Wesley Hiers

Party Matters

Racial Closure in the Nineteenth-Century United States

For nearly two centuries the United States was a democracy that institutionalized in law inequality between racially defined segments of the population. This article shows that such racial closure was causally linked to the workings of a party system in which one party was organized as an interregional alliance for the principles and practices of white supremacy. It does so through a detailed analysis of three historical outcomes: (1) variation in the establishment of racial closure laws across the North during the antebellum period, (2) the elimination of racial closure laws in the North after the Civil War, and (3) the failed attempt in the postbellum South to overcome racial closure in voting. Throughout the analysis of these three outcomes, the article shows that the party model conforms to the empirical record better than three major alternatives that emphasize the causal power of public opinion (electorate model), elite bargaining and consensus (elite model), and the racial preferences of the white working class (class model).

For nearly two centuries the United States was a democracy that legally institutionalized discrimination against a racially defined segment of the population. This state-sanctioned racial closure allowed "whites" to monopolize a variety of material and symbolic goods, including at various times and places land, the franchise, schools, and full participation rights as witnesses and jurors in courts of law. In 1851, for example, Iowa passed An Act to Prohibit the Immigration of Free Negroes into This State (Finkelman 1985–86: 438n140), which made it illegal for African Americans from neighboring Illinois or any other state to enter and settle in Iowa. How could one of the

Social Science History 37:2 (Summer 2013)
DOI 10.1215/01455532-2074438
© 2013 by Social Science History Association

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

world's first democracies tolerate such obvious violations of the democratic principle? Based on his travels in the United States in the 1830s, Alexis de Tocqueville (2003: 418) hypothesized that democracy hindered the elimination of racial inequality under the law: "A despot who should subject the [white] Americans and their former slaves to the same yoke might perhaps succeed in commingling the races; but as long as the American democracy remains at the head of affairs, no one will undertake so difficult a task."[1]

By examining variation in state-sanctioned racial closure over time and across space in the nineteenth-century United States, this article gives specificity to Tocqueville's claim, showing how it was rooted in the workings of the two-party system and, more specifically, the development and endurance of the Democratic Party as an interregional alliance for the principles and practices of white supremacy. Three major nineteenth-century developments comprise the empirical focus of the argument: (1) varying adoption of state-sanctioned racial closure across the North during the antebellum period, (2) the elimination of racial closure laws in the North after the Civil War, and (3) the failed attempt in the postbellum South to eliminate racial closure in voting.[2] I will show that all three developments must be understood in terms of the logic of political competition in a two-party system and the varying political power this brought to the proclosure and anticlosure parties. For all three empirical puzzles, this *party model* fits the data better than the three major alternative explanations, which emphasize the causal power of public opinion (*electorate model*), elite bargaining and consensus building (*elite model*), and the racist preferences of the white working class (*class model*).

In making this case, this article builds on what Pamela Brandwein (2011) calls the "new political history" (NPH) of the postbellum United States (Calhoun 2006; Kousser 1974; Valelly 2004, 2009; Wang 1997). The NPH sheds new light on the third development just mentioned by countering the long-standing view that Republicans abandoned the federal effort to enforce voting rights in the South in the mid-1870s. As will be seen below, two distinct models—one elite centered (Marx 1998; Woodward 1974) and the other electorate centered (Frymer 1999; Klinkner and Smith 1999)—partially explain the failure of equal suffrage in the South on the basis of a putative mid-1870s Republican abandonment. Both models make this abandonment part of a two-stage explanation for black suffrage's failure in the South: after Republican abandonment (stage 1), white supremacists in the South used fraud, violence, and intimidation to undermine black suffrage by the 1890s (stage 2).

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

The NPH leaves this second part of the story intact but offers an array of evidence—political platforms, legislative struggles in Congress, statements by key political actors, Senate investigations, enforcement efforts in the South—that contradicts the narrative of mid-1870s Republican abandonment. This evidence, which is examined in detail below, shows the various ways Republicans remained committed to voting rights enforcement in the South well after 1877. If an abandonment narrative applies at all, the NPH shows, then abandonment came much later than previous accounts suggest: in the early 1890s rather than the mid-1870s (Brandwein 2011; Calhoun 2006; Kousser 1974; Valelly 2004, 2009; Wang 1997).[3]

Undermining the Republican abandonment narrative raises the question of why Republicans did not strengthen the federal legal apparatus once it became clear by the late 1870s that existing laws were insufficient to neutralize southern white resistance to black suffrage. Because the NPH has been most concerned with countering the Republican abandonment narrative, this question has not been a major focus. Nevertheless, the NPH has identified a crucial factor that the present article examines in detail: the return of the Democratic Party to partial federal power in the 1870s. This article makes two modest contributions to our understanding of this development. First, the article shows that the Democrats' national resurgence was not driven by a rejection of black suffrage on the part of the northern white electorate. By showing that Republicans remained overtly committed to enforcing black suffrage in the South, the NPH already has rebutted what this article will refer to as the "indirect electorate model": Republicans were not driven by fear of northern white public opinion to change their equal suffrage policy. This electorate model is "indirect" in the sense that the causal power of the electorate flows through politicians' perceptions of public opinion (see Frymer 1999). But while the NPH rebuts the *indirect* electorate model, the possibility remains that a *direct* electorate model applies. Perhaps the Democrats were resurgent at the national level because the northern white electorate punished the Grand Old Party (GOP) for its equality policy by voting for Democrats. Desmond S. King and Rogers M. Smith (2008) make this argument, and the NPH does not address it. This article fills the gap by showing—through an analysis of presidential, Senate, and House elections—that the Democrats' national resurgence in the mid-1870s was not the result of a shift in the northern white electorate toward Democrats. Instead, it was almost entirely a southern affair in which a basically constant level of support

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

for Democrats in the North between the late 1850s and the 1890s played a supporting, albeit crucial, role.

This article's second contribution to understanding postbellum federal policy is a matter of emphasis: to underline the role of the Democratic Party in preventing the improvement of federal enforcement efforts in the South. As discussed, the NPH mentions Democratic national resurgence as an obstacle to Republicans' equal suffrage policy but without elaborating on its significance. Moreover, one of the most prolific contributors to the NPH, Richard M. Valelly (1995, 2004, 2009), offers an explanation of federal enforcement failure in which this Democratic resurgence does not play a central role. Valelly (2004) instead highlights the difficulty of what he calls "crash party-building" in the South. For equal suffrage to be institutionalized in the South, the Republican Party had to gain a secure foothold. However, Republicans had no base in the South after the Civil War, and they were unable to build a durable party organization there in the face of the fraud, intimidation, and violence meted out by southern white supremacists. The present article does not dispute this compelling argument. But by emphasizing the causal significance of the Democratic Party's federal-level legislative veto between the mid-1870s and the late 1880s, this article does highlight why greater federal support for GOP party building in the South was impossible to achieve.

This second contribution to the postbellum federal story, though more modest than the first, holds greater significance when situated in the article's more general contribution: to show the long-run link between the party system and state-sanctioned racial closure across the nineteenth century. When the Democratic Party acted in a unified fashion, regardless of region, to thwart Republican efforts to improve the federal enforcement apparatus in the 1870s and the 1880s, it acted in conformity with a role that it had filled since the early part of the century: as an interregional alliance for white supremacy. I detail the logic of this alliance and how it mattered through an analysis of two earlier developments: the spread of racial exclusion laws in the antebellum North and the elimination of these laws after the Civil War. As this analysis shows, the fortunes of state-sanctioned racial closure were tightly linked with the fortunes of the Democratic Party—a pattern that continued in relation to federal policy toward the South between the 1860s and the 1890s.

The theoretical goal of the analysis is to demonstrate just how much the

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

"relative autonomy" of parties (Desai 2002) mattered to patterns of racial closure in the nineteenth-century United States. Before commencing with the historical analysis of these three developments therefore, it is necessary to specify both the theoretical logic of party autonomy and the analytic strategy for identifying when this party autonomy matters. I do so in relation to three other major explanatory approaches that have been applied to racial closure in the nineteenth-century United States: the elite, class, and electorate models.

Theory and Analytic Strategy

This section details what it means to advance a party model against electorate, class, and elite alternatives in efforts to explain patterns of state-sanctioned racial closure. First, however, a brief discussion of the object of explanation is necessary. *Racial closure* refers to the monopolization of material and symbolic goods by members of one "racial" group in relation to those judged outside that group. It is "racial" insofar as outsiderhood is based on biologically transmittable characteristics (putative, to be sure) that are socially signified (cf. Miles 1989). Like any form of social closure (Loveman 1999; Weber 1978 [1922]), this process can occur in very different contexts, from the barroom to the boardroom. This article is concerned with closure institutionalized in law or administrative practice, which I refer to as "state-sanctioned racial closure" (or often just "racial closure" for the sake of brevity). In the context of this article, examples include the "whites-only" franchise, state bans on the settlement of African Americans, state-mandated racially segregated schools, and state administrative practices that consistently and directly contravene laws that on their face might be racially neutral.

To account for patterns of state-sanctioned racial closure, this article advances a party model against elite, electorate, and class alternatives. The elite model I have in mind is the one developed by Anthony W. Marx (1998) and C. Vann Woodward (1974) to understand postbellum federal policy in the South (see above)—that is, it is an elite *consensus* model. Therefore differentiating the party model from its elite alternative is straightforward. Clear and enduring interparty differences on racial policy—as evident, for example, in legislative roll calls and differences in policy, depending on which party controls the government—demonstrate the absence of elite consensus in this domain.

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

The class model assigns a central role to the racially dominant segment of the working class in processes of racial closure. Fearing labor competition from racially subordinate workers, the dominant segment uses its political power to demand state-sanctioned racial closure—an explanation that class theorists have used to account for the extensiveness of closure in the antebellum North (Bonacich 1975; Wilson 1980). I show, however, that these patterns of closure in the antebellum North do not conform to the expectations of the class model. Moreover, the class model cannot explain the shift of northern states away from legal racial closure after the Civil War. The antebellum patterns and the postbellum transformation do closely correspond, however, to the varying power of the proclosure and anticlosure parties.

A third alternative to the party model is the electorate model. As mentioned, it has been applied to nineteenth-century racial policy in two ways. The *indirect* electorate model has parties shaping policy to conform with what they believe to be the white public's opinion. The *direct* electorate model has the electorate changing policy by voting out the party that does not conform to its wishes. The indirect electorate model suggests that a party's racial policy might simply reflect the wishes of the dominant white public. While I argue that the evidence is insufficient to reject this possibility for the antebellum North, I draw on a variety of evidence, including voting referenda on equal suffrage in the North in the 1860s, to show that the indirect electorate model cannot account for the second and third developments. Combining this evidence with that against the direct electorate model, I show on balance that an explanation rooted in the workings of relatively autonomous parties is better able to account for change and continuity across the three historical developments.

What exactly is the party model alternative to the elite, class, and electorate models? This article argues that parties mattered to processes of state-sanctioned racial closure in two important ways. The first is the "political articulation" mechanism (see De Leon et al. 2009 for a full discussion), and the second is the duopoly mechanism. Together they form the theoretical case for what Manali Desai (2002) calls the "relative autonomy" of parties. The political articulation mechanism emphasizes how parties shape the electorate, reversing the causal flow posited by the electorate and class models. Parties do not merely reflect social cleavages; they can reproduce, augment, and even develop certain cleavages while downplaying, bridging, or overcoming other divides (De Leon 2008; De Leon et al. 2009; Desai 2002; Sar-

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

tori 1969; Schattschneider 1960). Rogers M. Smith (1997: 9) argues that to rule effectively political actors "must find ways to persuade the people they aspire to govern that they are a 'people.'" In this context, ascribed categories such as "race" can prove useful, and their use in turn can elaborate and institutionalize what otherwise might have been merely one of many potential cleavages (Wimmer 2008). By identifying issues and cleavages, a party does more than sensitize voters to their tacit preferences; it also actively shapes those preferences by showing voters what they should think is important. In short, when a social cleavage such as "race" matters in politics, it is not always or strictly because society has "racial tastes" that are exogenous to the political system and then drive political actors within that system. To a nontrivial degree, parties play an active role in cultivating this taste (or in downplaying this taste—see Aminzade 2000 on Tanzania; Messina 1989 on Great Britain; and the discussion below of the Republican Party in the postbellum United States). The political articulation mechanism therefore has direct implications for any effort to distinguish the relative merits of the electorate and party models. Any assessment of the role of public opinion in racial policy, whether this concerns voter referenda that largely favored racial closure between the 1830s and the 1860s or northern electoral support for the Republican Party as it pursued anticlosure policies in the postbellum period, must take into account the role of parties' political articulation work in cultivating proclosure or proequality sentiments.

When a proclosure or proequality party gains power, party effects on society become all the more consequential. This brings us to the duopoly mechanism, which requires more discussion for two reasons. First and unlike the political articulation mechanism (see De Leon et al. 2009), the duopoly mechanism has not received an extended treatment elsewhere. Second and more important, the duopoly mechanism does the most explanatory work in this article.

The duopoly mechanism directs analytic attention to the fact that political competition is quite limited in democracies. Party competition is oligopolistic competition (Finegold and Skocpol 1995: 39), indeed duopolistic competition in the United States, given its long-standing two-party system. While the electorate model emphasizes voter choice and therefore power, the duopolistic mechanism draws attention to the limited nature of these choices. In terms of Albert O. Hirschman's (1970) famous scheme, voters' exit options are highly circumscribed, which means their leverage over party

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

action is limited as well. The severely restricted nature of the political market's supply side provides parties with considerable autonomy in the construction of policy. General conditions (e.g., the recent state of the economy) have a much greater effect on party fortune than specific programs, because voter options for choosing programs are limited to two. As a consequence, a winning party's political interests and strategies for building policy coalitions can be greatly consequential for the shaping of society through policy without any necessary connection to the policy preferences of the voting majority.

According to the party model's duopoly mechanism therefore, elections are significant not for what they signal about public opinion but rather for a straightforward (and less empirically ambiguous) reason: they determine, frequently by very small margins, which member of the duopoly is empowered with the opportunity to enact its policy agenda.[4] In contrast, the electorate model ignores that "we can rarely interpret a majority of first choices among candidates in a national election as being equivalent to a majority of first choices for a specific policy" (Dahl 1956: 127). Not that we never can, but the instances are outliers. In the case of state-sanctioned racial closure in the nineteenth-century United States, this article shows that election outcomes (and thereby racial policies) in the North were not driven by the racial preferences of the electoral majority. In this respect, the article's empirical analysis generally conforms to a fundamental implication of the party model. While elections are ordinary voters' greatest source of power, the use of that power *in relation to any given policy* typically derives not from the voters' preferences regarding the policy but rather from their *general and relative indifference*. On almost any given issue, the party model assumes, only a minority of voters will have decisive preferences, where *decisive* means that candidate and party positions on the issue determine whom the voter supports. Thus indifference is "general" in that it rests with the majority and "relative" in the sense that this majority finds other issues more important. It follows that for any given issue elections put the fates of minorities with "decisive" preferences in the hands of a majority that, though not caring deeply about the issue, decides whether party X with position Q or party not-X with position not-Q gains control of the government and thereby policy. This basic feature of democratic politics justifies Robert A. Dahl's (ibid.: 133) efforts to downplay the likelihood of majority tyranny (or majority beneficence, one might add) in democratic polities and to argue instead that "the more relevant question is the extent to which various minorities in a society will frustrate the ambitions

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

of one another with the passive acquiescence or indifference of a majority of adults or voters."

To concretize the party model's emphasis on the causal power of voters' general and relative indifference, consider briefly for now how it relates to the substantive analysis to follow. In the two-party competitive context where one party pushed for racial closure and another for racial equality—a situation that clearly prevailed in the postbellum United States and less sharply in the antebellum era (see below)—the balance of power in determining which party controlled the state generally rested with those who did not have "decisive" preferences regarding racial policy. Placing voters on a continuum, with those having decisive preferences on each end (proequality on one and proclosure on the other), those who were in the expansive middle generally determined which party won and thereby which racial policy prevailed, even though racial policy did not determine the voting choices of these majority voters. Put a different way, whether and to what degree state-sanctioned racial closure (or equality) prevailed generally did not depend on majority support for closure (or equality) but rather on which party won.

Given this conceptualization of elections' significance, it would be useful to be explicit about this article's strategy for analyzing them. In terms of the *consequences* of elections, the major objective is to show, against the elite model as it has been applied to the nineteenth-century United States, that which party prevailed mattered a great deal for racial closure policies. I do this by evidencing the link across the nineteenth century between party control of government and racial policy and, when possible, by detailing party differences in roll call voting on specific racial policy proposals. In terms of the *determinants* of election outcomes, the party model itself is explanatorily agnostic, with a programmatic preference for directing analytic energies to the consequences of elections. Yet one explanatory burden must be met if the causal power of the duopoly mechanism is to be convincing in relation to the electorate model. It is necessary to show that which party gained power through elections was not determined by the racial closure preferences of the electoral majority. This is done in various ways—for instance, by showing the contrast between, on the one hand, voters' racial closure preferences as revealed in referenda and, on the other, the racial policies of the party that prevailed in elections. The goal is always the same: not to show why parties won elections but only that the racial policy preferences of the majority were not the reason. Put another way, the explanatory burden is to demonstrate,

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

in relation to the hypothesis that majority voter preferences on racial policy drove election outcomes, that there is not enough evidence to reject the null hypothesis.

The explanatory power of the party model in relation to the three alternatives will now be scrutinized in light of the three historical developments previously specified, starting with the antebellum North.

Party Power and Racial Closure in the Antebellum North

The nineteenth century gave birth to our own century's two major parties. Until the formation of the Republican Party in the 1850s, the Whig Party and the Democratic Party comprised the two-party system. The Whig and Democratic Parties were different in many ways, not the least of which concerned their relationship to the ideology and practice of white supremacy (Ashworth 1995: 295–371; Foner 1970; Holt 1992, 1999; Saxton 1990). The Whig Party tended toward a hierarchical conception of society in which the constituent individuals were multiply differentiated but universally included (Howe 1979: 38–42; Watson 1990: 245–46). Democrats were more egalitarian, but this egalitarianism was bounded by race (Fredrickson 1971). "The Democrats . . . advocated a highly populistic political system, one that empowered adult white males and championed their rights against many of the social and political elites in the nation" (Ashworth 1995: 295). Based on her detailed study of political culture in the antebellum North, Jean H. Baker (1983: 24) concludes that "the vital core of Democratic thinking was a firm commitment to a 'white man's republic'" (see also Richards 2000: 116).

In terms of the political articulation mechanism, Democrats emphasized a cleavage between whites and nonwhites during the antebellum period (and beyond, as we will see). White supremacy accorded well with three major components of Democrats' policy program and coalition strategy. The first was support for slavery and the "states' rights" approach to federal policy that protected it. There were individual Democrats who were antislavery, but making this position explicit meant encountering "at the minimum, resistance or, more likely, expulsion from the party" (Ashworth 1995: 329–30). Joel H. Silbey (1985: 97) identifies "a conscious agreement, worked out as early as the 1820s, between [Democratic] leaders in the North and South to protect slavery" to provide the party with an interregional unity useful

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

for capturing national power. The party's 1832 constitution had a provision to cement the interregional alliance by preventing the more populous North from swamping the South in voting: nominations for presidential and vice presidential candidates required two-thirds support rather than a simple majority (Richards 2000: 111–13). This alliance was evident in Congress too, for example, in the controversy surrounding congressional efforts to suppress abolitionist petitions in the 1830s and the 1840s, when northern Democrats voted with the South 80 percent of the time in support of this suppression (Ashworth 1995: 325, 329). Although the party split in 1860 over where the locus of control over slavery should lie—southern Democrats wanted to impose slavery in the federal territories, while northern Democrats generally wanted the decision to be left to states formed from those territories—northern Democrats never abandoned the South in its support for the institution of slavery and its expansion westward throughout this period or indeed through the Civil War (Gerring 1994; Holt 1992: 57–87; Jaenicke 1995; Saxton 1990). Championing the common people against elites while also supporting slaveholders might seem inconsistent, but white supremacy provided a racial boundary to Democrats' egalitarianism, while the constitutional rationale for this slaveholder support, the states' rights doctrine, emphasized the liberty of local autonomy against the tyranny of centralized power. That it was liberty for whites and exposure for nonwhites—to invoke John R. Commons's (1931) distinction—mattered little if liberty and equality were racially bounded.

Westward expansion was a second Democratic policy that fit well with white supremacy. From the Indian Removal Act of 1830 to the Mexican-American War of the late 1840s, the Democratic Party led the expansionist charge (Holt 1999; Richards 2000). The ideology of white supremacy was a useful tool in these efforts. As Congress considered the Indian Removal Act of 1830, for example, "the Democratic-party press [pushed for the legislation] . . . by popularizing theories of the ineradicable inferiority of the nonwhite races, which taught that hopes for civilizing the Indians were delusive" (Howe 1979: 40).

Any social boundary is simultaneously exclusive and inclusive. In the case of their party's support for slavery and westward expansion, Democrats' emphasis on race highlighted most prominently the exclusionary dimension. But in the case of the third policy that accorded with white supremacy, support for European immigrants, the inclusive side of Democrats' racialism

is clear. Across the period from 1828 to 1892, when nativism was recurrent, John Gerring (1994: 761) found in his study of Democratic Party platforms "no statement in opposition to (European) immigration." Playing a guiding role in Democrats' strategy for incorporating immigrants was an emphasis on the capacious category of "white," consistent with the political articulation mechanism. Against the ethnocultural, ethnoreligious, and class divisions of antebellum society, Democrats sought to unify European immigrants ethnoracially qua "whites." The Democratic Party is a central actor in Noel Ignatiev's (1995: 69–76) *How the Irish Became White*, and Roediger (1991: 141) agrees with this emphasis, arguing that "Democrats and Irish-American Catholics entered into a lasting marriage that gave birth to new ideologies stressing the importance of whiteness."

Consistent with the link between these three elements of the Democratic Party's policy program and its white supremacist orientation, the Whig Party offered a notable contrast. The Whig Party was divided regionally on the slavery issue, and it opposed Democrats on the issues of territorial expansion and immigration. In sectional controversies related to slavery, northern Whigs almost never voted with their southern brethren and thus not with either regional wing of the Democratic Party (Richards 2000: 111–32). This sectional split on slavery intensified in the two decades preceding the Civil War and eventually was a major factor in the Whig Party's demise and its replacement by the northern-centered Republican Party (Holt 1999: 390, 952–53). The Whig Party also did not generally support territorial expansion, opposing both the Indian Removal Act of 1830 and the Mexican-American War (ibid.; Howe 1979). Whigs in their 1844 national platform, for example, warned about the dangers that territorial expansion posed for the social fabric (Holt 1999: 240). The conservatism on expansion was evident in the party's approach to immigration as well. Whigs were "reluctant to enfranchise large numbers of foreign immigrants" (Watson 1990: 245), again in contrast to the Democrats (Formisano 1971: chap. 5), and the Whig Party contained a major strain of "nativism and anti-Catholicism" (Watson 1990: 246).

There were also direct electoral incentives for the Whig Party to abjure racial closure. The staunchness of Democrats' white supremacy made African Americans the easy allies of the Whig Party. This was true in states such as Massachusetts and Rhode Island, where African Americans had equal voting rights for a good portion of the antebellum period, and it was true in North Carolina, Pennsylvania, and Tennessee, where African Americans

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Table 1 State-sanctioned racial closure in the antebellum North

State	Settlement	Testimony	Franchise	Education
Pennsylvania				b
New Jersey				c
Connecticut				c
Massachusetts				c → d
New Hampshire				c
New York				c
Rhode Island				c
Vermont				c
Ohio				a → b
Indiana				a
Illinois				a
Maine				c
Michigan				c
Iowa				a → b
Wisconsin				c
California				b

Source: See the appendix for sources and more details on the specific exclusion laws.
Note: Lighter shading indicates elimination of a previously enacted closure law. Racial closure in education defies dichotomous classification: a = state required exclusion of African Americans, b = state required segregation, c = state permitted localities to segregate, d = state required integration.

voted until the 1830s (Ford 1999; Malone 2008). Battles over equal voting rights for African Americans, then, were to a substantial degree conflicts over how many additional votes Whigs—and later Republicans—would be able to add to their coalition.

Identifying the Whig-Democratic divergence on white supremacy and accounting for this difference in terms of different electoral and policy coalitions, as I have just done, is only a first step in pursuing the relationship between party politics and racial closure in the antebellum North. To assess how much party divisions mattered—and specifically to what degree the Democratic Party was behind the development of state-sanctioned racial closure—a concrete examination based on systematic data from the period is required. To this end, I compiled data on racial closure laws in the 16 northern states that had achieved statehood by 1850 (see table 1). Four laws pertaining to basic rights were the focus of this inquiry: (1) laws that either banned African Americans from entering the state or required them both to present a certificate of freedom and to offer substantial surety or cash bonds,

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Table 2 Racial closure and party dominance in the antebellum North

State	Party dominance	No. of closure dimensions
Pennsylvania	D	2
Illinois	D	4
Michigan	D	4
Iowa	D	4→2
California	D	3
New Hampshire	D	1
Maine	D	1
Wisconsin	D	2
Ohio	comp/D	4→2
Indiana	comp/D	4
New York	comp/D	2
Connecticut	comp/D	2
New Jersey	comp/W	2
Massachusetts	W	1→0
Rhode Island	W	2→1
Vermont	W	1

Source: See the appendix for sources.
Note: See the appendix for determination of party dominance.

from $250 to $1,000 (settlement); (2) laws that barred African Americans from testifying in court against "whites" (testimony); (3) laws that restricted the franchise to "whites" or, in one case, provided for a differential suffrage qualification based on race (franchise); and (4) laws that excluded nonwhites from public schools, mandated racial segregation, or allowed localities to segregate (education) (see the appendix for sources and details).

How did the extent of racial closure laws relate to the degree of Democratic Party control in the state? To probe this relationship, I developed a measure of state party control for 1828 to 1856 based on control of the state legislature and governorship across this period (see the appendix for details). Among these 16 states, 8 were dominated by Democrats, and 4 more were "competitive" but leaned to the Democratic Party. Among the 4 other states, 1 was competitive but leaned to the Whig Party, while the other 3 were solidly Whig. Relating party dominance in a state to the extent of legal racial exclusion reveals a striking pattern (see table 2). In Democratic states (solid or leaning) where there were 48 possible exclusion laws (12 states × 4 legal issues per state), nearly 70 percent (33/48) of all possible exclusions were enacted

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

in this period. In contrast, Whig states exhibited much less exclusion. Of 16 possible exclusion laws (4 states × 4 laws per state), just 4 (25 percent) were still in effect by the end of the period. Thus racial closure laws were much more likely to be enacted in Democratic states compared to Whig ones.

By examining the reversals indicated in table 1 (see the diagonally shaded cells), more direct evidence of the consequential nature of party control emerges. Rhode Island instituted a racial franchise in 1822, when a predecessor to the Democratic Party was in power, and this racial exclusion was abolished during a time of Whig Party control in 1842 (Keyssar 2000: 72–74; Malone 2008: 119–20, 129–30). Massachusetts was the only state to require racial integration in all of its public schools, eliminating the local segregation option that was typical of the period, and it did so at a time when Democrats were excluded from power (just as they had been throughout most of the antebellum period in this state). The four other eliminations of racial closure, two in Iowa and two in Ohio, also occurred when Democrats were not in control. Ohio eliminated its racially exclusionary settlement and testimony laws in 1849, when Democrats did not control the governorship and were less than a majority in the state legislature. Prior to this time, between 1837 and 1848, there had been seven roll calls in the state legislature concerning repeal of exclusionary settlement and testimony laws. More than 97 percent of Democrats' nearly 300 votes favored the continuation of exclusion, while 59 percent of the Whig votes supported repeal (Erickson 1973: 168). Iowa repealed its exclusionary laws concerning testimony and settlement at the Republican-controlled 1857 state constitutional convention (Foner 1970: 287).[5]

A similar pattern is evident from the New York state legislature's consideration of three equal suffrage petitions in the late 1830s. Only about 2 percent of Democrats voted even a single time to eliminate racial suffrage, compared to roughly 85 percent of Whigs (Field 1982: 48). The Democratic Party's role in institutionalizing racial closure is also clear in studies of state constitutional conventions in Iowa, Michigan, New York, Pennsylvania, and Wisconsin between the 1830s and the 1850s (Olbrich 1912: 23, 81–98; Richards 2000: 117–18).[6] At the 1846 Wisconsin constitutional convention that voted 91 to 12 to exclude African Americans, for example, more than 85 percent of the delegates were Democrats (Olbrich 1912: 85). The 1850 Michigan constitutional convention that voted 46 to 13 for whites-only suffrage "was overwhelmingly Democratic" (ibid.: 97–98), and the same was

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

true when racial suffrage was first put into the Michigan constitution at the 1835 convention (Formisano 1971: 22–23).

Moreover, a comparison of the Education column in table 1 with party dominance by state in table 2 indicates that when there was a difference in racial closure laws' severity, it was the Democratic Party that was most severe. All northern states during the antebellum period allowed localities to segregate their schools by race. But this was as far as the Whig states went, and indeed Massachusetts had banned segregation by the end of the period. Among the 12 Democratic or Democratic-leaning states, however, half required either segregation of African Americans or their outright exclusion. Moreover, two generally Democratic states (Iowa and Ohio) lessened the severity of racial closure in education, moving from mandatory exclusion to mandatory segregation, and they did so at times when the Democratic Party did not hold the balance of power.

To summarize, three kinds of evidence support the hypothesis that party divisions, and specifically the political power of the Democrats, were behind patterns of racial closure in the antebellum North: (1) characterizations by a wide range of historians of the Democratic Party as white supremacist, particularly in the way it incorporated European immigrants and justified both slavery and its westward expansion; (2) a pattern of racial closure laws across the northern states showing that Democratic states were considerably more exclusionary than Whig states both quantitatively and qualitatively; and (3) direct evidence from specific states in both constitutional conventions and the activities of the legislatures that reveal the link between racial closure laws and party control: most notably, only legislatures not under Democratic control eliminated closure laws enacted earlier by Democratic legislators.

I now turn to an assessment of the other three models' abilities to account for patterns of racial closure in the antebellum North.

Elite Model

The distinct party division regarding state-sanctioned racial closure contradicts the elite model. There was not an elite consensus that African Americans should be subject to a wide range of legal exclusions in the antebellum North. It is true that the parties did not share equal devotion to their opposing causes, something that Daniel Walker Howe (1979: 17) highlights in discussing voting rights: "Black suffrage was a partisan issue that the

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Democrats strenuously opposed and the Whigs, somewhat less strenuously, supported" (see also Field 1982: 48). But the division was not a mere facade, as is evidenced by the different exclusion patterns between Whig and Democratic states, by the party division in voting in state legislatures and constitutional conventions, and by the reversals of legal exclusions by Whigs (and later Republicans) in Iowa, Ohio, and Rhode Island but never by Democrats anywhere.

Class Model

Was it the case that "the [white] laboring classes had the power resources to at least preserve their interests in the face of black competition" and that they used this power to institutionalize the exclusion of African Americans in the antebellum North (Wilson 1980: 51)? According to this model, the white working class pressed for closure to defend itself from being undercut by lower-priced African American labor. During the first half of the nineteenth century, however, the most industrialized areas—and therefore the areas with the most wageworkers and the greatest potential for working-class organization—were in the Northeast, while the highest levels of legal racial closure were in states such as Illinois, Indiana, and Iowa. In fact, when one aligns the patterns of state-by-state racial closure with the percentage of males in manufacturing, as table 3 does, one sees that the patterns of closure were practically the inverse of what the working-class model would predict. In general, the greater the proportion of males in manufacturing, the less extensive was racial closure. Dividing the states at the median level of manufacturing employment (11 percent), those states above the median collectively had about 40 percent of the maximum level of state-sanctioned racial closure (13 of 32 possible laws), while those below the median had 80 percent (26 of 32). And while the four most industrialized states (the upper quartile) never exceeded an exclusion level of 44 percent (and stood at just 31 percent by the end of the period, thanks to Whig reversals in Massachusetts and Rhode Island), the four least industrialized states reached an exclusion level of 94 percent.

This pattern does suggest that some other class-based explanation might work for the antebellum North. Edna Bonacich (1975: 624) in fact suggests a broader class model when seeking to dismiss the role of political parties in favor of a "class-interpretation of politics" near the end of her article. She

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Table 3 Racial closure and working-class organizing potential

State	% males in manufacturing employment	No. of closure dimensions
Massachusetts	33	1
Connecticut	32	2
Rhode Island	30	2
New Jersey	22	2
Pennsylvania	18	2
New York	17	2
New Hampshire	15	1
Maine	13	1
Ohio	9	4
Michigan	8	4
Vermont	8	1
Wisconsin	7	2
Indiana	6	4
Illinois	5	4
California	5	3
Iowa	3	4

Source: Haines and Inter-university Consortium for Political and Social Research 2004.
Note: The percentage of males in manufacturing employment is derived from Michael R. Haines and the Inter-university Consortium for Political and Social Research's (2004) analysis of the 1850 census, specifically the proportion of males employed in manufacturing (variable "mfglabm") to total males aged 15 or more who were employed (variable "m15empl"). See table 2 for specific closure dimensions. The number of dimensions recorded here reflect the maximum for the antebellum period (i.e., before the repeals reflected in table 2).

identifies the Democratic Party as more exclusionary than the Whig Party but interprets Democratic policies as a mere reflection of the fact that it was "a coalition of town workers and small farmers" (ibid.). Perhaps, then, the more agrarian states were more exclusionary because of the political power of small farmers. These small farmers certainly opposed the extension of slavery to their states because of the competitive advantages such an extension would give to large, slaveholding landowners (Wood 1968). But if enslaved black labor was a threat to small farmers, the same could not be said for free black labor. Nonenslaved African Americans were less than 2 percent of both the national and the midwestern state populations during the antebellum period. Thus even if we assume that antiblack feelings drove small farmers' support for the Democratic Party in the antebellum era, those feelings apparently had a noneconomic logic that does not square with the class model.

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Most important, as will be discussed in the section Party Change, Racial Change: US North, 1850s–1880s, the notion that a taste for racial closure drove farmers' support for Democrats before the war is directly contradicted by the shift in power to the anticlosure Republicans during and after the war.

Finally, the class model's economic logic also does not work well for the Whig Party. Bonacich (1975) explains the party's support for equal rights by arguing that commercial and industrial interests were the core of the Whig alliance. Employers wanted "cheap labor" to undercut white working-class power, and the Whig Party did the employers' bidding. This makes sense in terms of some rights, such as settlement, but not others, such as the franchise and even the right to testify in court. Employers want lower-cost migrants but not politically empowered ones. This economic logic is even less compelling in relation to the Whig Party's stance on European immigration, something that Bonacich does not discuss. Why would a party that allegedly reflects large employer interests oppose immigration and thus an increase in the labor supply? Certain classes and class segments might be more likely to support particular parties, but support for a party does not mean capture of it.

Electorate Model

Did white public opinion drive closure patterns in the antebellum North? There are no available polling data with which to test this hypothesis, but there are three key pieces of evidence that do support it. First, just as historians have emphasized the white supremacist character of the Democratic Party in the antebellum North, so too have they emphasized the pervasiveness of racism among the general public (Berwanger 1967; Litwack 1961; Stewart 1998; Voegeli 1970). The second piece of evidence is more systematic though by no means perfectly so. From secondary scholarship and political almanacs from the period, I compiled data from nearly a dozen referenda in nine states across more than 20 years. In these referenda voters were asked to decide on two types of racial closure that appear in table 1, franchise and settlement laws. Voters favored racial closure in all referenda but one and, in the aggregate, by a large margin—more than two to one (see table 4).[7] The third piece of evidence concerns what key actors on the scene, Republican Party politicians, perceived to be the white public's opinion about racial closure. As we will see in the next two sections, state-sanctioned racial closure

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Table 4 Voter referenda on racial closure in the North, 1837–1869

State	Year	Issue	No. of voters	% approving closure
New York	1846	Franchise	309,700	72
Wisconsin	1846	Franchise	22,200	66
Connecticut	1847	Franchise	25,100	78
Illinois	1848	Settlement	76,500	79
Wisconsin	1849	Franchise	9,300	44
Michigan	1850	Franchise	45,000	71
Indiana	1851	Settlement	135,500	84
Oregon	1857	Settlement	9,700	89
Iowa	1857	Franchise	58,000	85
Wisconsin	1857	Franchise	67,700	59
New York	1860	Franchise	535,500	63
Total (1837–60)			1,294,200	70
Illinois	1862	Settlement	211,900	74
Illinois	1862	Franchise	211,900	83
Colorado	1865	Franchise	4,700	90
Connecticut	1865	Franchise	60,700	55
Wisconsin	1865	Franchise	10,200	54
Minnesota	1865	Franchise	27,000	55
Ohio	1867	Franchise	472,300	54
Minnesota	1867	Franchise	56,200	51
Connecticut	1867	Franchise	94,200	51
Kansas	1867	Franchise	29,900	65
Iowa	1868	Franchise	186,500	43
Minnesota	1868	Franchise	71,800	43
Michigan	1868	Franchise	225,600	53
New York	1869	Franchise	532,200	53
Total (1862–69)			2,195,100	57
Total (1837–69)			3,489,300	62

Sources: *American Annual Cyclopaedia* 1865: 577; 1868: 386, 495, 500; Berwanger 1967: 33, 40–41, 45, 93; Dykstra and Hahn 1968: 205; Field 1982: 199; Fishel 1954: 19; Foner 1970: 281, 285; Gillette 1965: 25–26; Harris 1904: 239; Litwack 1961: 86, 92; McPherson 1972 [1871]: 259, 354; Olbrich 1912: 76–90; Wang 1997: 40.

Note: The number of voters is rounded to the nearest hundred. The total percentage approving closure for each time period is based on the total number of voters; it is not an average of percentages. In the following cases I could not find the total who voted on the exclusion law and therefore used the total for the general election: Connecticut 1867, Michigan 1868, Minnesota 1868. Shaded information signals instances where voters rejected closure.

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

was not the policy of the Republican Party after its emergence in 1854. However, this did not prevent a nontrivial number of Republicans from invoking white supremacist arguments in election campaigns—a strong indication that they believed that this appealed to the white electorate.[8] One key policy held the Republican Party together: that slavery should not be allowed to expand to the western territories. Instead, these territories should be settled on the basis of free labor. In response, Democrats in the late 1850s "use[d] race as a key issue" (Aarim-Heriot 2003: 63), accusing Republicans of belonging to the "African party" (Bilotta 1992: 267). Republicans retorted by equating Democrats' support for slavery's expansion with a plan for the "Africanization" of the country (ibid.). Republicans argued that the western territories should be settled and worked by whites. Such was the meaning behind the words of a Republican congressman from Indiana, who proclaimed that his state had "elected in favor of the white race by prohibiting slavery" (quoted in Voegeli 1970: 20), and the words of a Republican campaign organizer, who said that his party stood for "free territories for the free white men" (quoted in Bilotta 1992: 307; see also Berwanger 1967). Republicans wanted to stop the spread of slavery, and they did not wish to lose the attention of a public they apparently assumed to be white supremacist.

While these three pieces of evidence support an electorate model, caution is required, because one key piece of evidence is missing. We do not know, indeed cannot know, that voters chose the Democratic Party during the antebellum era *because of* that party's proclosure policies. A coincidence of majority support for a policy and majority support for the party that implements that policy does not necessarily mean that this specific policy preference of the majority was "decisive" (as defined above—it determined their votes) in voters' support for the party.[9] This caution receives empirical justification, and support for the electorate model erodes, when one takes a longer-term perspective that goes beyond the confines of the antebellum period, as we will see shortly. If party control of the state and state policies are indeed a mere reflection of voters' preferences, then one should not expect to see major changes in party power and policies without major changes in public opinion. Yet that is exactly what happened, as becomes clear when the analysis is extended into the postbellum period. The transition from the antebellum to the postbellum period in the North brought an interlinked transformation in party power and racial policy that the electorate model cannot explain but that the party model can.

Party Change, Racial Change: US North, 1850s–1880s

Looking out from 1860, this was the situation in the North with respect to state-sanctioned racial closure. Nearly three-fourths of the states had a racial franchise, nearly one-half barred nonwhites from public education or mandated separate schools, and roughly one-fourth both barred nonwhites from testifying against whites in court and either barred migration of African Americans into the state or allowed such in-migration only after the payment of a prohibitively high price. Yet by 1870 the exclusionary legal edifice concerning voting, settlement, and testimony had crumbled, never to be rebuilt. Moreover, by the end of the 1880s more than a dozen northern states had banned racial segregation in education, while 18 states actually banned discrimination in the private sector—in hotels, restaurants, and other service sector businesses (Kousser 1974, 2002). This change was significant in itself, transforming the legal status of African Americans in the North, and it was also significant in relation to long-term historical development. While African Americans' migration northward in the 1930s and the 1940s helped pave the way for civil rights in the 1960s because of the political influence that African Americans gained from this migration (e.g., McAdam 1982), it was this earlier historical juncture (i.e., 1860s–1870s) that transformed the legal structure of the North and thereby made such a gain in political influence possible. Social scientists, however, have largely ignored this aspect of the postbellum period, focusing exclusively on the project of Reconstruction in the South.[10] How well can each of the four models account for this change?

Elite Model

If the elite model explained this change in the North, then one would expect to see evidence of an elite consensus concerning the elimination of legal racial exclusion in the North, a consensus that would manifest itself in a lack of party conflict concerning the issue. This is not what happened. As we will see in more detail shortly, the Democratic Party in the North remained true to its white supremacist principles after the war. While the Civil War had divided the elites of the North from the elites of the South, the contest over the place of African Americans in the polity after the war sharply divided elites in the North. To state this point counterfactually, if the Democratic

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Party had regained the dominance after the war that it had enjoyed before the war, legal racial closure would not have been eliminated in the North. But the Democratic Party's hegemony was broken—not because of a shift in voter preferences against racial closure, as will be shown below—and thus so too was the legacy of state-sanctioned racial closure in the North.

Class Model

The class model cannot account for such rapid change in the North's legal structure. Farmers and wageworkers were around in 1870 just as they had been in 1860. In fact, the white working class grew over the decade thanks to the extensive manufacturing needs of the world's first industrialized war. Moreover, abolition meant the release of 4 million people into the labor market, all of them part of the working-class segment that, according to the class model, threatened the interests of the white working class with "cheap labor" and should have prompted white workers to use their political power to effect legal racial closure. But the opposite dynamic took hold, with the North shifting to racial equality under the law. The evidence against the posited connection between the interests of class segments and racially exclusionary policies is also clear in the case of the farmers. The still largely agrarian states west of Pennsylvania shifted dramatically to the Republican Party during the war, and they remained Republican after it even though this party dismantled the antebellum era's system of legal closure.

Electorate Model

Perhaps the war made the white electorate in the North see racial issues in a new light. It is easy enough to find claims that the Civil War ushered in a new period of egalitarianism that embraced equal rights without regard to race (e.g., Blum 2005: 3–16; Klinkner and Smith 1999: 85). If this were true, then an appeal to party dynamics would be unnecessary; the implication is that policy followed public demand, as the electorate model predicts (see Burstein 1998). Two key pieces of evidence, however, undercut this claim. First, many Republicans did not perceive that their electoral base, the northern white public, had shifted toward racial egalitarianism. When debating the Civil Rights Act of 1866, senators supportive of legal racial equality described their white publics as rife with "proverbial hatred [of African Americans]"

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

and with prejudice that was "almost ineradicable" (Indiana), "nearly insurmountable" (Nevada), "morbid" (Illinois), and "iron-cased" (Iowa) (quoted in Berger 1977: 13). In debates regarding what became the Fourteenth Amendment, Republican senators and congressmen repeatedly emphasized the northern white electorate's antagonism toward the adoption of a nonracial franchise on a national scale (ibid.: 54–68). The second key piece of evidence shows that there was a sound basis for these Republican concerns. As table 4 shows, throughout the 1860s the northern white electorate had 14 opportunities in 10 states to express its opinion on the nonracial franchise; it rejected equality on all but 2 of those occasions. Overall, of the more than 2 million people who cast ballots, nearly 3 in 5 voted for racial suffrage. Moreover, this figure probably underestimates exclusionary opinion, because in some states Republicans avoided putting equal suffrage to the voters to keep it from being a campaign issue (Gillette 1965). Public opinion, however, did not determine the course of events. Rather than echoing the views that they believed prevailed among northern whites or simply ignoring the issue, Republican politicians crafted and passed the Fifteenth Amendment, which prohibited governments at any level from adopting a racially exclusive franchise (why Republicans would do this will be addressed further in the section Party Power and Equal Suffrage: US South, 1860s–1890s). The electorate model cannot make sense of the major reversal of legally institutionalized racial closure in the North.

Party Model

The most compelling explanation for why the North shifted away from state-sanctioned racial closure after the Civil War is that it shifted decisively toward the Republican Party, but not because of that party's advocacy for equal rights. The duopolistic mechanism comes to the explanatory foreground. The majority could maintain a preference for racial closure *and* vote for the anticlosure Republicans, because these racial closure preferences were not "decisive" for a majority of voters. At the same time, because electorates with proclosure majorities put Republicans in power—for a variety of reasons, including Republicans' role in ensuring that western lands were not monopolized by large landowners (i.e., slaveholders), northern Democrats' close association with the rebellious South, Protestantism, and so forth—anticlosure policies prevailed.

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

The Republican Party's tremendous success with the northern electorate in the 1860 elections continued throughout the war and for decades thereafter. Between 1866 and 1894 the Republican Party controlled more than 80 percent of all northern Senate seats, which in turn indicates extensive dominance of state legislatures (see the appendix) (based on Martis 1989). The dominance of the Republican Party in the North meant that power rested in the hands of those opposed to legally institutionalized white supremacy. Much of the legal change in the North derived from actions at the federal level. The Civil Rights Act of 1866 and the Fourteenth Amendment eliminated the exclusionary testimony and settlement laws, while the Fifteenth Amendment eliminated the whites-only suffrage that had prevailed in most northern states. As will be detailed more fully below, Republicans and Democrats were sharply divided in Congress, with Republicans nearly unanimous in their support for equal rights and Democrats nearly unanimous in opposition. The shift in party power to the Republicans at the federal level made this legislative action possible.

But such a shift in party power was crucial at the northern state level as well and not only because state legislatures selected federal senators. For any amendment to become part of the Constitution, three-fourths of the states must ratify it. The struggle over ratification of the Fifteenth Amendment demonstrates that it never would have been ratified had the Democratic Party continued to control state governments in the North. With Democrats in control of the state legislature, Ohio first rejected ratification in April 1869 "along strict party lines"; ratification came in 1870, only after Democrats had lost control of the state legislature (Gillette 1965: 139). The same pattern occurred in New Jersey, where a Democratic legislature rejected ratification in January 1870 "by a strict party vote" (ibid.: 115n17). In New York the Republican-controlled legislature approved ratification in April 1869 in a vote "along straight party lines," only to have it rescinded in January 1870, after Democrats had gained control in the 1869 elections (ibid.: 115n18). In Pennsylvania, meanwhile, the vote was "strictly partisan" but not close, because Republicans dominated the legislature (ibid.: 116). Indiana's ratification of the Fifteenth Amendment, among the most tumultuous, also conformed to the partisan pattern. Ratification was first blocked when 55 of 64 Democratic state legislators resigned to prevent a quorum. After a special election to replace these members, there were still quorum problems thanks to the Democrats, but Republicans used "creative" interpretations

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

of the state constitution to get around them, and the amendment was eventually ratified (ibid.: 131–39). Even in the northeastern states, where African Americans already were voting, Democrats offered strong opposition, though this was insufficient to block ratification because of Republican control of the state legislatures (ibid.: 148–53).

Thus a shift in party power to the Republican Party in the North—which we know from voter referenda was not because of the party's anti-closure policies—drove the region away from a racially exclusionary franchise. The same is true with respect to school segregation. Between the 1860s and the 1880s more than a dozen northern states adopted laws to ban racial segregation in education. Data on state legislature roll calls by party that are available for nine states (thanks to Kousser 2002) show that Republicans drove this process against Democratic opposition. In these nine states Republicans cast more than 90 percent of their 1,741 votes in favor of racial integration in education, while more than 80 percent of Democrats' 1,233 votes went against desegregation (calculated from ibid.: 195–98; see Douglas 2005 for complementary narrative evidence). In only one of these states, California, was Republican support less than 80 percent (70/92, or 76 percent), while in the other eight states Republican support was at least 88 percent, including at least 97 percent in five of them.

Summary

Between the antebellum and the postbellum periods, the US North transformed from a region where state-sanctioned racial closure was widespread to one characterized by general racial equality under the law. Most of these changes (the franchise, settlement, testimony) came far too rapidly to be explained by a shift in class relations, while the sharp party difference between Republicans and Democrats concerning these changes in the northern legal structure shows that an elite consensus did not drive the transition. At the same time, the notion that a shift in northern white public opinion in favor of African American rights determined events is directly contradicted by northern whites' continued majority support for a racially exclusionary franchise. The North shifted away from legal racial closure, because it shifted toward the Republican Party, a shift that simultaneously undercut the party that supported the continuation of the antebellum racial exclusion regime. The Republican project to extend racial equality under the law

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

was not confined to the North, to be sure, and thus the analysis now shifts to the fate of this project in the South. The above analysis of the rise and fall of state-sanctioned racial closure in the North creates strong expectations that party dynamics would lie behind the failure of the federal government to enforce equal suffrage in the South. Yet, as will be seen, scholars largely have ignored party politics, emphasizing elite bargains and an exclusionary electorate instead.

Party Power and Equal Suffrage: US South, 1860s–1890s

The Fifteenth Amendment, passed in 1869 and ratified by the requisite number of states the following year, prohibited governments at all levels from using race as a qualification for voting. By virtue of its passage and ratification, the Fifteenth Amendment nullified the racially exclusionary suffrage laws that prevailed in nearly three-fourths of northern states at that time. As discussed, Republicans pushed through this amendment at the federal and state levels at the very time that white voters were rejecting equal suffrage in referenda in numerous northern states—a confluence of events that is in direct contradiction to the expectations of the electorate model.

Why would the Republican Party take bold steps to advance equal suffrage when a majority of voters in the North, the region responsible for Republicans' national power, rejected this policy? There is plenty of debate in the historical literature regarding Republicans' driving motives, with some emphasizing political ideals (Cox and Cox 1967; Wang 1997) and others political interests (Gillette 1965; Kousser 1992). Political ideals do provide part of the answer but not all of it. Characteristic of their era, Republicans drew a distinction between two kinds of rights, which they respectively called "civil" and "political."[11] Civil rights included rights to freedom of movement, to trial by jury, and to property, including one's own labor. From the time of their party's emergence in the 1850s, Republicans were unified on the importance of civil rights. This was not true for political rights, however, including the right to vote. During the Civil War, for example, proposals to eliminate racial qualifications for voting failed in the Republican-dominated Congress, while those aimed at protecting civil rights passed (Foner 1970; Wang 1997). Within a few years, however, political interests drove Republicans to unify behind equal suffrage.

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

In the United States' two-party system, there had always been one party—the Whig Party and its predecessors (the Federalist Party, the National Republican Party), then the Republican Party—that supported African American suffrage in various states. But it was only with the Civil War and its aftermath that the more inclusive party gained a national political interest in equal suffrage. The enfranchisement of African Americans was the answer to the Republican Party's southern problem. From its origins, the Republican Party had no base in the South, a fact vividly illustrated by the election of 1860, when just 1 in 10,000 voters in the states that practiced slavery cast their ballots for Abraham Lincoln (Baker 1983: 124). Republican prospects appeared no better in the South's state elections of 1865–66, which gave former Confederate rebels control of the state legislatures, a control that they in turn used to impose "black codes" that undercut many of the civil rights that Republicans both valued and believed to be an outcome of the war (Foner 1988). Exacerbating this southern problem for the Republican Party was an irony of slavery's abolition. The Constitution's three-fifths clause became irrelevant, because there were no more enslaved persons to be counted as just three-fifths of a person for the purpose of apportioning seats in the House of Representatives. This meant that the abolition of slavery automatically increased the South's political power in Congress by increasing this region's representation. The Democratic Party's standing in the North further exacerbated Republican Party's southern problem. Though clearly the weaker party in the North, the Democratic Party had no northern problem comparable to the Republican Party's southern one. Democrats won more than 40 percent of the northern vote in the election of 1860, and they remained reasonably competitive throughout the war. In the state elections of 1862, for example, Democrats won control of the lower house in New York and of both houses in Illinois and Indiana, which, respectively, were the largest, fourth largest, and fifth largest states in the North at the time (Voegeli 1970). In the 1864 presidential election, Democrats gained an average of 46.7 percent of the vote in the five largest northern states, which together accounted for 109 of the 233 electoral votes in play during that election (calculated from Woolley and Peters 1999–2013). Republicans recognized the difficulties attendant to their lack of support in the South and Democrats' continued competitiveness in the North. Without African American suffrage, Republican senator Charles Sumner argued in 1867, the "rebel states . . . in

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

alliance with the Northern democracy [i.e., northern wing of the Democratic Party]" would "put us all in peril" (quoted in Wang 1997: 21).

It also had become clear by 1867 that without African American suffrage in the South there would be no constitutional guarantee of the "civil" rights on which the Republican Party was in full agreement. Ruled by white supremacist governments, the former slave states one after the other in 1866 and early 1867 rejected ratification of the Fourteenth Amendment, which was the Republicans' effort to constitutionalize the guarantees set forth in the Civil Rights Act of 1866 (Foner 1988: 269). Thus, driven to gain ratification of the Fourteenth Amendment and driven to gain a foothold in the South and become a truly national party instead of a regional one with national power, Republicans enfranchised African Americans in the South through the Reconstruction Act of 1867. In the northern state elections that followed the passage of this legislation, Republicans "lost ground in nearly all" the 20 states in which people went to the polls (Benedict 1972: 344). Some Republicans interpreted this erosion of support as punishment for the party's equal suffrage policy in the South. One major Republican strategist argued that "the Negro question lies at the bottom of our reverses. . . . We have lost votes in the Free States by daring to be just to the Negro" (quoted in Woodward 1966: 6). According to Eric Foner (1988: 315), "Both parties concluded that the race issue had produced the stunning result."

Consistent with this interpretation, Republicans in the presidential election of 1868 pledged that, despite the new policy in the South, northern state governments would continue to have the autonomy to decide on their own suffrage qualifications. Yet immediately after that election Republicans in Congress set to work crafting the Fifteenth Amendment. Following the amendment's ratification, Republicans passed five enforcement acts between 1870 and 1872 to transform the constitutional provision into a political reality. These acts met with success at first, with African Americans voting in large numbers and some of them even getting elected to office (Foner 1988; Valelly 2004). Over the long term, however, the effort to enforce African American voting rights in the South failed, and by the 1890s southern white supremacists had effectively disenfranchised nearly all African Americans in the South (Kousser 1974). The Fifteenth Amendment and enforcement legislation of the late 1860s and the early 1870s therefore were clearly insufficient to guarantee equal suffrage in the South. A multitude of factors

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

help explain this failure, including southern fraud, intimidation, and violence and public opinion in the South (not the North, as we will show) (Perman 1984). Another determinant of equal suffrage's failure was the lack of effective federal action in the face of this fraud and intimidation. Why did the federal government do nothing to improve the enforcement laws, which by the late 1870s (Foner 1988) were widely recognized to be insufficient for the task of guaranteeing African American voting rights?[12]

Elite Model

For elite theorists, this lack of federal legislative action stemmed from a conscious policy of abandonment, which itself was prompted by the perceived impossibility of overcoming southern white resistance to equal rights. To restore political unity, rebuild the nation, and promote economic development, state elites realized the necessity of overcoming the "intra-white conflict" that efforts to promote voting rights produced: "The North faced the strategic imperative to abandon its commitment to blacks in favor of encouraging white reconciliation and peace" (Marx 1998: 133; see also Woodward 1974). This interelite bargain became solidified in what history books have enshrined as the Compromise of 1877, which settled the contested election of 1876 (see Foner 1988 for details). Elite theorists argue that, in exchange for the presidency, Republicans agreed to allow the white South to settle the question of African American political rights on its own terms, a settlement that ended in black political exclusion.

The facts of the post-1877 period do not fit this explanation, however. While key Republicans did offer "conciliation" toward the South in efforts to resolve the 1876 election controversy, this offer was conditional on southern white respect for the Fifteenth Amendment, which helps explain why a staunch equality advocate like Frederick Douglass supported the conciliation policy (Wang 1997: 181). But rampant fraud and abuses in the 1878 election made it clear that southern whites had no intention of upholding their end of the bargain. Republicans spoke in a "united voice" to withdraw conciliation (ibid.: 163), among them the policy's greatest Republican beneficiary, President Rutherford B. Hayes, who informed a major Washington, DC, newspaper that "the experiment was a failure" (quoted in Hirshson 1962: 49). In a most nonconciliatory fashion, the 1880 Republican national platform invoked the "dangers of a solid south" and the "terrorism," "vio-

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

lence," and "fraud" being perpetrated there (quoted in Porter and Johnson 1970: 62). Twelve of the party's 19 campaign textbook chapters "dealt with the sectional [i.e., southern] question" (Calhoun 2006: 179). The 1884 platform "denounce[d] the fraud and violence practiced by the Democracy [i.e., Democratic Party] in Southern States" (quoted in ibid.: 74). In the 12 years that Republicans controlled the presidency between 1877 and 1892, federal prosecutors attempted over 1,000 voting rights prosecutions in the South, nearly 2 per week (calculated from Wang 1997: 300). In short, the source of federal legislative inaction must be sought somewhere other than in an enduring elite bargain.

Electorate Model

According to electorate theorists, federal legislative inaction after the mid-1870s stemmed from a Republican Party judgment regarding the wishes of the northern white electorate, the core of the party's support. The Republican Party relinquished efforts to use the federal government for the enforcement of equal suffrage in the South, including by adopting more forceful legislation, because Republicans perceived that white public opinion in the North was hostile to these efforts (Frymer 1999; Klinkner and Smith 1999; Smith 1997). Republicans determined that "defending the African American right to vote in the South was simply too costly for vote gathering efforts in the North" (Frymer 1999: 76).

To be sure, a number of Republicans expressed concerns about the effects the party's equal suffrage efforts were having on southern white public opinion. Some argued that Republicans had a chance of capturing a significant share of the southern white electorate if only the party would relinquish these efforts (Abbott 1986; Calhoun 2006; Wang 1997). But these voices did not prevail, as evidenced by the platform language quoted above. It did not predominate among southern Republicans either, which is why the Republican platform of 1884 explicitly pledged to "the Republicans of the South" that the national party would "promote the passage of such legislation as will secure to every citizen, of whatever race and color, the full and complete recognition, possession and exercise of all civil and political rights" (quoted in Porter and Johnson 1970: 74).

As for the northern white electorate, pledges like this in the national platform during a presidential election year indicate that the Republican

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Party did not fear that advancing equal suffrage in the South unacceptably eroded the party's appeal in the North. This lack of fear was also evident in the 1884 campaign textbook, which reprinted two Senate reports detailing southern election outrages and prefaced one of these with a determination to seek greater federal powers for enforcing black voting rights (Republican National Committee 1884: 152). Moreover, the 1884 campaign was not an anomaly; similar pledges were made in 1880 and 1888, and in fact the pledge for stronger legislation was the first plank in the 1888 platform. This fear was also notably absent from President James A. Garfield's inaugural address in 1881, "almost half" of which was devoted "to issues concerning black rights and the South" (Wang 1997: 194). These were not the words of a Republican politician tucked away safely in some proequality district in Massachusetts; these were the words of the president, the party's most prominent national politician, giving an address to the entire country—and indeed an address that is probably any president's most observed one (i.e., the first inaugural)—and making clear his party's support for equal suffrage in the South.

The notion that federal legislative inaction was rooted in Republican abandonment due to fear of hostile public opinion on the part of the northern white electorate is also contradicted by events involving the legislative and executive branches during the congressional session that ran from 1879 to 1881. During this session Democrats controlled the House and the Senate for the first time since before the Civil War, and they attempted to use this power to repeal major parts of the voting rights enforcement legislation earlier passed by Republicans. In various riders attached to appropriations bills, Democrats attempted "to reduce the number and power of federal elections supervisors, deputy supervisors, and marshals" (Wang 1997: 171–72); to remove "a number of important powers of federal enforcement officers, including the power to arrest, inspect poll records, examine voter eligibility, and participate in counting the ballot" (ibid.: 172); and to disallow the use of federal money for enforcement officer salaries and expenses (ibid.: 173). The Republican response was the opposite of what one would expect had the party been fleeing from equal suffrage enforcement in response to perceived hostility on the part of the northern white electorate. President Hayes vetoed all seven of these attempts to undermine the enforcement legislation, issuing lengthy veto messages supporting equal suffrage on each occasion (Calhoun 2006: 161–66). Had there been a nontrivial number of Republicans (about 25 percent in each chamber) interested in abandoning equal

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

rights in the South, the Democrats could have overridden the vetoes. Democrats were highly united in the repeal effort, with 99.3 percent of their 753 votes going for repeal. But the overwhelming majority of Republicans did not defect. On these seven roll calls, 98.8 percent of Republicans' 592 votes were cast in defense of the enforcement legislation, and therefore Hayes's vetoes were effective (calculated from Wang 1997: 168–77). Moreover, rather than attempting to obscure this conflict and their role in maintaining existing enforcement legislation, Republicans in the next campaign emphasized these events, devoting two chapters of their campaign textbook exclusively to the conflict (Republican Congressional Committee 1880).

Finally, the notion that fear of white opinion in the North deterred Republicans from pushing for better laws to pursue equal suffrage in the South is contradicted by events in the Fifty-First Congress (1889–91). During that session Republicans completely transformed the rules of the House of Representatives partly—and quite explicitly—to pass voting enforcement legislation, and they very narrowly missed doing the same in the Senate, as Valelly (2009) has painstakingly documented (on this, more below). In short, the source of federal legislative inaction after the mid-1870s must be sought somewhere other than in a Republican abandonment spurred by the perception of a hostile northern white electorate.[13]

Party Model

The party model suggests an explanation that is both more easily observed in the postbellum period and rooted in long-run dynamics reaching back to the antebellum period. A major holdover from the antebellum period was the Democratic Party's interregional alliance for white supremacy. The same competitive logic that led Republicans to enfranchise African Americans drove Democrats to oppose the successful implementation of this policy. Without political dominance in the South, Democrats had little chance of controlling the federal government. The implication for equal suffrage was clear: "The [Democratic] party needed white control of the South as a stepping stone to national power, and [thus] the Negro vote . . . [had] to be neutralized somehow" (Grossman 1976: 27). This competitive imperative ensured that Democrats from any part of the country would strenuously oppose any effort to strengthen equal suffrage enforcement in the South.

In light of the continuation of this white supremacist alliance, the rea-

son the federal government failed to act when it became clear that stronger laws were needed is more straightforward than either the elite or the electorate models acknowledge: the Democratic Party partially regained federal power in the mid-1870s and maintained it for 14 years. The Democratic Party's effort to eviscerate the voting enforcement legislation during the 1879–81 session was not an anomaly: "From 1866 to the turn of the century, not a *single* Democrat in the House or Senate *ever* voted in favor of a piece of civil rights legislation" (Kousser 1992: 149).[14] Given Democrats' adamant proclosure stance, a necessary condition for stronger federal laws to pursue equal suffrage in the South was the continuation of Republicans' unitary control of the federal government; without control of the House, Senate, and presidency—something that Republicans possessed between 1861 and 1874, when major anticlosure laws and constitutional amendments were enacted—it was impossible for Republicans to pass strengthening legislation. Logically speaking, the absence of a necessary condition for an outcome (in this case, strengthening legislation) is sufficient to preclude that outcome (Mahoney et al. 2009). The Democratic Party's partial control of the federal government between 1875 and 1888 therefore was sufficient to ensure that the federal government could not take further action to make good on the promise of the Fifteenth Amendment.

Why did the Democratic Party regain partial control over the federal government in 1874 and sustain it for more than a decade? If the Democratic Party's resurgence was driven by the northern white electorate, then a more direct version of the electorate model might apply (as King and Smith [2008] suggest): perhaps the Republican Party lost unitary control of the federal government because northern white voters punished the party for its pro-equality efforts in the South. An examination of the parties' electoral fortunes by region shows, however, that this was not the case. Instead, Democratic victories in the South (i.e., slave states on the eve of the Civil War) accounted for almost the entirety of this party's resurgence. These victories in the South in turn derived partly from popular support for the Democratic Party by southern whites but also from Democrats' use of fraud, intimidation, and sometimes violence to control southern ballot boxes, particularly in the 1874 election and thereafter (Foner 1988; Perman 1984). That the Democratic resurgence in the mid-1870s was almost entirely a southern affair is evident when one examines regional electoral patterns related to the three

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

major institutions of lawmaking: the presidency, the Senate, and the House of Representatives.

In the first six presidential elections after the war (1868–88), Democrats won only once, in 1884. With a Democratic president, improving federal efforts to support equal suffrage in the South through legislation was out of the question. Democrats' victory in 1884, however, was not due to a shift in the northern electorate away from the Republican Party (what follows is summarized in table 5). First, Republicans lost four northern states in the 1884 election, all by less than 2 percentage points. Similarly, the party lost three northern states in both 1868 and 1880 and four in 1876. Second, Republicans' four losses in 1884 did not mark the emergence of Democratic competitiveness in states where Republicans had previously dominated. This is clear when one examines how Republicans fared in earlier elections in the states that were lost in 1884. In the four elections between 1868 and 1880 Republicans had lost New Jersey three times, New York twice, and Connecticut and Indiana each once. Moreover, Republican victories in these states were never by more than three points, save for the 1872 election (an election that itself stands as a strong rebuttal of the northerners-punish-Republicans thesis; see below the discussion of House election variability).

The continuity in the competitive environment faced by Republicans in presidential elections between 1868 and 1888 also can be captured by summing for each election the northern states in which any of the following was true: (a) Republicans lost, (b) Republicans won by less than two points, (c) Republicans won by more than two points but no more than four. Again, 1872 is an exception, but the other years show marked continuity: 1868 (a + b + c = 6), 1872 (0), 1876 (10), 1880 (7), 1884 (6), and 1888 (8). In all other northern states, Republicans won by more than four points.

Overall, then, Republicans generally dominated the North in presidential elections during this period, consistently winning more than 80 percent of the nearly two dozen states (21 total in 1868 and 1872, 22 thereafter). At the same time, Democrats also were consistently competitive in a few key states, the most important of which was New York, whose three dozen electoral votes were 10 more than the next largest state possessed. The upshot is that the Democratic Party competitiveness in the North was consistent but limited—there was not a general shift toward the Democratic Party in rejection of the Republican Party's southern policies. Further, this consistent but

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Table 5 Republican performance in northern presidential elections, 1868–1888

	1868	1872	1876	1880	1884	1888
No. of states	21	21	22	22	22	22
No. of GOP wins	18	21	18	19	18	20
No. won by ≦ 2 points	1	0	2	4	1	2
No. won by > 2 but ≦ 4 points	2	0	4	0	1	4
No. won by > 4 points	15	21	12	15	16	14

Source: Woolley and Peters 1999–2013.

limited Democratic competitiveness in the North meant that Republicans continued to have a vital interest in supporting equal suffrage in the South. Democrats' consistent competitiveness in large states such as Indiana and New York meant that Republicans could not afford for the South to be solidly Democratic, and African American voting in that region was the ingredient necessary for eroding that solidity (Valelly 2004; Wang 1997).[15]

As with the presidency, any power that Democrats gained in the Senate was driven largely by developments in the South, not by a shift away from the Republican Party on the part of the northern electorate. Also as with the presidency, Republicans generally continued to control the Senate in the period after 1874 and through the 1880s. There were two exceptions. One was the 1879–81 session (see figure 1), when Democrats had majority control of the Senate. The second exception was the very next session (1881–83), when Republicans in fact controlled the Senate but only because a third-party senator from Virginia (William Mahone from the Readjuster Party) agreed to caucus with Republicans and break the tie between the two major parties. While Democrats did not have technical control over the Senate during this session, the Readjuster Party was an offshoot of the Democratic Party that supported African American suffrage but not, critically, federal intervention (Pearson 1916). Therefore Democrats had the majority on suffrage policies.

Nevertheless, Democrats did not gain power in the Senate during these two sessions because of a major shift in the northern electorate. Democrats controlled just 27 percent of northern Senate seats in the Forty-Sixth Congress (1879–81) and only 16 percent in the Forty-Seventh (1881–83). The 27 percent figure is high only in a relative sense: only twice between 1860 and 1890 did Democrats occupy 20 percent or more of the North's Senate seats (the 1877–79 session was the other time; see figure 1). Instead, the party's

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

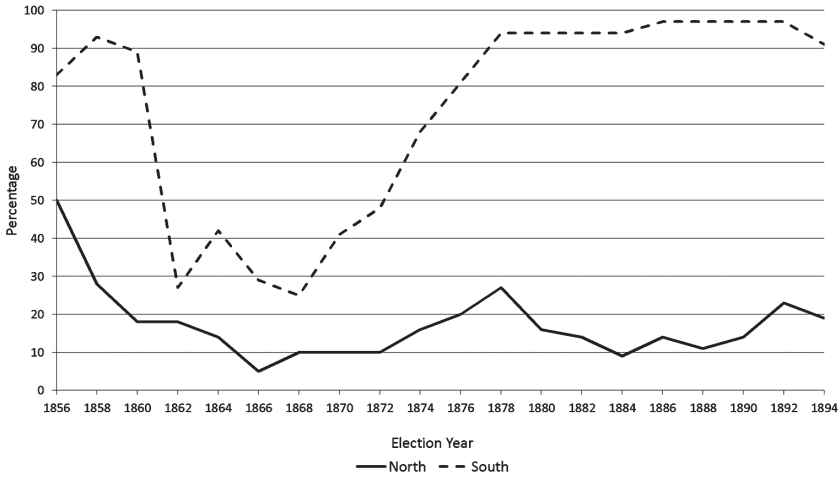


Figure 1 Percentage of Senate seats won by Democrats by region, 1856–94

virtual monopoly in the South is what drove Democrats to power in these two sessions. In the 44th session (1875–77) Democrats gained a majority of southern Senate seats for the first time since before the Civil War, and by the 46th session (1879–81) they occupied 30 of the region's 32 Senate seats, which was the minimum number of southern Democratic Senate seats for the remainder of the period under analysis.

If lawmaking power had resided only in the Senate and the presidency, then Democrats would have had a veto over strengthened suffrage laws in only four of the seven congressional sessions between 1875 and 1889. It was in the House of Representatives, however, that Democrats had their greatest power in this period. In fact, Democratic control of the House was so consistent that it made any proclosure veto powers held by the party in the Senate and the presidency redundant in every session but one. Democrats controlled the House continuously between 1875 and 1889 except for the 1881–83 session. Did this power derive from a shift in the northern electorate away from the Republican Party as punishment for its equal suffrage policies in the South? Once again, the answer is no. The same fraud, intimidation, violence, and popular support that pushed the Democratic Party to a near perfect monopoly in the South with respect to Senate and presidential voting had a similar effect on southern representation in the House of Representatives. In the 1874 elections Democrats captured 85 percent of the southern

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

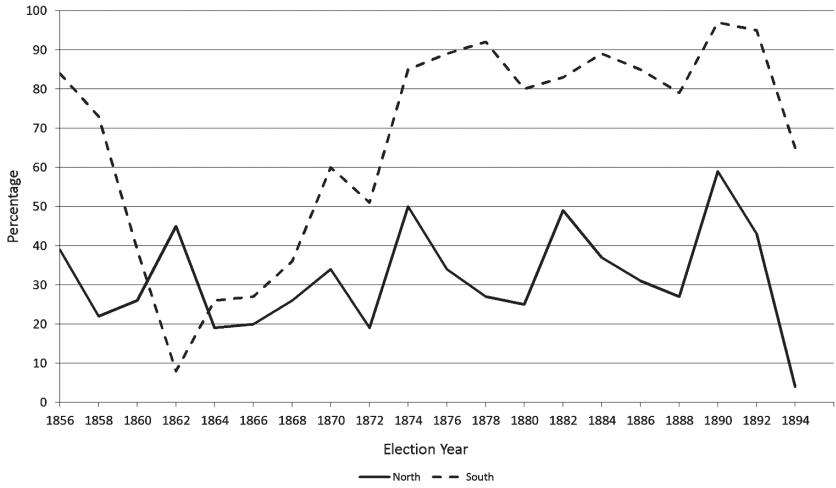


Figure 2 Percentage of House seats won by Democrats by region, 1856–94

House seats. This was more than a 35-point increase over the average from the 1868–72 elections, and it was a gain not to be reversed during the Democrats' 14-year veto power period. In elections between 1874 and 1886 Democrats on average won 86 percent of southern House seats, with a minimum of 80 percent (see figure 2). With this much control of southern House seats, Democrats needed very little help in the North to control the House of Representatives—only about 30 percent of the seats (as pointed out by Alan Ware [2006] and confirmed by my calculations). The 1886 elections illustrate this dynamic. Although Democrats won just 64 of 138 northern seats (31 percent), they secured 103 of the 121 southern seats (85 percent), giving the party a 51 percent majority in the House for the 1887–89 session. Democrats' average level of support in the North for the 1874–86 election period was not much higher than this minimum requirement for control of the House, standing at just 36 percent.

Moreover, this average level of support for Democrats in the northern House elections did not mark a significant departure from the war years and the immediate aftermath, which further shows that Democrats' national resurgence in the mid-1870s was not driven by the northern electorate's rejection of Republicans because of their support for equal suffrage. Between 1860 and 1872 Democrats won an average of 27 percent of northern House seats.[16] Once again therefore, the story of Democratic resurgence starting in

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

the mid-1870s is set in the South. Dramatic increases there in combination with a low but relatively constant level of support in the North gave Democrats veto power over Republican attempts to strengthen the federal effort to eliminate racial closure in southern elections.

To be sure, despite general continuity, there was more election-to-election variability in northern support for Democrats in House elections compared to presidential and Senate elections. Is this variability consistent with the hypothesis that the northern white electorate punished Republicans for the party's support of racial equality? Recall that in answering this question—in interpreting election outcomes—my goal is to decide whether, in relation to this hypothesis, there is enough evidence to reject the null. I am not trying to explain the election outcomes, much less show that northern white voters cast their votes against racial closure. As the following discussion of specific elections shows, there is some evidence in favor of this backlash interpretation but also substantial evidence against it. In short, there is insufficient warrant for rejecting the null hypothesis that voters in northern House elections did not punish Republicans for supporting equal suffrage.

Election of 1874. Democrats won 50 percent of the northern seats. This is often cited as the election that signaled to Republicans that northern whites would no longer support equal suffrage policies in the South. Three major kinds of evidence question this interpretation. (1) Just two years before, the 1872 election was practically a referendum on these policies, because a faction of the Republicans (the Liberal Republicans) broke from the party in large part due to these policies and allied with Democrats to capture the presidency. Yet their presidential candidate lost every northern state by more than four points, and Democrats won less than 20 percent of northern House seats. (2) Democratic success in the North returned to its normally low level in the 1876 election (34 percent), even though Republicans passed the Civil Rights Act of 1875 (which banned racial discrimination in hotels, restaurants, etc.) in the last session of the 1873–75 Congress. (3) Many historians (e.g., Foner [1988]) think the economic depression that took hold in 1873 was the most important cause of Republicans' 1874 defeats.[17]

Elections of 1878 and 1880. Democrats won 27 and 25 percent, respectively, of northern seats in these two elections. Comparing the first election to the second, Republicans shifted from a conciliation policy toward the South

to an abandonment of that conciliation in the face of widespread fraud, for instance, in the South in the 1878 elections (see the elite model discussion above). Moreover, the 1880 election happened after Republicans acted in Congress with near unanimity to thwart Democratic efforts to repeal the voting enforcement legislation (see the electorate model discussion above). Despite these proequality actions on the part of Republicans between the elections, Democrats did slightly worse in 1880. That Democrats did poorly in both elections suggests that northern voters were generally indifferent about conciliation.

Election of 1882. Democrats won 49 percent of northern House seats in this year, nearly double what they had managed in the previous election. While this increase in Democrats' northern fortunes is notable, there is no evidence that it was linked to Republicans' equal suffrage policies. Between the 1880 and the 1882 elections, the balance of power in the Senate prevented Republicans from taking any action related to equal suffrage in the South. There was no economic panic or depression at the time, but many Republicans attributed their party's 1882 losses to their failure to enact civil service reform, a failure they then remedied during the lame-duck session in January 1883.

Election of 1890. Democrats won 59 percent of northern House seats. Though they come much later than the direct electorate hypothesis suggests, the 1890 election results are the strongest prima facie evidence that the northern electorate punished Republicans for supporting equal suffrage in the South. This is because the Republican-led House in 1890 passed a bill to strengthen federal control of elections. While this sequence is consistent with the electorate hypothesis, there are three major pieces of evidence that erode the plausibility of this interpretation. (1) Republicans' lead plank in the 1888 campaign was to pass the legislation that the House then passed, and Republicans won not only the presidency but also, by a wide margin, the House of Representatives. (2) As in 1874, the country was in the grip of an economic panic at the time of the 1890 election. (3) Just a couple of years later Democrats gained control of the House, the Senate, and the presidency and used this power to repeal major parts of the enforcement laws and then won just 4 percent of the northern House seats in the next election (1894). Notably, the country was in the grip of another economic panic during the 1894 election.

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

How the Democrats' 14-year veto power came to an end also contradicts the hypothesis that northern white voters punished the Republican Party for trying to advance equal suffrage in the South. In the 1888 campaign Republicans led their policy platform with a pledge to pass "effective legislation" to guarantee equal suffrage in the face of Democrats' "suppression of the ballot by a criminal nullification of the Constitution and laws of the United States" (Porter and Johnson 1970: 80), and Republicans emerged from that election in control of the presidency, the House, and the Senate. Moreover, leading with this pledge and accusing one's opponents of "criminal nullification" suggests neither that Republicans feared northern voters (electorate model) nor that the story of equal suffrage ended at the federal level with a mid-1870s bargain struck by economic and political elites (elite model).

These events do make sense in terms of the party model, however, and not only because of the consequences of the election, which I will detail shortly. They also conform to the party model in two other ways. First, the Republican platform shows that the party continued to hold fast to the policy of equal suffrage, consistent with Republicans' interest in becoming a truly national party. Second, the evidence is scant that they won the election because of their advocacy of equal suffrage. Republicans had been advocating strengthened election laws since 1880 without winning unitary control of the government. Moreover, though they did well in the North in 1888, they did not do uniquely well. They held Democrats to 27 percent of northern House seats, something that also happened in two of the seven sessions during which Democrats held veto power (and in four of the sessions Democrats won no more than 34 percent). Republicans did do better in the South in 1888 than they had in some time; this was the only election between 1874 and 1892 that Democrats' share of southern House seats dipped below 80 percent, though just barely (to 79 percent). This was no upsurge—Republicans increased their share of the South's 121 House seats from 16 to 25—and there is no evidence that equal suffrage advocacy is what made the difference. The party model's duopoly mechanism sensitizes the analysis to the role that very small shifts in voting can have in making possible large shifts in policy, and the 1888 election is one significant illustration.

But were the consequences of the election outcome what an application of the party model to postbellum federal policy would predict? Given Republicans' unitary control of the federal government, one would expect significant activity related to equal suffrage policy in the 1889–91 congres-

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

sional session. As we are about to see, the actual historical events conform closely to these expectations even though stronger enforcement legislation ultimately did not make it into law.

For the first time since the lame-duck session of 1875—the last time that Republicans had had unitary control of the federal government—Congress in 1890–91 had before it civil rights legislation, the Elections Bill. To pass this legislation and thereby provide for increased federal control over southern elections, Republicans moved to centralize power in the House of Representatives, a move they deemed necessary, because with only a slim majority their plans were vulnerable to failed quorum calls engineered by Democrats (Valelly 2009). Republican proponents of centralizing power in the Speaker of the House explicitly linked this congressional reform to the project of strengthening federal enforcement of voting rights (ibid.: 131–32). By a party-line vote this congressional reform effort succeeded, and passage of the Elections Bill quickly followed, also along party lines: 154 Republicans defeated 147 Democrats and just 2 fellow Republicans (Wang 1997). Republicans had promised in the campaign stronger legislation to ensure equal suffrage, a commitment reiterated by President Benjamin Harrison in his first inaugural address, and they were able to make good on it in the House of Representatives through an institutional transformation of that chamber.

Republicans in the Senate narrowly missed treading a similar path. After months of delaying tactics by Senate Democrats, Senate Republicans in their party caucus voted to do something unprecedented in the institution's history: to craft and propose rules to limit debate. The effort's explicit purpose was to pass the Elections Bill (Crofts 1968: 315–16). Despite a few defectors from the western states, Republicans then in a series of votes made the Senate take up both the Elections Bill and the debate limitation proposal. The motion to limit debate, however, ultimately failed on a 34–35 vote. Even then, however, the drama did not conclude until after two opposing senators rushed to New York on the last train in a bid to secure the vote of an absent senator (if prosuffrage advocates had secured his vote, then the Republican vice president stood ready to break the tie in their favor). That senator, a Republican from California, turned out to be one of seven Republican defectors (all westerners except one) who joined the perfectly unified Democrats in killing the bill (Crofts 1968). Republicans transformed the House rules to pass the Elections Bill but fell short of doing so in the Senate. Across both the House and the Senate, 95 percent of Republicans (188 of 197) supported

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

expansion of efforts to eliminate racial closure in southern voting, but this was insufficient in the face of Democrats' perfectly unified alliance for white supremacy.

The Elections Bill of 1890 was the last time until the 1940s that improved federal protection of voting rights made it onto the congressional agenda. Though Republicans did not abandon the project in the mid-1870s, as elite and electorate theorists contend, they did indeed do so in the early 1890s. Senator George Hoar, who was a leader in the effort to get the Elections Bill through the Senate in 1890–91, never wavered in his conviction that the federal government should strengthen the legislative apparatus governing voting rights, but his faith in the feasibility of doing so did erode. He wrote in his autobiography about enforcement legislation: "But such legislation, to be of any value whatever, must be permanent. If it is only to be maintained in force while one political party is in power, and repealed when its antagonist comes in, . . . it is better, in my judgment, to abandon it than to keep up an incessant, fruitless struggle" (quoted ibid.: 351). Yet it was not only that Democrats' interregional alliance finally overwhelmed Republicans with a sense of futility. Republicans' national political interests also shifted in the 1890s, as a larger number of western states, newly formed, came into their coalition. With this broadening of their coalition through the emergence of new states in the West, Republicans no longer needed African American votes in the South to the degree that they once did (see Valelly 1995). While the national political interests of the duopoly were sharply divided in relation to equal suffrage between the 1860s and the 1880s, this ceased to be true in the 1890s, and racial closure in southern voting disappeared from the national agenda.

Conclusion

The above analysis has revealed a tight link between the party system and racial closure at the state level in both the antebellum and the postbellum North and at the federal level with regard to the postbellum South. Contra the elite model, the two major parties were sharply divided on the question of the racial order, making elections highly consequential for racial closure and equality. Contra the class and the electorate models, these election outcomes were not mere reflections of class forces or shifting mass opinion on racial policy. Relatively autonomous from societal elites and the public at large, political parties had substantial and independent effects on the dynam-

ics of state-sanctioned racial closure across the nineteenth century. Parties mattered.

This analysis both confirms Tocqueville's posited link between democracy and racial exclusion and adds specificity to the claim. Since this Tocquevillian link could also be generated by a general preference for racial closure among voters—in accordance with the electorate model—greater summary detail regarding the relative explanatory merits of the electorate and the party models is in order. To be sure, voter preferences for racial closure did matter in the nineteenth-century United States. Voters on numerous occasions did have the opportunity to vote for racial equality under the law in referenda during the antebellum period, but they almost never did. Yet, as we have seen, even though the northern white electorate continued to vote in a similar fashion on racial closure referenda after the war, racial closure receded in the postbellum North. The national political interests of the Republican Party and the power it gained through elections trumped the electorate's preference for exclusion, turning the North toward legal racial equality. Republicans' national political interests were themselves linked to the long-term dynamics of the party system. The formation of the Democratic Party as an interregional alliance for white supremacy during the antebellum period and the continuation of this alliance after the war meant that Republicans needed African American voters to gain a foothold in the South and thereby ensure national power. Because Democrats were able by the mid-1870s to dominate southern elections and thereby gain legislative veto power at the national level, Republican efforts to advance equal suffrage in the South failed. Thus with regard to the relationship between democracy and racial closure across the nineteenth-century United States, what comes to the fore is the logic of a two-party system in which, driven by political interests and strategies for coalition building that were relatively autonomous from the policy preferences of the electoral majority, one member of the duopoly advocated racial closure, while the other member opposed it.

Appendix: Racial Closure and Party Dominance in Tables 1–2

How racial closure dimensions were determined: All racial closure laws except regarding voting were compiled by state using the following sources: Berwanger 1967; Foner 1970; Johnson 1979 [1918]; Kousser 2002; Litwack 1961;

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Malone 2008; Reams and Wilson 1975; Smith 1997; Voegeli 1970; and Wood 1968. Information on the franchise is based on Keyssar 2000. Lighter shading indicates a dimension of closure once instituted but later repealed.

"Settlement" refers to whether states barred or restricted the in-migration of people of African descent. In all the relevant states this initially took the form of a restriction: African Americans were uniquely required to present a certificate of freedom and a large sum of money (typically $250 to $500 but sometimes $1,000) as a bond. Some states eventually moved toward an outright ban on African American in-migration. "Testimony" refers to laws barring African Americans from testifying against a "white" person. "Franchise" signals whether states had a racialized suffrage, which in all cases except in New York took the form of a total exclusion of African Americans; New York required African Americans to meet a property minimum for voting that did not apply to whites. "Education" refers to state-sanctioned racial closure in public school systems, which took one of three forms during the antebellum period: state-mandated exclusion of African Americans from the public education system ("a" in table 1); state-mandated segregation of African Americans ("b" in table 1); and state-authorized segregation of schools if localities wanted this option ("c" in table 1). Among the states that did not fall into either category "a" or category "b," direct evidence of state authorization was found in many cases (e.g., in 1850 the New Jersey General Assembly gave a township "the authority to establish separate schools for black and white children" [Douglas 2005: 38–39]), though in some cases (Connecticut, Maine, New Hampshire, Rhode Island, Vermont, and Wisconsin) I assumed that localities had the authority to segregate schools if they desired. In two of those cases (Connecticut and Rhode Island) this assumption was based on historians' documentation of extensive school segregation at the local level during the antebellum period.

How party dominance in table 2 was derived: Party influence was determined in the following manner. The year 1828 marks the first year that the modern Democratic Party can be identified on a broad geographic basis, while 1856 marks the first presidential election in which the Republican Party competed. Thus I collected data on the parties of both the US senators and the governors from each state from 1828 to 1856. The count started after 1828 if states were formed after that time, for example, Michigan in 1837. Because state legislatures chose US senators, the party of the latter is a reliable indicator of which party controlled the legislature. I then created

fractions for Democrat, Whig, and other, with the latter category encompassing parties that lingered after 1828 (e.g., Democratic Republican Party and National Republican Party) or new ones that emerged before 1856 (e.g., Republican Party in 1855). If a state was in existence in 1828, then the denominator totaled 87 (58 for two senators for 29 years plus 29 for one governor for the same period of time). If a single party's fraction was equal to or greater than two-thirds, then I classified that party as dominant. As it turned out, all states except Rhode Island designated as Democratic or Whig had a proportion for that party of at least 70 percent. If neither party returned a fraction of two-thirds or more, then the state was classified as competitive (comp). The only exception is Rhode Island: the Whigs registered 62 percent, but I classified it as Whig rather than competitive. The two-thirds criterion is inadequate in this case because of the number of years that local parties controlled the governor. Overall, the Whig-Democrat ratio was 2.7:1.0 (almost 73 percent), and, examining only the two Senate seats across this period, the Whig fraction is 47/58 or 79 percent. All states classified as competitive except New Jersey favored the Democrats. The data on US senators come from Martis 1989. The data on governors come from "List_of_Governors _of_xxxxx" (Wikipedia 2006), where "xxxxx" represents the name of the state (with proper capitalization).

Notes

Various versions of this article were presented at the Comparative Social Analysis Workshop, University of California, Los Angeles, Department of Sociology; the Center for the Study of Democracy's Third Annual Graduate Student Conference, University of California, Irvine; and the Comparative-Historical Roundtable at the 2007 Annual Meeting of the American Sociological Association. For their encouragement and helpful comments on one or more versions of this article, I would like to thank Anthony Alvarez, Joshua Bloom, Rogers Brubaker, Chad Goldberg, Rob Jansen, Stela Krasteva, Mara Loveman, Michael Mann, Mark Petracca, Katie Wooten, and especially Andreas Wimmer. For their help in improving the final draft, I also would like to thank two anonymous reviewers for *Social Science History*. All errors of fact and interpretation are my own.

1 Any ambiguity regarding what Tocqueville meant by "commingling the races"—miscegenation rather than eliminating state-sanctioned racial closure?—is resolved by the Frenchman himself in a footnote, where he contrasts the situation in the United States with that in the Caribbean colonies. In those colonies the British imperial government, Tocqueville explains, forced the white settler–dominated representative assemblies to provide equal rights to people of African descent.

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

2 In this article the North consists of those states that did not practice slavery on the eve of the Civil War. The South in turn comprises those states that did.

3 For an excellent discussion of the electoral incentives driving this, see Valelly 1995. Brandwein (2007, 2011) shows that Supreme Court abandonment of African Americans did not happen until the mid-1890s, also contrary to earlier accounts that date this shift in the mid-1870s.

4 To be sure, the extent of this opportunity once a party takes power then depends both on party unity, which the analysis below will show was generally extensive in the realm of nineteenth-century racial policy, and on the limited availability of institutions with which legislative minorities can thwart the majority's agenda. Gregory J. Wawro and Eric Schickler (2006) show that legislative minority obstruction did not generally become important until the twentieth century.

5 A majority of Republicans in the late 1850s made similar efforts in the Illinois and Indiana state legislatures but fell short due to unanimous Democratic opposition coupled with opposition from a minority of Republicans (Foner 1970: 286–87).

6 For a similar pattern in the South, in North Carolina and Tennessee, see Ford 1999: 731–34.

7 Even the one referendum that went in favor of African American voting rights (see entry for Wisconsin in 1849) did not result in equal suffrage. This vote faced a legal challenge for 17 years (see Fishel 1963: 184–85) and "in the meantime, Negroes had not been permitted to vote, and the state's electorate had twice—in 1857 and 1865—defeated suffrage extension" (Litwack 1961: 92; see also Berwanger 1967: 42; Olbrich 1912).

8 Some might also have been acting out of habit or conviction. Eric Foner (1970) says that most of the Republican politicians who made such arguments were themselves former Democrats who split from their party over the extension of slavery issue.

9 As this point suggests, the existence of a party's relative autonomy does not depend on pursuing a policy agenda that contradicts the preferences of an electoral majority. An electoral majority might have a preference for a given policy that a party pursues, but this preference calls into question party autonomy's existence only if the party adopted the policy *because of* public opinion or if the party is compelled to adhere to this policy *because of* majority opinion. Moreover, the coincidence of electoral majority preferences and party policies can be a product to some nontrivial degree of the party's efforts to cultivate these electoral majority preferences through the work of political articulation, as I have suggested was the case for the antebellum North.

10 Neglect by historians is the general rule as well (see Schwalm 2009: 175–76). For an excellent exception, see J. Morgan Kousser's (2002) study of northern state school desegregation.

11 For an illuminating discussion of the rights typology during the nineteenth century, which encompassed "civil," "political," and "social" rights, see especially Brandwein 2011: 60–86. For a rhetorical analysis of the role of this typology in congressional debates in the 1860s and the 1870s, see Wilson 2002.

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

12 The following discussion does not address a class model, because no scholar has put forth such an interpretation, and I cannot conceive of a reasonably plausible application of this model.

13 A different electorate model hypothesis, directly contrary to the one assessed in this section, would be that preferences of the northern white electorate for racial equality in voting are what drove the Republican Party to continue its quest for equal suffrage in the South. If true, this might mean that the Republicans' work of political articulation to downplay racial cleavages in favor of racial equality in voting—recall that electoral majorities across the northern states explicitly rejected equal suffrage in the late 1860s—worked so well that the northern electorate came to demand what not very long ago it had rejected. Thus far no one in the literature has advanced this hypothesis, and I have not encountered any pattern of evidence to suggest that it should be advanced. Nevertheless, the change between the late 1860s and the decades thereafter is notable. While in the late 1860s many Republicans expressed concerns that support for black political equality could undermine their electoral base in the North, this, as I have been arguing in the present section, was not a concern in the decades that followed. This suggests a degree of acceptance of equal suffrage policies on the part of the northern electorate, which itself could have been a product of the Republican Party's articulation of a new social vision based on black political equality (in line with the political articulation mechanism). But it does not follow that the northern electorate developed "decisive" preferences that in turn drove Republican Party policy. I thank an anonymous reviewer for alerting me to the desirability of making this point.

14 Examining roll calls for the same legislation as Kousser (1992), Xi Wang (1997: 46–47, 65–66, 81–82) reports only marginally different results: five prorights votes by Democrats across the entire period.

15 This problem existed in the minds of historical actors, not just later analysts. Campaigning in Ohio in 1879, soon-to-be Republican president Garfield explicitly identified the problem of the "solid South" for the GOP. He said that if the use of fraud, intimidation, and violence produced a uniformly solid South, then the Democratic Party would need just 37 electoral votes in the North to win the presidency (Hinsdale 1880: 140). New York alone had 35 electoral votes at this time.

16 It is also notable that some of this nine-point difference can be accounted for by the fact that the first period (1860–72) contains four presidential election years and three midterms, while the second one (1874–86) contains three presidential elections and four midterms. As Ware (2006) points out for the late nineteenth century and as continues to be true into the twenty-first, the party that controls the presidency tends to lose House seats in the midterm elections. For all but one session, this meant the Republican Party. This difference mattered. If one shifts the analysis to a comparison of 1862–74 and 1876–88, so that the first period has more midterm elections, then the gap between the two periods is just three points instead of nine (30 vs. 33 percent). To be sure, this still indicates a slight uptick in support for Democrats but hardly a significant one. Moreover, the long view reinforces the story of low but

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

consistent support for Democrats in northern House elections. Starting with the 1856 election and ending with the 1894 one and examining four session increments such that each set of four contains two midterm election years and two presidential election years (e.g., 1856–62, 1864–70, etc.), the range of support for Democrats in northern House elections is fairly compressed, with a minimum of 25 percent (1864–70) and a maximum of 36 percent (1880–86). All three of the other periods (1856–62, 1872–78, and 1888–94) are identical with 33 percent for Democrats.

17 Citing the decline in prosecutions after 1873 (see Wang 1997: 300), an anonymous reviewer suggested that the tough economic times after this year led the northern white electorate to demand a shift of funds away from voting rights enforcement in the South, which in turn aided the Democratic resurgence in the South. However, on a per population basis, spending on election enforcement was generally higher after 1872–74 both in general and in the South (Burke 1970: 27; James and Lawson 1999: 125–26). Uncertainties about judicial opinions in the mid-1870s coupled with the increasing inability to get southern juries to convict rights violators help explain why the number of prosecutions was lower in the period after 1873 (Valelly 2004; Wang 1997).

References

Aarim-Heriot, Najia (2003) Chinese Immigrants, African Americans, and Racial Anxiety in the United States, 1848–1882. Urbana: University of Illinois Press.

Abbott, Richard H. (1986) The Republican Party and the South, 1855–1877. Chapel Hill: University of North Carolina Press.

American Annual Cyclopaedia (1862–75) The American Annual Cyclopaedia and Register of Important Events Embracing Political, Civil, Military, and Social Affairs, Public Documents, Biography, Statistics, Commerce, Finance, Literature, Science, Agriculture, and Mechanical Industry. New York: Appleton.

Aminzade, Ron (2000) "The politics of race and nation: Citizenship and Africanization in Tanganyika." Political Power and Social Theory 14: 53–90.

Ashworth, John (1995) Slavery, Capitalism, and Politics in the Antebellum Republic. Vol. 1. Cambridge: Cambridge University Press.

Baker, Jean H. (1983) Affairs of Party: The Political Culture of Northern Democrats in the Mid-Nineteenth Century. Ithaca, NY: Cornell University Press.

Benedict, Michael Les (1972) "The rout of radicalism: Republicans and the elections of 1867." Civil War History 18 (4): 334–44.

Berger, Raoul (1977) Government by Judiciary: The Transformation of the Fourteenth Amendment. Cambridge, MA: Harvard University Press.

Berwanger, Eugene H. (1967) The Frontier against Slavery. Urbana: University of Illinois Press.

Bilotta, James D. (1992) Race and the Rise of the Republican Party, 1848–1865. New York: Lang.

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Blum, Edward J. (2005) Reforging the White Republic. Baton Rouge: Louisiana State University Press.

Bonacich, Edna (1975) "Abolition, the extension of slavery, and the position of free blacks: A study of split labor markets in the United States, 1830–1863." American Journal of Sociology 81 (3): 601–28.

Brandwein, Pamela (2007) "A judicial abandonment of blacks? Rethinking the 'state action' cases of the Waite court." Law and Society Review 41 (2): 343–86.

——— (2011) Rethinking the Judicial Settlement of Reconstruction. Cambridge: Cambridge University Press.

Burke, Albie (1970) "Federal regulation of congressional elections in northern cities, 1871–94." American Journal of Legal History 14 (1): 17–34.

Burstein, Paul (1998) "Bringing the public back in: Should sociologists consider the impact of public opinion on public policy?" Social Forces 77 (1): 27–62.

Calhoun, Charles W. (2006) Conceiving a New Republic: The Republican Party and the Southern Question, 1869–1900. Lawrence: University Press of Kansas.

Commons, John R. (1931) "Institutional economics." American Economic Review 21 (4): 648–57.

Cox, Lawanda, and John Cox (1967) "Negro suffrage and Republican politics: The problem of motivation in Reconstruction historiography." Journal of Southern History 33 (3): 303–30.

Crofts, Daniel W. (1968) "The Blair Bill and the Elections Bill: The congressional aftermath to Reconstruction." PhD diss., Yale University.

Dahl, Robert A. (1956) A Preface to Democratic Theory. Chicago: University of Chicago Press.

De Leon, Cedric (2008) "'No bourgeois mass party, no democracy': The missing link in Barrington Moore's American Civil War." Political Power and Social Theory 19: 39–82.

De Leon, Cedric, Manali Desai, and Cihan Tuğal (2009) "Political articulation: Parties and the constitution of cleavages in the United States, India, and Turkey." Sociological Theory 27 (3): 193–219.

Desai, Manali (2002) "The relative autonomy of party practices: A counterfactual analysis of left party ascendancy in Kerala, India, 1934–1940." American Journal of Sociology 108 (3): 616–57.

Douglas, Davison M. (2005) Jim Crow Moves North: The Battle over Northern School Segregation, 1865–1954. Cambridge: Cambridge University Press.

Dykstra, Robert R., and Harlan Hahn (1968) "Northern voters and Negro suffrage: The case of Iowa, 1868." Public Opinion Quarterly 32 (2): 202–15.

Erickson, Leonard (1973) "Politics and repeal of Ohio's black laws, 1837–1849." Ohio History 82: 154–75.

Field, Phyllis F. (1982) The Politics of Race in New York. Ithaca, NY: Cornell University Press.

Finegold, Kenneth, and Theda Skocpol (1995) State and Party in America's New Deal. Madison: University of Wisconsin Press.

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Finkelman, Paul (1985–86) "Prelude to the Fourteenth Amendment: Black legal rights in the antebellum North." Rutgers Law Journal 17 (3–4): 415–82.
Fishel, Leslie H., Jr. (1954) "Northern prejudice and Negro suffrage, 1865–1870." Journal of Negro History 39 (1): 8–26.
——— (1963) "Wisconsin and Negro suffrage." Wisconsin Magazine of History 46 (3): 180–96.
Foner, Eric (1970) Free Soil, Free Labor, Free Men. New York: Oxford University Press.
——— (1988) Reconstruction: America's Unfinished Revolution, 1863–1877. New York: Harper and Row.
Ford, Lacy K. (1999) "Making the 'white man's country' white: Race, slavery, and state-building in the Jacksonian South." Journal of the Early Republic 19 (4): 713–37.
Formisano, Ronald P. (1971) The Birth of Mass Political Parties: Michigan, 1827–1861. Princeton, NJ: Princeton University Press.
Fredrickson, George M. (1971) The Black Image in the White Mind. New York: Harper and Row.
Frymer, Paul (1999) Uneasy Alliances: Race and Party Competition in America. Princeton, NJ: Princeton University Press.
Gerring, John (1994) "A chapter in the history of American party ideology: The nineteenth-century Democratic Party (1828–1892)." Polity 26 (4): 729–68.
Gillette, William (1965) The Right to Vote: Politics and the Passage of the Fifteenth Amendment. Baltimore, MD: Johns Hopkins University Press.
Grossman, Lawrence (1976) The Democratic Party and the Negro. Urbana: University of Illinois Press.
Haines, Michael R., and Inter-university Consortium for Political and Social Research (2004) Historical, Demographic, Economic, and Social Data: The United States, 1790–1920 [computer file]. ICPSR02896-v2. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor].
Harris, Norman Dwight (1904) The History of Negro Servitude in Illinois, and of the Slavery Agitation in That State, 1719–1864. Chicago: McClurg.
Hinsdale, B. A. (1880) The Republican Text-book for the Campaign of 1880: A Full History of General James A. Garfield's Public Life, with Other Political Information. New York: Appleton.
Hirschman, Albert O. (1970) Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States. Cambridge, MA: Harvard University Press.
Hirshson, Stanley P. (1962) Farewell to the Bloody Shirt. Bloomington: Indiana University Press.
Holt, Michael F. (1992) Political Parties and American Political Development. Baton Rouge: Louisiana State University Press.
——— (1999) The Rise and Fall of the American Whig Party. New York: Oxford University Press.
Howe, Daniel Walker (1979) The Political Culture of the American Whigs. Chicago: University of Chicago Press.
Ignatiev, Noel (1995) How the Irish Became White. New York: Routledge.

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Jaenicke, Douglas W. (1995) "The rupture of the antebellum Democratic Party." Party Politics 1 (3): 347–67.

James, Scott C., and Brian L. Lawson (1999) "The political economy of voting rights enforcement in America's Gilded Age: Electoral College competition, partisan commitment, and the federal election law." American Political Science Review 93 (1): 115–31.

Johnson, Franklin (1979 [1918]) The Development of State Legislation concerning the Free Negro. Westport, CT: Greenwood.

Keyssar, Alexander (2000) The Right to Vote. New York: Basic.

King, Desmond S., and Rogers M. Smith (2008) "Racial orders in American political development," in Joseph Lowndes, Julie Nokov, and Dorian T. Warren (eds.) Race and American Political Development. New York: Routledge: 80–105.

Klinkner, Philip A., with Rogers M. Smith (1999) The Unsteady March: The Rise and Decline of Racial Equality in America. Chicago: University of Chicago Press.

Kousser, J. Morgan (1974) The Shaping of Southern Politics. New Haven, CT: Yale University Press.

——— (1992) "The Voting Rights Act and the two Reconstructions," in Bernard Grofman and Chandler Davidson (eds.) Controversies in Minority Voting: The Voting Rights Act in Perspective. Washington, DC: Brookings Institution: 135–76.

——— (2002) "'The onward march of right principles': State legislative actions on racial discrimination in schools in nineteenth-century America." Historical Methods 35 (4): 177–204.

Litwack, Leon F. (1961) North of Slavery. Chicago: University of Chicago Press.

Loveman, Mara (1999) "Is 'race' essential?" American Sociological Review 64 (6): 891–98.

Mahoney, James, Erin Kimball, and Kendra L. Koivu (2009) "The logic of historical explanation in the social sciences." Comparative Political Studies 42 (1): 114–46.

Malone, Christopher (2008) Between Freedom and Bondage: Race, Party, and Voting Rights in the Antebellum North. New York: Routledge.

Martis, Kenneth C. (1989) The Historical Atlas of Political Parties in the United States Congress, 1789–1989. New York: Macmillan.

Marx, Anthony W. (1998) Making Race and Nation: A Comparison of South Africa, the United States, and Brazil. Cambridge: Cambridge University Press.

McAdam, Doug (1982) Political Process and the Development of Black Insurgency, 1930–1970. Chicago: University of Chicago Press.

McPherson, Edward (1972 [1871]) The Political History of the United States during the Period of Reconstruction: April 15, 1865–July 15, 1870. New York: Da Capo.

Messina, Anthony M. (1989) Race and Party Competition in Britain. Oxford: Oxford University Press.

Miles, Robert (1989) Racism. London: Routledge.

Olbrich, Emil (1912) The Development of Sentiment on Negro Suffrage to 1860. Madison: University of Wisconsin.

Pearson, C. C. (1916) "The Readjuster movement in Virginia." American Historical Review 21 (4): 734–49.

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Perman, Michael (1984) The Road to Redemption: Southern Politics, 1869–1879. Chapel Hill: University of North Carolina Press.
Porter, Kirk H., and Donald Bruce Johnson, eds. (1970) National Party Platforms, 1840–1968. Urbana: University of Illinois Press.
Reams, Bernard D., and Paul E. Wilson, eds. (1975) Segregation and the Fourteenth Amendment in the States. Buffalo: Hein.
Republican Congressional Committee (1880) The Republican Campaign Text Book for 1880. Washington, DC: Republican Congressional Committee.
Republican National Committee (1884) The Republican Campaign Text-book for 1884. New York: Republican National Committee.
Richards, Leonard L. (2000) The Slave Power. Baton Rouge: Louisiana State University Press.
Roediger, David R. (1991) The Wages of Whiteness: Race and the Making of the American Working Class. London: Verso.
Sartori, Giovanni (1969) "From the sociology of politics to political sociology," in Seymour Lipset (ed.) Politics and the Social Sciences. New York: Oxford University Press: 65–100.
Saxton, Alexander (1990) The Rise and Fall of the White Republic. London: Verso.
Schattschneider, E. E. (1960) The Semisovereign People. New York: Holt, Rinehart, and Winston.
Schwalm, Leslie A. (2009) Emancipation's Diaspora: Race and Reconstruction in the Upper Midwest. Chapel Hill: University of North Carolina Press.
Silbey, Joel H. (1977) A Respectable Minority. New York: Norton.
——— (1985) The Partisan Imperative. New York: Oxford University Press.
Smith, Rogers M. (1997) Civic Ideals. New Haven, CT: Yale University Press.
Stewart, James Brewer (1998) "The emergence of racial modernity and the rise of the white North, 1790–1840." Journal of the Early Republic 18 (2): 181–217.
Tocqueville, Alexis de (2003) Democracy in America, trans. Gerald E. Bevan. London: Penguin.
Valelly, Richard M. (1995) "National parties and racial disenfranchisement," in Paul E. Peterson (ed.) Classifying by Race. Princeton, NJ: Princeton University Press: 188–216.
——— (2004) The Two Reconstructions: The Struggle for Black Enfranchisement. Chicago: University of Chicago Press.
——— (2009) "The Reed rules and Republican party building: A new look." Studies in American Political Development 23 (2): 115–42.
Voegeli, V. Jacque (1970) Free but Not Equal. Chicago: University of Chicago Press.
Wang, Xi (1997) The Trial of Democracy: Black Suffrage and Northern Republicans, 1860–1910. Athens: University of Georgia Press.
Ware, Alan (2006) The Democratic Party Heads North, 1877–1962. Cambridge: Cambridge University Press.
Watson, Harry L. (1990) Liberty and Power: The Politics of Jacksonian America. New York: Hill and Wang.

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press

Wawro, Gregory J., and Eric Schickler (2006) Filibuster: Obstruction and Lawmaking in the U.S. Senate. Princeton, NJ: Princeton University Press.

Weber, Max (1978 [1922]) Economy and Society: An Outline of Interpretive Sociology, ed. Guenther Roth and Claus Wittich, trans. Ephraim Fischoff. Berkeley: University of California Press.

Wikipedia (2006) "List of governors of xxxxx," en.wikipedia.org/wiki/List_of_Governors_of_xxxxx (accessed February 15, 2006; "xxxxx" represents the name of the state, properly capitalized).

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

Wilson, William Julius (1980) The Declining Significance of Race: Blacks and Changing American Institutions, 2nd ed. Chicago: University of Chicago Press.

Wimmer, Andreas (2008) "The making and unmaking of ethnic boundaries: A multilevel process theory." American Journal of Sociology 113 (4): 970–1022.

Wood, Forrest G. (1968) Black Scare. Berkeley: University of California Press.

Woodward, C. Vann (1966) "Seeds of failure in radical race policy." Proceedings of the American Philosophical Society 110 (1): 1–9.

——— (1974) The Strange Career of Jim Crow, 3rd ed. New York: Oxford University Press.

Woolley, John, and Gerhard Peters (1999–2013) "Presidential elections data," The American Presidency Project, www.presidency.ucsb.edu/elections.php.

https://doi.org/10.1017/S0145553200010658 Published online by Cambridge University Press