democracy

Party competition is rightly regarded as a condition of democracy. It gives rival parties incentives to monitor each other for abuses of rights of political association and speech. Rallies, appeals to the public, and open meetings are crucial for the business of conducting campaigns and winning office. Party competition also can give parties incentives to work to include new social groups, either competitively or even singly, as the case of southern Republicanism during Reconstruction shows.

But these desirable consequences of party competition depend critically on whether parties compete and mobilize throughout an entire system. The political prospects of African Americans often have been linked to major party commitment to systemwide conflict. This was particularly true in the nineteenth century, given the demographic concentration of African Americans in the South.

During the Reconstruction, the Republican Party made a commitment to contest elections in the South, leading to the establishment of a national electoral regulatory system. That system survived the fall of the Reconstruction. The Republican Party still needed the South, as we will see, so persisting in its commitment to contest southern elections, often enough to add considerably to the political uncertainties of the region. The party not only sought to enforce the electoral regulatory system; it also advertised its

persistence in party platforms, carried on congressional campaigning, and insisted on mounting investigations of electoral fraud and intimidation.

To be sure, the Supreme Court weakened much of the electoral regulatory system. Yet the Court also greatly strengthened the Federal Elections Act of 1871, governing congressional elections. This helped to set the stage for a fierce congressional battle between 1889 and 1891 over the wide-ranging Federal Elections Bill (commonly known as the Force Bill or the Lodge Bill). A briefer battle between 1893 and 1894 also followed. Congressional Democrats, empowered by the first unified Democratic government since the antebellum Buchanan administration, then undertook a largely successful repeal of all the Reconstruction-era federal elections statutes. Still, from 1894 to 1896 there was sharp rearguard sniping from congressional Republicans as they sought investigations of election fraud and unseated southern Democrats in the House.

To put the story another way, from the Reconstruction to the 1890s Democratic-Republican contestation in and over the South was marked by (1) fundamental disagreement over the boundaries of the suffrage, due to a Republican commitment to contest elections in the South, and therefore by (2) intense but opposed preferences within the two parties over electoral institutions. Let me briefly consider both features of this contestation before sketching the conditions of a shift in the terms of Democratic-Republican conflict in the region.

Fundamental Disagreement over Boundaries of the Suffrage

While the post-Reconstruction party system had a variety of formal democratic features, in a key respect it was unusual: one party, the Democratic Party, preferred to demobilize a significant portion of the Republican Party's electoral base. The term *compromise* in a sense is misleading when applied to the Compromise of 1877. America's two competing party leaderships did not compromise in 1877 their disagreement over the boundaries of the suffrage because the Republicans had already invested so many resources in the South. Here the concepts of *commitment to contest* and *sunk costs* are helpful.

U.S. parties have no natural stake in generating processes of mobilization and contestation across the entire system—they must be motivated to do so. Such features of the American system as the electoral college provide strong incentives for a selective approach to mobilization that achieves unified government, in contrast with, for instance, a parliamentary system of proportional representation, where pressures for systemwide mobilization to gain control of government are greater. Thus an American party leadership does not always mount a contest in jurisdictions where historically their party has had no strong presence. But if it does, the result

can be a dramatic increase in the system's scope of contestation, as happened during the Reconstruction.⁵

Once made, furthermore, a commitment to contest is abandoned only (*a*) when the commitment clearly becomes politically very costly and (*b*) when alternatives to it open up. Parties, like firms, do not easily write off the very large sunk costs of making a commitment to contest. The rate of return (in terms of winning national offices) to developing other commitments to contest must be manifestly higher than the rate of return to existing commitments. Unless the rate of return to existing commitments drops rapidly, new commitments will not rapidly take over at the margin. Political actors who must evaluate alternative rates of return are always uncertain in their evaluation. They also often have some level of ideological attachment to existing commitments to contest and their anticipated rates of return.⁶

The problem, then, with the conventional wisdom about the Compromise of 1877—holding that Republicans abruptly abandoned their African American constituencies—is that it asks one to ignore these kinds of considerations. Implicitly it holds that the huge sunk costs of the Republican commitment to contest southern elections, undertaken during Reconstruction, were summarily written off. Echoing the wisdom that the Compromise of 1877 was so grand and sweeping that it lasted until the 1960s, two analysts recently stated that the “ending of Reconstruction marked the end of race as a national political issue” for many decades. But in fact the national salience of race reemerged fairly soon after the Compromise was struck—as suggested (we see below in table 8.1) by a technique that these same analysts devised. In other words, sunk costs were not summarily written off.⁷

Let me turn to another general feature of the post-Reconstruction situation. If the parties disagreed over the boundaries of the suffrage and if the *same* region mattered to both of them, then one would expect that they also had strong preferences about the rules of the electoral game. One might expect that they cared deeply whether *national* or *local* electoral rules applied in the South. If the rules were national, then Republicans had a better chance of shaping electoral outcomes; if they were local, then Democrats had the advantage. In fact, the two parties did have intense and opposed preferences about electoral institutions.

Intense and Opposed Preferences about Electoral Institutions

In the post-Reconstruction period, both parties renewed their previous Reconstruction-era struggle over electoral rules and institutions. Both remained cohesive with regard to electoral regulatory policy. The Republicans preferred national rules developed during the Reconstruction; the Democrats opposed such rules, preferring regional or local rules.⁸

There were, of course, debates within the Republican Party about its southern policy after 1877, and they seem to have had effects on platform writing as shifts in the figures reported in table 8.1 below will suggest. But even amid the worst outbreak of factionalism over southern policy that occurred after the Reconstruction (during the 1890–91 battle for the Federal Elections Bill), most of the Republican Party was united behind national electoral regulation.

In making an effort to regulate national elections, Republicans were hampered by decisions the Supreme Court had made during Reconstruction and, of course, by southern Democrats. But in one particular area of electoral regulation, congressional electoral regulation, the basis for an expansion of national regulation became possible through successful Justice Department litigation and cases won by Republicans in lower federal courts. The most important decision came when the Supreme Court announced in March 1884 in *ex parte Yarbrough* that a national statutory effort to regulate congressional elections was permitted under article 1, section 4. The Court stated what it had declined to declare during Reconstruction, despite opportunities to do so: that the Fifteenth Amendment conferred a *national* and nationally enforceable right to vote on African Americans. In other words, the rate of return on the southern commitment to contest did not clearly seem to drop monotonically after 1877. Indeed, after *Yarbrough* key Republicans could well conclude that any drop in the rate of return could be reversed sharply with appropriate statutory effort.

The time to act on this opportunity occurred during the Harrison administration in connection with the Federal Elections Bill of 1890–91. The politics of the bill is sometimes treated as a charade that no one really took seriously. The problem with this view is that not only Republicans but also southerners took the bill very seriously. The Democratic Party made electoral institutional reform its leading issue in the 1892 presidential election, as we will see.

Given (1) disagreement over the boundaries of the suffrage and similar regional commitments and (2) sharply diverging preferences over electoral institutions, Republican-Democratic conflict over the future of southern politics was, in fact, surprisingly deep and intractable. What the Compromise of 1877 settled, in other words, was the presidential election of 1876 and whether or not federal troops would be used to police elections. Further conflict was not ruled out. This was good news for the democratic inclusion of African Americans. For their own reasons, the leaders of a major institution, the Republican Party, continued to invest resources in resisting black demobilization from the political system. The result was a continuing and high level of systemic conflict.

One condition, of course, for resolution of this conflict was abandonment by Democrats of their bid to demobilize African Americans from

politics. But there was a consensus between both the northern and southern wings of the post-Civil War Democratic Party that African American suffrage posed a threat to the Democratic Party's chances of ever reexercising control of national institutions.⁹

Thus resolution at the national level of the conflict over the control of electoral institutions and ultimately over African American suffrage required (1) that somehow the anticipated rate of return to Republicans' historic commitment to contest southern elections drop appreciably, unmistakably, and quickly, and (2) that somehow the rate of return to newly developed commitments to contest, or to preexisting nonsouthern commitments to contest, rise. Either new voters, new jurisdictions, or both new voters and new jurisdictions had to be brought into the political system to offset losses to the party threatened with demobilization—that is, the Republican Party. In other words, *full* Republican abandonment of its Southern commitment to contest—one that would clearly alter the political opportunities facing African Americans, their allies, and their opponents—depended on a manifest change in Republican opportunities in the national electoral market.

Yet where would this shift in market opportunities come from? There was a pro-Republican realignment at the electoral level in the 1890s in the North and the Midwest—but was it sufficient to motivate Republican abandonment of the South? How was it possible for the Republican abandonment actually to occur? This conundrum gets to the relationship between geography and party competition.

Geography, Realignment, and a Western Commitment

The geographic boundaries of most modern political systems are fixed or change very slowly, seeming to preclude the addition of new jurisdictions to compensate any party threatened by demobilization of a constituency. But the United States in the late-nineteenth century was unusual in the extent to which geography could rapidly affect the relative positions of the parties in the electoral market.¹⁰ The system had a large “reserve” of unorganized territory that had been acquired through conquest of a militarily weak Native American population. This territorial expansion had an intricate link to black disenfranchisement and thus to the making of modern America. Republican organization of western territories during the Harrison administration—accelerating a process that Republicans had engineered for decades—immediately preceded Republican mobilization of new voters and conversion of existing voters in the older, existing jurisdictions of the Northeast and Midwest, amid the heat and turmoil over monetary and trade policy that marked the realigning sequence of the 1890s.

Together these phenomena—acquisition of new voters through acquisition of new territories (i.e., a Western commitment to contest) and acquisition of new voters through mobilization and change in voter preferences (i.e., realignment)—helped to set the stage for a Republican withdrawal from southern affairs in the closing years of the nineteenth century. A southern policy was thus no longer needed. The South became unnecessary to the Republican Party as a vote-getting, office-seeking political organization. Also, the costs of continuing to compete in the southern electoral market increased due to sharp Democratic resistance to the Federal Elections Bill, further outlined below.

This final Republican withdrawal from southern politics in turn critically affected the political capacities of regional actors and made black disenfranchisement quite unstoppable. Here I borrow the concept of *political opportunity structure* from the social movement literature. The simple ideas here are: (1) repeated signals from the political environment are either promising or forbidding and political actors respond accordingly; and (2) whether national political parties sustain a regional strategy of mobilization is a crucial signal to regional actors engaged in struggle with each other that will affect their calculations and behavior.

Of course, between the weak and the strong there are differences in how quickly they can respond to shifts in the political environment. But even the seemingly weak are inserted within networks that are often easily overlooked by observers. Reconstruction necessarily left a legacy of democratic institutions—black churches, schools, and newspapers and autonomous black settlements and neighborhoods—and it left a large class of trained and skillful black politicians. The resulting networks permitted political communication, debate, and contact among potential leaders, activists, and followers. The political capacities of actors in these “networks of the weak”—African Americans and their white allies in the region—were critically influenced by how national party politics created a regional political opportunity structure. When that structure changed, both exclusionists and inclusionists appear to have understood the character of the change and to have reacted accordingly.¹¹

Let me turn from this overview of the argument to its elaboration. This elaboration proceeds by my first sketching in the Republican Party’s Reconstruction-era commitment to contest southern elections. Then I very briefly consider selected aspects of the Republican Party’s post-Reconstruction commitment to contest southern elections. Third, I treat the logics of the Republican abandonment of the South that occurred during the McKinley administration. Fourth, I consider the regional impact of this abandonment. I conclude with both a summary of and a brief reflection on the implications of my account.

A Commitment to Contest, 1867–1877

The Confederate States of America's military defeat in 1865 settled the issue of whether two nations would exist where one had existed before. But that settlement simultaneously opened up basic questions about the future both of political representation in the restored Union and of the role of parties in representation. By 1867 the Republican Party partly resolved these questions by sponsoring far-reaching change in three areas: (1) national constitutional law (the Thirteenth, Fourteenth, and Fifteenth Amendments) and the statutory law of national constitutional implementation (the military Reconstruction acts); (2) the policy orientations, tax codes, and institutions of the former Confederate states via the recasting of their constitutions under the aegis of military Reconstruction; and (3) the structure of the party system, as Republican organizations were rapidly built in the former Confederate states.

These were tightly linked domains. The changes in national constitutional law were also changes in the rules of representation and in the electoral rules. They permitted the establishment of new civilian governments in the former rebel states based on radically different constitutions that embodied new social commitments. The establishment of these governments in turn permitted the rapid creation of a new concentration of party elites—black politicians; indigenous white politicians active before the war in southern electoral politics who committed themselves to new forms of social and political representation (known today as the scalawags); and, finally, northern white politicians and men on the make who came South, carrying a mix of ambition, career self-interest, and new, egalitarian social commitments (known today as carpetbaggers). A large array of offices was made available to this new political elite by national-level constitutional change, and the resulting, state-level elections and constitution making. In turn, the provision of offices to a new political elite aided the crash construction of a southern wing for a political party that had never had any presence in southern jurisdictions—the Republican Party.¹²

Development of a Protective, Regulatory Apparatus

Southern Democratic backlash to the Republican Party's sweeping commitment to contest electoral politics throughout the South came, to a considerable degree, in the form of widespread, clandestine, paramilitary violence directed against the new Republican leadership in the South

and against freedmen institutions—newspapers, schools, churches, political clubs. In response, Republican Congresses reinforced the Fifteenth Amendment, which stated that the “right of citizens of the United States to vote” could not be abridged or denied “on account of race, color, or previous condition of servitude.” The Enforcement Act of May 1870 protected national, state, and local electoral processes from discriminatory administration, and implemented this goal through criminalizing both private and public obstruction of the right to vote related to racial conflict and through placing administration of the act within the federal courts and the Justice Department. It authorized the president to use military force “to aid in the execution of judicial process” and, further, permitted federal judges, marshals, and attorneys to form posses in aid of judicial process. The Ku Klux Klan Act of April 1871 was a wide-ranging statute that authorized “action at law” for a victim deprived of rights by a person acting “under color of any law,” held that private conspiracies to interfere with the exercise of a citizen’s rights were a “high crime” subject to certain specific and harsh penalties, and permitted military suppression of “insurrection, domestic violence, unlawful combinations, or conspiracies” crippling state governments in the maintenance of their law-and-order responsibilities.¹³

Through the Department of Justice (established in 1870), the Republican Party regularly deployed special (if temporary) Justice Department lawyers and U.S. attorneys, and other personnel (U.S. marshals, federal troops, special election commissioners) on behalf of its southern constituencies. A special fee system for the marshals and attorneys (the more violations tried and the more often process served, the greater one’s income) tied together their pecuniary interests, their political loyalties, and the enforcement of a new, radically more inclusive system of representation. Besides the frequent military interventions and deployment of federal troops initiated by the president or on his authority, the Department of Justice launched a total of 3,635 criminal cases between 1870 and 1877 in the South.¹⁴

In addition, Republicans attached their southern policy to a program of northern “urban reconstruction” via the Federal Elections Act (1871), sometimes known as the Second Force Act. The Federal Elections Act created a quite different electoral regulatory system than the Enforcement Act and its followup, the Ku Klux Klan Act, had. Those statutes were largely Fifteenth Amendment enforcement statutes, although the Ku Klux Klan Act also permitted criminal enforcement of the Fourteenth Amendment (at least until the Supreme Court halted this use of the act.) They depended on the Department of Justice and the president for their effective administration, and were clearly aimed at the South. The 1871 Federal Elections Act, in contrast, had a different and northern origin and established a different,

largely northern system. Still, it was later amended so that in principle it applied to all rural districts as well, thus creating the rudiments of a fully national system. It would become the basis for the Federal Elections Bill of 1890–91, mentioned above.¹⁵

Limits of the Reconstruction Commitment

By 1877, though, Republican efforts to invest heavily in building a series of new state-level parties in the former Confederate South seemed a failure—with seemingly obvious implications for the recent increase in the system's scope of contestation. In addition, the Supreme Court had weakened the Fifteenth Amendment electoral regulatory system. In this connection, a key Fifteenth Amendment case is relevant—*United States v. Reese* (1876), involving denial of ballots to African Americans by Kentucky officials. *Reese* damaged the federal criminal enforcement machinery by holding two provisions of the Enforcement Act of 1870 unconstitutional. At a time when black voting rights and southern Republican Parties were facing challenge all through the South, the decision's political impact was deeply discouraging to federal attorneys. Another 1876 decision handed down with *Reese*—*United States v. Cruikshank*, a Fourteenth Amendment case on appeal from Louisiana involving a gruesome massacre of over one hundred African Americans—also suggested hostility among the Supreme Court's justices to national involvement in southern affairs. In *Cruikshank* the Court held that criminal justice in Fourteenth Amendment matters was a state, not a national, prerogative. If Louisiana failed to punish a massacre, the Court suggested there was not much scope for federal action.¹⁶

To sum up: The Reconstruction developed into a relatively thorough effort to recast the party system of the South. A national regulatory apparatus reinforced this effort. But by the end of Reconstruction this apparatus faced a severe judicial challenge. Yet, we will see, the Republican Party persisted after the Reconstruction in its commitment to systemwide competition. Let me turn to briefly sketching the persistence of a commitment to contest.

Renewed Involvement: Indicators and Incentives

Republican involvement, and an effort at electoral regulation in the South, hardly died after the Reconstruction. Several indicators show that fairly soon after 1877 there was a significant revival of the Reconstruction-era involvement. Consider the first of these in table 8.1. It displays scores for the parties on salience to them of their struggle over enforcement of equal

TABLE 8.1
Priority Index of Equal Suffrage for Major Party Platforms, 1868–1892

	1868	1872	1876	1880	1884	1888	1892
Republicans	0.93	1.0	0.89	0.14	0.04	0.85	0.76
Democrats	0.37	0.93	1.0	0.72	0.45	0.00	0.96

Source: Porter and Johnson 1966.

TABLE 8.2
House Races Contested in the Former Confederacy, 1878–1892 (Average Percentages)

	1878	1880	1882	1884	1886	1888	1890	1892
All	85%	94%	94%	91%	67%	92%	81%	93%
Reps.	48%	76%	61%	91%	52%	86%	66%	54%

Source: *Congressional Quarterly's Guide to U.S. Elections* 1985, 2d ed.
Note: States are Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

suffrage in the South and (after 1870) of the Fifteenth Amendment. The crucial assumption here is that the earlier an issue appears in a platform, the more important it probably is. Importance of the equal suffrage issue is measured by 1.0 minus the ratio of the number of the paragraph containing the first explicit reference to black suffrage rights and the total number of paragraphs. The higher the number, the greater the importance, and vice versa; the maximum value is 1.0, the lowest 0. By this measure Republican involvement initially dropped, but then grew substantially.¹⁷

A second indicator of a continuing involvement is participation in congressional races. Consider the rows in table 8.2. The first is the regional average of *all* House races contested in general elections; the second is the regional average of all House races contested in general elections by candidates willing to label themselves as Republicans or willing to run fusion candidacies that retained a Republican label. Clearly there were ups and downs, but overall one sees a strong performance—a party persisting in candidate recruitment and campaigning.

Yet another indicator is the number of congressional investigations of southern election fraud and violence. Table 8.3 shows, first, the number of congressional investigations of southern elections fraud and violence in two periods, Reconstruction and the period after Reconstruction up to and through the Fifty-fourth Congress. These investigations led to published reports, and they differ from contested elections cases. The table shows, second, the number of investigations sponsored by the two parties during the two periods.¹⁸ Overall, three times as many investigations occurred in the Senate, where Republicans continuously organized the chamber from

TABLE 8.3
Congressional Investigations of Southern Election Fraud and Violence,
during and after Reconstruction

	<i>40th–44th Congresses</i>	<i>45th–54th Congresses</i>
House investigations		
Republican	5	0
Democrat	2	2
Senate investigations		
Republican	14	7
Democrat	0	0

Sources: Congressional Information Service, 1985; Goldman 1976.

TABLE 8.4
Contested Elections Politics, House of Representatives, 45th–54th Congresses

<i>Congress</i>	<i>Total Cases</i>	<i>Southern Cases</i>	<i>Disposition</i>
45th (1877–79) (D)	5	2 (40%)	100% D
46th (1879–81) (D)	2	2 (100%)	50% R/50% D
47th (1881–83) (R)	8	6 (75%)	75% R/25% D
48th (1883–85) (D)	7	3 (43%)	100% D
49th (1885–87) (D)	0	0 (0%)	N.A.
50th (1887–89) (D)	0	0 (0%)	N.A.
51st (1889–91) (R)	9	6 (67%)	89% R/11% I
52nd (1891–93) (D)	1	0 (0%)	100% D
53rd (1893–95) (D)	3	0 (0%)	100% D
54th (1895–97) (R)	11	6 (54%)	82% R/18% I

Source: Martis et al. 1989.

Reconstruction to the rise of McKinley, except during the Fifty-third Congress. While Senate Republicans were clearly much busier during the Reconstruction, they stayed vigorously investigative during the post-Reconstruction decades.

Consider, as well, table 8.4, presenting data on contested elections politics in the House during the Congresses between the end of Reconstruction and the election of McKinley. The rows list the Congresses, their dates, and, in parentheses, the designation of which party organized the House of Representatives in that Congress. The columns list from left to right (1) the total number of contested elections cases that actually affected who was seated; (2) the number of such cases from the South and a parenthetical listing of the percentage of the total composed by the southern cases, and; (3) the disposition of all of the cases. The cells for disposition of the cases list the percentage of cases won by either party for that Congress—hence, a percentage figure in front of either D, R, or I (Democrat, Republican, or

Independent, such as a Greenbacker, Readjuster or Populist). Not all of the cases involve Republican-Democratic conflict—for instance, two of the three southern cases for the Forty-eighth Congress involved Virginia independents allied with the Republicans.

Table 8.4 indicates several things. First, Republican control of the House produced more contested elections politics (26 cases) than Democratic control (18 cases), even though Republicans controlled only 3 out of the 10 Houses organized between 1877 and 1895. Second, such politics, whether Democrats or Republicans controlled the House, was primarily southern contested elections politics. Indeed, if one considers a fact not in the table, that southern seats made up, on average, slightly fewer than 20 percent of the seats in the House during this period, then a scan of the parenthetical percentage figures in the middle column shows that not only was contested elections politics largely southern, it was also disproportionately southern. Fourth, the party controlling the House tended to rule in its favor. In this connection it is worth noting another fact not in the table: In several cases of Republicans ruling against Democrats, they ruled for opponents that were not Republicans—two Populists, one from Alabama and one from North Carolina, won their cases before the Fifty-fourth Congress. In other words, Republicans were not picky about building up congressional opposition to Democrats so long as they built up opposition.¹⁹

In addition to these tabular data, consider as well evidence concerning the enforcement of electoral law. During the Arthur administration (1881–85), the Department of Justice mounted an aggressive Fifteenth Amendment enforcement effort. The Arthur administration's criminal enforcement effort did not match the level reached during the Reconstruction. Of the nearly 5,000 criminal indictments brought in the South between 1870 and 1894 under statutes implementing the Fourteenth and Fifteenth Amendments, over 1,260, or only about 26 percent, occurred after Reconstruction, almost all between 1878 and 1884. Still, despite the *Reese* and *Cruikshank* decisions of 1876, Fifteenth Amendment enforcement was evidently possible during the Arthur administration under surviving sections of the 1870 Enforcement Act.

There are certain interesting patterns in the enforcement data. About 60 percent of the Reconstruction effort occurred between 1872 and 1875 in two states alone, South Carolina and Mississippi. These had black-majority populations and were likely to experience high rates of criminal action by whites against blacks seeking to vote. In contrast, the post-Reconstruction effort focused less on protecting rights and more on building political opposition. Although indictments were brought in all former Confederate states, five states saw a *higher* number of indictments than during the Reconstruction: Arkansas, Florida, Texas, Louisiana, and Virginia. These

TABLE 8.5
Republican Electoral Performance in Its Historic Base, before and after Reconstruction (Percentages)

	1860–72/4 (% won)	1876–92/4 (% won)
Electoral vote		
Northeast	89	69
Midwest	98	79
House seats		
Northeast	73	60
Midwest	70	52
Senate seats		
Northeast	92	84
Midwest	84	61

Source: Stewart 1991.

were states with relatively weak Democratic establishments or with anti-Democratic insurgencies.²⁰

Clearly the Republicans *had* a southern policy—but what were the incentives for a southern policy? As suggested by table 8.5, the Republican Party faced a much more competitive context. In its historic regional bases, the Northeast and Midwest, the Republican Party lost ground, even though its absolute strength was still quite high. National percentages (not listed in the table) show also a much more evenly matched competitive situation between the parties. The Republican Party’s average percentage of House seats dropped from 61 percent during the 1860–74 period to 46 percent during the period from 1876 to 1894. Its average percentage of Senate seats went from 71 percent to 51 percent. Its average electoral (different from popular) vote went from 75 percent to 49 percent. In this more knife-edged context, the 11 percent of the former Confederacy’s House seats held by Republicans during the 1876–94 period and the 10 percent of Senate seats might provide a margin for unified government. Or, to put it in another way, national Republicans had incentives to regenerate, through further investment in Southern politics, a positive rate of return to their Reconstruction-era sunk costs.²¹

For example, during the Garfield-Arthur administration, an alliance with the Virginia Readjusters proved crucial in assuring Republican unified government for the first time since 1872. The Readjuster movement, which captured the Virginia legislature in 1879, was a militant, biracial party committed not only to a free ballot and a fair count but also to strengthening public education and making taxes less regressive. The Republicans needed an alliance with the Readjusters badly and were willing to pay a high price for it. A Virginia Readjuster senator, William

Mahone, a Confederate war hero turned railroad magnate and ultimately a political reformer who built a biracial coalition, helped the Republicans to organize an evenly divided Senate during the Forty-seventh Congress (1881–83) and thus to give the vice-president a tie-breaking vote. In return, Mahone received the chairmanship of the Senate Committee on Agriculture during that Congress and membership on three other Senate committees.²²

Readjuster success in Virginia hinted at the possibility of challenge, in other states, to Democratic control of the governorships, a position crucial to a fair certification of victorious, non-Democratic congressional candidates. They often lost close contests when Democratic governors would certify Democratic candidates as the winners. Yet the populations of about 33 percent of the ex-Confederacy's seventy-three congressional districts in 1881 were majority black. An "anti-Redeemer" (i.e., non-Democratic) governor in another key state or two might generate stronger Republican and black representation in the House. The rate of return on the southern commitment could thus be increased at the margin.²³

There were serious judicial threats to a southern policy: the *Civil Rights Cases* of 1883, in which the Court overturned the Civil Rights Act of 1875, and *United States v. Harris*, curbing Fourteenth Amendment federal action to punish private violence by whites against blacks.²⁴ But the Arthur administration's legal enforcement effort scored a major and often overlooked victory in Georgia. There a leader in the Republican-Independent alliance was a U.S. attorney. He ran for Congress in 1882 and won criminal convictions in 1883 in federal district court against key members of a night-riding, Klan-style organization, the Pop and Go Club, that sought to punish black supporters of the Republican-Independent alliance. He also won on appeal to the Supreme Court in *ex parte Yarbrough* (1884). *Yarbrough* was critically important because it opened up rich new possibilities for national electoral regulation in the South. In *Yarbrough* the Court unanimously announced a constitutionally valid connection between the Fifteenth Amendment and Congress's Article 1 power to regulate its own elections. It held that the Fifteenth Amendment created a national and congressionally enforceable right to vote for blacks; suffrage came from the United States as well as from any given state in which a black citizen resided. Second, it held that Congress "must have the power to protect the elections on which its existence depends from violence and corruption." In effect, what Congress could not do through the Enforcement Act of 1870 or the Ku Klux Klan Act of 1871, it could do through Article 1 *for congressional elections*. The decision thus fused the Fifteenth Amendment to the electoral regulatory system put into place under the Federal Elections Act of 1871.²⁵

The potential impact of *Yarbrough* was enormous. But not until the administration of Benjamin Harrison, when Republicans briefly again enjoyed unified government, could the effort to act on these implications begin. That effort took the shape of the Federal Elections Bill of 1890–91, which built on the Federal Elections Act. Often treated as a half-hearted echo of Reconstruction, the bill is more accurately read as an effort to seize the opportunities provided by *Yarbrough*. The bill did fail in the Senate—in a moment of high drama in which a small Republican faction torpedoed what the rest of the Republican Party clearly desired.

To sum up: The Republicans had a post-Reconstruction southern policy. Some of it ran aground on the reefs of judicial action. Also, a key initiative was killed in the Senate by a minority faction within the party. But this post-Reconstruction policy was vigorous—strong enough to call forth an even more vigorous Democratic backlash. Let me turn to the Democratic response to a southern policy.

Democratic Backlash

During the Harrison administration, southern Democrats in Florida and Tennessee enacted legislation to restrict the suffrage. In Mississippi they rewrote the state constitution for that purpose. These states thus joined South Carolina and Georgia, which already had suffrage-restrictive legislation on the books. But the Democratic presidential platform for 1892 went further. It made the Elections Bill and, by implication, the very idea of a federal electoral-regulatory system its first objects of attack. Both in its printed material for public circulation (booklets and posters) and in the themes chosen by Democratic speakers touring the country, the Democratic campaign made electoral regulation the party's most important—its first and paramount—issue. This is a little-known fact about the 1892 campaign, but another look at table 8.1 helps to confirm it.²⁶

When Cleveland won his second presidency, the Democratic party found itself—for the first time since the Buchanan administration of 1857–61—enjoying unified control of the national government. It used this control to act on its 1892 platform and campaign. In 1893 and 1894 congressional Democrats repealed twenty-eight of the sections in the United States Statutes under the title of “Elective Franchise,” and ten of the sections, and a part of an eleventh, under the title of “Crimes.”²⁷

Meanwhile, regional change in electoral law continued. In 1895 South Carolina's disenfranchising constitutional convention instituted a poll tax (which in poor, rural, credit-starved areas had a devastating impact) as well as literacy and good understanding tests. Alabama and Virginia put per-

sonal registration and the Australian ballot on the books. Personal registration increased the costs of voting, requiring a potential voter to take time away from the field or factory, and placed enormous discretion in the hands of local registrars. As for the Australian ballot, it undercut local Republican or third-party formations, since they no longer were the intermediaries between the voter and the ballot box that provided ballots. It was subtly disenfranchising in another way because such a ballot placed a premium on literacy.²⁸

Republican and Populist Resistance to Democratic Backlash

Republicans sought to resist these trends. Although space precludes an account of the Republican-Populist alliance in the South, it is worth noting that northern Republicans arranged fusions with southern Populists in 1894. Senator George Hoar (R-Mass.), the Senate manager of the Federal Elections Bill in 1890–91, raised money for Reuben Kolb, an Alabama Populist. Senator William Chandler (R-N.H.)—the architect of the Arthur administration’s southern strategy—called for and got a Senate investigation of the Alabama elections in a Senate newly returned to Republican control. In North Carolina, white fusionists gained control of the legislature, undoing suffrage-restrictive legislation in the 1895 session and encouraging black organization. George White, the last black southern congressman until 1973, was elected as a Republican from North Carolina to the first of two terms in 1896. Two fusionist senators, Marion Butler and Jeter Pritchard, went to the U.S. Senate in 1895 and 1897, respectively.

Two other indications of Republican resistance are contested elections politics and the 1896 platform. The Republican-controlled House during the Fifty-fourth Congress was active in unseating southern Democrats, getting rid of as many as it had during the Fifty-first Congress, when it took up the Federal Elections Bill. Second, the 1896 Republican platform condemned lynching and disenfranchisement.²⁹

In short, as late as 1896 the Republican party’s southern policy was, despite setbacks, alive and well. Let me turn now to the McKinley administration, during which the historic southern policy of the Republican Party collapsed. In the standard narrative of a steady Republican retreat from the South from 1872 on, the post-1896 developments within the Republican Party are the last act in the betrayal of southern African Americans. But it is more of a puzzle than that—and it is explicable from within this chapter’s party-centered approach.

The Logic of Disinvestment

Within a few years of McKinley's election it was clear that the Republican Party had abandoned a historic southern policy. There was silence about race riots and lynchings. Republicans literally did nothing in the Fifty-fifth Congress about disenfranchisement. In the Fifty-sixth Congress Republicans failed to assist fusionist politicians in North Carolina.³⁰ In time it became clear that the first McKinley administration was a watershed. From 1901 to 1929 Congressional Republicans and African American leaders periodically sought to place disenfranchisement on the national legislative agenda. Also, Republican presidential platforms raised the issue in 1900, 1904, and 1908 (although not thereafter). The priority index of equal suffrage, introduced in table 8.1, above, yields scores for these years of 0.58, 0.32, and 0.59. But the political counterpoint to these legislative efforts and platform stances comprised death in committee, overwhelming procedural votes against further pursuit of the issue, and led to efforts by prominent Republicans to change delegate representation at Republican national conventions so as to destroy the remaining influence of the South's Black-and-Tan Republican politicians within presidential nominating politics. Republican leaders actually voiced dismay (in Theodore Roosevelt's words) over "the folly . . . of reconstruction based on universal Negro suffrage."³¹

What explains this shift? During the Harrison administration, a brief two-year period of Republican unified government was the occasion for a major electoral regulatory effort, the Force Bill, that probably would have succeeded had one vote on a procedural motion in the Senate gone differently. Also, during the second Cleveland administration, Republicans resisted the Democratic counterattack, allying themselves with Alabama and North Carolina Populists. As late as the 1896 presidential nominating convention black Republican delegates from the South played a key role in convention politics.

Republicans might well have found it easy, furthermore, to return to their historic role. In 1904, for instance, the Republican presidential platform noted that the party "entered upon its present period of complete supremacy in 1897." But despite "complete supremacy" nothing really happened—why?³²

A key part of the answer surely has to do with new tariff, monetary, and foreign policy issues. But much of the answer *also* has to do with the change that occurred between 1893 and 1897 in the costs and benefits of a historic policy. Given scarce organizational resources and a historic context that provides incentives for selective mobilization, American party leaderships have always faced choices about whether they will contest all

jurisdictions in the system. They are strategic about rates of return on commitments to contest. By the late 1890s it was clear that the rate of return on the southern commitment had dropped. Also, the national electoral cycle's outcomes had begun to provide clear information of increased electoral success in other regions. That is, the rate of return on other commitments had simultaneously increased. The net result was rapid disinvestment from the South.

Democratic Resistance

Bear in mind that the Democratic Party simultaneously combined national *and* regional change in the rules of the electoral game and that there were threats of widespread resistance to a vigorous national policy, such as mob and paramilitary violence in 1889 and 1890 in northern Florida, which had led to the assassination of a deputy U.S. marshal and the resignation of the U.S. marshal for northern Florida.³³

More fundamentally, perhaps, the new state-level rules restricted the electorate to a pool of white conservative Democrats that Republicans could never mobilize. The disenfranchising conventions and the southern legislatures had devised rules that shrank the legal registrant pool. Under *Yarbrough* only national regulation of national elections was protected; states could pretty much do what they wanted. But what point was there to national regulation of national elections if the registrant pool was minuscule, white, and strongly Democratic? Only a massive new commitment—a true “second Reconstruction”—could cope with this problem.

The South's New Superfluosity

The potentially exorbitant costs of a renewed southern policy also have to be laid against the South's superfluosity to the incipient Republican restoration, a restoration that looked by 1904 to be a “period of complete supremacy.” Here the key facts are the basic differences between the 1877–97 phase in U.S. party politics and the phase after 1897 in (1) the Republican Party's capacity to achieve unified government and (2) the marginal contribution of southern Republicanism to that capacity.

During the former phase, the Republican party struggled to achieve unified government, and succeeded both times only for brief two-year periods—1881–83 and 1889–91—that ended abruptly after midterm, off-year elections. Yet in both two-year periods Republican involvement in the South played important roles. In the 1881–83 episode, alliance with the Readjusters permitted the Republicans to organize the Senate during the

TABLE 8.6

Shifts in Regional Bases of National Politics, 1876–1892/4 and 1896–1908/10 (Percentages)

	<i>Presidential Electoral</i>		<i>House</i>		<i>Senate</i>	
	<i>Vote</i>					
	<i>1876– 1892/4</i>	<i>1896– 1908/10</i>	<i>1876– 1892/4</i>	<i>1896– 1908/10</i>	<i>1876– 1892/4</i>	<i>1896– 1908/10</i>
Confederacy	26	25	19	13	28	24
Northeast	29	26	31	29	23	20
Midwest	21	19	26	27	13	12
Border	11	10	11	12	13	12
West	13	19	13	19	25	33

Source: Stewart 1991.

Forty-seventh Congress by giving the vice-president tie-breaking power. Without the Republican-Readjuster alliance, there would have been no unified government.³⁴ In the 1889–91 episode, a contingent of fifteen Southern Republicans contributed to the 179–152 advantage that the Republicans had in the Fifty-first Congress, at a time when the policy agenda of the party was long and when the pent-up demand for new legislative initiatives was unusually strong. Without them, the margin to legislate decreased considerably.³⁵

After 1897, in sharp contrast, the Republican Party was continually able to create unified government—and without any southern presence. For the elections between and including 1896 and 1908, the mean of the Republican percentage of the presidential electoral vote (distinct from the presidential popular vote) was 65.7 percent. The mean of its percentage of the House seats between the Fifteenth Congress (1897–99) and the Sixtieth Congress (1907–9) was 56.9 percent, and for the Senate the comparable figure was 60.7 percent.

The party's strength in its historic base, the Northeast and Midwest, returned after McKinley's election in 1896, in the wake of the intense Republican mobilization during that campaign. Further, the party's strength increased in two other areas, the border states and the western states. Consider also table 8.6. The rows are for regions and the columns are for pairs of percentages by national institution. The first number in the pair is the percentage corresponding to the period 1876–92/4; the second number in the pair is the percentage corresponding to the period 1896–1908/10. The percentages are for the proportion of individuals from that region elected to the House or the Senate for the period, or the percentage of electoral votes for the region for the period. For instance, the cell for the Confederacy and the House shows two things: (1) between 1876 and 1894, 19 percent of all of the individuals elected to the House were from the ex-

Confederate states and (2) between 1896 and 1910 13 percent of all the individuals elected to the House were from the ex-Confederate states. The same principles apply to all of the other cells in the table.³⁶

Political and organizational incentives for the pursuit of a southern policy, of the kind that existed between the Compromise of 1877 and the election of McKinley, disappeared after 1896. The Republican Party's strength returned in its historic base—in part the result of mobilization around tariff and monetary policy issues in the high-stakes 1896 election. Also, Republican strength grew in the border states, and it was high in the western states. These changes coincided with important shifts in the regional bases of national politics that added to the South's new irrelevance to the Republican Party.

The former Confederacy grew less important, relative to other regions. Other regions also grew less important, but their decline in importance was not as great as the Confederacy's. Thus Republicans grew stronger in regions that were only slightly less important than they once had been. At the same time Republican strength remained considerable in the region that became the winner in the regional shift—the western states.

That the western states proved to be an important component of the new Republican period of “complete supremacy” was a planned outcome. The same degree of political insecurity after the Compromise of 1877 that motivated a Republican southern policy *also* motivated a Republican *western policy*. At the outset of the Harrison administration, six new states, the largest number ever to be admitted in any presidency and five of them safely Republican, were admitted to the Union. This relative flood of new states resulted from careful Republican maneuver in Congress to sustain partisan advantage. Ironically, the party's western policy, based on the kinds of motivations that also had gone into a southern policy, ultimately contributed to the Republican Party's disinvestment from the South: the western policy helped to make the South superfluous to Republican Party interests.³⁷

Here we see the influence of geography on party competition. In most modern political systems the boundaries of the system are fixed. New jurisdictions cannot be added. But the nineteenth-century U.S. party system had a “reserve” of unorganized territory, acquired through military conquest of Native Americans and colonized by small numbers of voters and practicing politicians with links to the party system in the older jurisdictions. This reserve provided one of the conditions for the resolution of the Democratic-Republican struggle that first erupted in 1867 over the boundaries of the suffrage in America. It meant that if the Republicans developed a western policy they could, in effect, be “compensated” for the demobilization of a historic constituency and for the destruction of electoral regulatory institutions they had built up and tenaciously defended for decades.

The rate of return on an investment in the West could replace at a higher level the current rate of return on investment in the South.

Let me sum up before turning to the regional impact of the Republican Party's disinvestment from the South. By the middle of the first McKinley administration, when McKinley toured the South praising the Confederate war dead, it had become clear that the consummation of the Compromise of 1877 was finally at hand. New issues, such as foreign policy, figured in the GOP disinvestment. But their influence on the GOP also interacted strongly with an abrupt change in the costs and benefits of the party's historic southern policy. The costs of a southern policy were now very high indeed, and the benefits were nil. Both a resurgence of strength in historic Republican areas and new strength in the West made the South superfluous to Republican capacity to achieve unified government.

By the end of the Cleveland administration, the Democratic Party had gone very far toward altering the rules of electoral politics, making a return to the status quo ante prohibitively costly for the Republican Party. And by the end of the 1896 presidential campaign, it had become clear for Republicans that there were likely to be rich alternatives to a southern policy. It would take a few more electoral cycles for this structural change in national party dynamics to become completely clear—thus, debate about the emerging “southern system” continued within the party, leaving its mark on presidential platforms until 1908. But the change in national party dynamics appears to have been clear enough during the McKinley administration to motivate the kind of sharp change in the Republican Party's symbolic stance toward the South represented by McKinley's southern tour.

Let me turn now to consideration of the South's regional political opportunity structure. Political signals from the national political environment were a key feature of the political opportunity structure of the South. Such signals, and change in them, had a large impact on the political capacities of the South's political actors.

The Impact of Disinvestment

What impact did the Republican Party's final disinvestment have on the South? Since the Reconstruction, the region's inclusionists—to recall a term introduced earlier—had been an active force in the South's politics. These included (1) African American politicians and activists and (2) their white allies, both local Republicans and leaders of white-led economic insurgencies, for example, the Readjuster movement, the Arkansas Agricultural Wheel, and the North Carolina Populists, all of which explicitly called for a “free ballot and fair count” and broad-based educational and tax policies favored by African Americans. Their opponents, whom I have called

exclusionists, sometimes adopted paternalistic stances toward African Americans and sometimes were openly white supremacist. Republican disinvestment—the inaction toward the South that became clear by 1898—strongly affected these actors’ political capacities.

Republican inaction was not, of course, the only influence on the political capacities of the South’s protagonists. But it is an influence whose role has not yet been fully appreciated. Because the Compromise of 1877 is seen as so pivotal, there is a tendency to cast subsequent processes leading to disenfranchisement in largely regional terms. In doing so, the critical interaction between national and regional dynamics can easily be overlooked.

The process of final disinvestment that began sometime about 1897–98 necessarily decreased the political capacities of inclusionists. It accomplished this both by shutting off resources and by ensuring that there would be no favorable political opportunities, thus extinguishing political hope. Correlatively, therefore, disinvestment also augmented the political capacities of exclusionists. Southern Democratic parties had of course already grown stronger—but now there was less expectation of a national challenge.

The sharpness of the shift in the region’s structure of political opportunities can be appreciated by reviewing the impact that Republican persistence in a southern policy had in the decade and a half or so between the Arthur administration’s southern strategy and McKinley’s 1898 tour of the South. Consider, first, the impact of continuing to contest congressional elections.

The continued presence of Republicans, or candidates willing to be public about fusion with Republicans, meant that money would be sent south, after consultation between local and national Republicans. It also meant that state-level Republican parties had to be staffed in order for ballots to be provided to voters. Until the 1890s and the advent of the Australian ballot in American politics, parties printed and provided ballots to voters, if sometimes under state regulation. For them to provide ballots on election day there had to be at least a skeletal party infrastructure. With such an infrastructure came county- and statewide conventions. These often were sites of struggle between white officeholders and black politicians vying for shares of federal patronage—but they could also be forums for participation, debate, platform drafting, and reaffirmation of principle. They played key roles in the development of a regional cadre of black politicians.

Here the federal patronage and the system of U.S. attorneys and U.S. marshals, who were often empowered to hire temporary assistants, proved crucial in providing a political infrastructure. In many states, both a party staff and at least a smattering of “mobilizers” and “contacters” worked the electorate. Supporting these party workers were networks of regional and

local institutions, such as African American churches (among other associations), that were used for communication of political directives.³⁸

Second, consider the impact of federal criminal prosecutions. There were about 1,260 federal criminal cases bunched into the 1877–84 and the 1889–93 periods of Republican control of the presidency, with most in the former period. Some of these—how many is very hard to say, of course—created some hope of justice, and some created financial burdens for the defendants or otherwise gave pause to them.³⁹

Consider, third, the impact of congressional investigations. The publicity of such investigations created hope of further federal intervention. An investigation was sometimes seen as a party-building technique by politicians in the region. In order for these investigations to proceed, networks of local activists had to be contacted and witnesses had to be brought to Washington or to where the investigation was sitting.⁴⁰

Finally, consider the impact of commitment to national legislative reform. The national party repeatedly called for “free ballots and fair counts” in the South. State-level southern parties echoed this commitment in their own platforms. Thus, when the party achieved unified government in 1889, something like the Federal Elections Bill was widely expected and there were regional reactions. In Mississippi, for instance, the bill’s introduction led African American leaders to hold a state convention in Jackson, a move characterized by a standard history as a “shock” to the white establishment. The convention communicated a request to Democratic leaders for fusion candidacies, per the policy of black leaders of working with Democrats “until it was possible to vote once more as Republicans.” When Democrats refused, perhaps not unexpectedly, the convention entered the first state-wide Republican ticket since 1875. Eventually, violent attacks on campaign rallies forced the withdrawal of the entire ticket. The episode nonetheless says much about the quickness with which African American leaders could and did organize in response to major political opportunities in their national and regional environment.⁴¹

In sum, there was a continuous provision of encouragement and resources involved in Republican persistence in a southern policy. This national-regional interaction played at least a modest role in sustaining the often high levels of African American voting discovered by Kousser and, as well, by Rusk and Stucker, both for the Deep and peripheral South states. Rosenstone and Hansen have shown that electoral participation depends much more than had previously been thought on political mobilization, and less on attitudes and individual-level political resources. Thus the level of hope and the local, albeit fragile, Republican institutions that were encouraged by national inputs partly explain the persistence of African American local, state legislative, and congressional political careers well into the 1890s.⁴²

National-regional interaction also helped to stimulate biracial coalitions under the banner of third-party economic insurgencies. Fusion candidacies in states where the Republican Party was reasonably strong lowered the threshold of political entry for such insurgencies. While black politicians often had mixed feelings about these insurgencies, a look at the preponderance of evidence in a recent treatment of Chester Arthur's southern strategy suggests that black support for fusion was strong, if primarily tactical in nature. Furthermore, in two cases, the Readjusters (1879–89) and the North Carolina Populist-Republicans (1896–99), such insurgencies permitted the rapid mobilization of very strong, county-level and municipal black politics. Only savage race riots instigated by conservative Democrats sufficed to crush these mobilizations.⁴³

Thus the almost complete cessation after 1897 of national inputs into southern politics was, in itself, an important intervention into regional politics. A seemingly remarkable feature of disenfranchisement in its later stages was the lack of overt black protest in the region. While many factors produced apparent quiescence, one of these was surely the rational judgment that protest would not spark national assistance and that it would provoke exceptional violence.

By the same token, the Republican failure to return to a southern policy affected exclusionist capacities. It combined with the cumulative effects of violence, intimidation, and pre-1897 state-level rules changes to create a context within which disenfranchisers considered themselves freer to complete the process of disenfranchisement. There may be more than just a correlation in the fact that much of the activity of disenfranchisement occurred *after* the rise of McKinley Republicanism. North Carolina instituted sweeping change in 1899 and 1900. Alabama's disenfranchising convention of 1901 established a poll tax, literacy and property tests, and a grandfather clause for registration prior to 1902. Virginia's disenfranchising convention of 1902 established a poll tax, a literacy test, a property test, and an understanding test. Texas established a poll tax in 1902. Georgia established a literacy test, a property test, and an understanding test in 1908. Final Republican disinvestment from the South may well have shut off, as it were, a yellow light in the region that signaled "proceed with caution" and may have turned on a green light.⁴⁴

GOP disinvestment from the South toward the close of the century helped to make disenfranchisement an unstoppable process. It deprived inclusionists of resources and hope. It encouraged exclusionists to recast entirely the basic electoral foundations of political democracy in the South—and, in the process, to shift the 90 percent of America's black citizens living in the South well to the margins of the political nation's boundaries. The introduction of the Australian ballot (placing a premium on voter literacy), seemingly nominal poll taxes (which captured a surprisingly

large percentage of the total annual disposable income of debt-burdened sharecroppers, tenants, and freehold farmers), literacy tests, good understanding clauses, grandfather clauses, and white primaries all combined to erect impassable barriers between African Americans (and many whites) and the electoral system. When complete by about 1908, the “southern system” was much more efficient in establishing racial exclusion than earlier, relatively scattershot mechanisms of intimidation, fraud, violence, and vote dilution. And its efficiency set the stage for a new phase in America’s long and epic struggle over black voting rights. Considering that phase is beyond my scope, however—so I will turn now to brief summary of my party-centered analysis of disenfranchisement.

Party Dynamics, Disenfranchisement, and American Democracy

After the Reconstruction, party competition strongly influenced the political prospects of African Americans. Given the demographic concentration of African Americans in the South, their role in electoral politics depended on the persistence of at least one of the major parties in forcing system-wide conflict and mobilization. Such persistence was there. National party dynamics from 1877 to the mid-1890s helped to sustain some of the inclusiveness achieved by the Reconstruction. Such dynamics preserved some of the “refounding” of the American system represented by the Reconstruction.

But party dynamics were also tightly connected to regional calculations. When the incentives to the more inclusionist Republican Party to engage in systemwide mobilization and competition finally and irreversibly changed, the “new Constitution” instituted after the Civil War then truly lost much of its life. Republican disinvestment from the South did much to permit the establishment of the “southern system.”

Disenfranchisement had a regional *location*. But it left many imprints on the system as a whole, influencing the future of American life. All southern black—and many southern white—voters lost direct electoral influence over state legislatures, county commissions, and city and town councils. Segregationists completed the construction of an elaborate system of color lines and codified it in law. Without any political representation for the great majority of black Americans, African Americans were also vulnerable to a gradual strengthening of de facto color lines in the nation as a whole. To paraphrase C. Vann Woodward, the Southern Way became the American Way in race relations.⁴⁵ Disenfranchisement thus contributed to the deepening and magnification of racial stratification in America. It has, in fact, taken decades of African American struggle in building national

groups, planning litigation, and mounting broad movements of protest to help in creating the closely related processes—still underway, with many steps backward and forward—of both restoring life to the “new Constitution” instituted after the Civil War and of dismantling racial hierarchy in America.

Notes

1. Katznelson, Geiger, and Kryder 1993; Myrdal 1944.
2. Cf. Rueschemeyer, Stephens, and Stephens 1992, 122–32; and McAdam 1982, 66–67, focusing on social and economic factors.
3. Wang 1993; Ayers 1992; Kousser 1992; Rusk and Stucker 1978; and Kousser 1974 exemplify the new understanding. Examples of misconceptions about the Compromise of 1877 are Swain 1993, 21; and Carmines and Stimson 1989, 29.
4. Terms *inclusionist* and *exclusionist* from Valelly 1993.
5. This understanding of the relationship between mobilization and institutional context derived from Powell 1986, esp. p. 21.
6. On “sunk costs,” see Stinchcombe 1968, 120–25. “Commitment to contest” is my term.
7. DeSantis 1982, discusses the scholarly controversy over the longevity of the Compromise. Carmines and Stimson 1989, 29.
8. See Kousser 1974 for basic theory of parties having preferences over electoral institutions. See Stewart and Weingast 1992, 225, 270, and 225 n. 11, for a succinct, clear statement. On party unity and its electoral systemic origins, see Kousser, 1992. On internal politics, see Wang 1993, chap. 6.
9. Kousser 1992 is quite important for understanding this consensus.
10. For an important work that makes this clear, see Martis and Elmes 1993.
11. A basic discussion of “political opportunity structure” is in McAdam 1982. For an overlooked discussion of an important case, enslaved African Americans and their responses to shifts in their political opportunity structure, see Du Bois [1935] 1992, chaps. 1–7. See also Foner 1988, chap. 3.
12. Cf. Valelly 1993 and cites therein.
13. Ibid., 39–40.
14. On the fee system, see Goldman 1976, 279, 283, 302; for the enforcement effort, entire vol.; enforcement statistics for 1870–77 are at 70 n. 31.
15. 16. On the 1871 Federal Elections Act, see Burke 1968; and Wang 1993, chap. 2 and app. 3, reproducing the statute.
16. See Benedict 1978; Nieman 1991, 92–99; Kousser 1992, 160–64; Magrath 1963, chap. 7.
17. Adaptation of the Racial Priority Index of Party Platforms, Carmines and Stimson 1989, 56–57. For coding equal suffrage priority, I counted all paragraphs that explicitly referred to a “free ballot,” a “free ballot and a fair count,” the Fifteenth Amendment, the merits of federal vs. state control of elections, and equal adult male suffrage. First paragraph of platform coded as a *preamble* and

not a paragraph if it ended with a colon, notwithstanding any substantive statement in the preamble.

18. Why would Democrats sponsor investigations? For equally partisan purposes is the answer. Thus, in connection with the 1876 contested presidential election, the House of Representatives, organized by the Democratic party, sponsored a total of four investigations.

19. For more on the politics of contested elections, see Allen and Allen 1981, 176–78.

20. See Burke 1968, 146–54; and Goldman 1976, 311–12.

21. Data from Stewart 1991, 208, 210, 212, 217, tables 9.3–9.6.

22. Readjusters sought “readjustment” of the state debt downward via partial transfer to West Virginia and the upping of revenues through corporate taxation. Both moves would redress looting of the school fund for debt retirement and reduce the tax system’s regressivity. Cf. Ayers 1992, 46–47; Doenecke 1981, 50–53; Degler 1982, 270–315. See also Martis et al. 1989, 45. See U.S. Congress 1989, 1414, for Mahone’s committee appointments.

23. Percentage of districts majority black estimated from Parsons, Beach, and Dubin 1986, 146–223.

24. For concise discussion of these cases, see Wang 1993, 398–405; Kousser 1992, 160–62; McCurdy 1986; and Wiecek 1988, 96–101.

25. See Burke 1968, 153–66 for doctrinal background to *Yarbrough* and for impact. McCurdy 1986 succinctly describes the cases. Regarding *Yarbrough* itself, see Goldman 1976, 192–204. Cf. also Wang 1993, 391–408.

26. Knoles 1942, 8–12, 91–92, 136, 138–39, 144–45, 161–62, 168–170, 171–72, 173–74, 177–78, 193–94, 208–9, 213–16 (esp. summary remarks at 216 and discussion in n. 66), 220–21, 224–25.

27. Schwartz 1970, 806.

28. Kousser 1974, 239.

29. DeSantis 1959, chap. 6; Sherman 1973, 2, 8–9, 16. While the Priority Index of Equal Suffrage is not especially high (0.30), it is still higher than it is for 1880 or 1884, the two years bracketing the Arthur administration’s southern strategy.

30. Sherman 1973 chap. 1.

31. Ibid., 72, 77, 95–97, 169, 170–71, 221–23. See also Allen, Clausen, and Clubb 1971.

32. Johnson and Porter 1966, 137.

33. Goldman 1976, 250–68.

34. Further, the Republican capacity to hang onto the Senate in the Forty-eighth Congress, thus preventing Democratic dominance of the Congress as a whole in the second half of the Arthur administration, depended critically on the 1882 election of a second Readjuster senator from Virginia, creating a Republican-Readjuster coalition of forty, against thirty-six Democrats. On the relative importance of this, see Stewart and Weingast 1992, 259–69.

35. On pent-up policy demand, see Socolofsky and Spetter 1987, 47.

36. Stewart 1991, 208, 210, 212, 217. Cf. also Stanley and Niemi 1992, 139; and Martis and Elmes 1993, 70–84.

37. See Stewart and Weingast 1992, 236–42, 258.

38. The evidence is fragmentary, and sometimes offered from within the “Republican betrayal” framework, but suggestive enough. See Anderson 1981, esp. 159–61, 340–42; Bacote 1955, 65–67; Uzee 1950.

39. Again, the evidence in secondary sources is not extensive, but see Cooper 1968, 32, 70–71, 84–85, 94–106; Anderson, 1981, 91, 112, 340–42.

40. Congressional Information Service 1985, 515–16, 525, 528–29, listing witnesses for major post-Reconstruction investigations. In 1894 in South Carolina’s Second District, which was not the historic “black” Seventh District, Republicans organized poll watching in order to trigger a House contested election investigation that deprived Democrats of the seat. See Tindall 1949, 212–34, at 231. Also, see Uzee 1950, 48–49.

41. Wharton 1965, 203–9.

42. Kousser 1974; Rusk and Stucker 1978; Rosenstone and Hansen 1993, chaps. 5–7.

43. Degler 1982, 292–300 (on the Danbury, Va., riot and its role in the collapse of the Readjuster movement) and 359–66 (on the role of the Wilmington, N.C., riot in the collapse of the Populist-Republican fusion movement of North Carolina).

44. Kousser 1974, chaps. 6–7, and p. 239.

45. Woodward 1974, 67–118 and 115.