III

The Politics of Repression

Legal and extralegal discrimination restricted northern Negroes in virtually every phase of existence. Where laws were lacking or ineffectual, public opinion provided its own remedies. Indeed, few held out any hope for the successful or peaceful integration of the Negro into a white-dominated society. "The policy, and power of the national and state governments, are against them," a Philadelphia Quaker wrote in 1831. "The popular feeling is against them — the interests of our citizens are against them. The small degree of compassion once cherished toward them in the commonwealths which got rid of slavery, or which never were disfigured by it, appears to be exhausted. Their prospects either as free, or bond men, are dreary, and comfortless."[1]

Most northerners, to the extent that they thought about it at all, rebelled at the idea of racial amalgamation or integration. Instead, they favored voluntary colonization, forced expulsion, or legal and social proscription. The young and

[1] Roberts Vaux to Samuel Emlen, May 31, 1831, Vaux Papers, Historical Society of Pennsylvania.

perceptive French nobleman Alexis de Tocqueville, after an extensive tour of the United States in 1831, concluded that Negroes and whites formed separate communities, that they could never live in the same country on an equal footing, and that the oppressed race — the Negro — consequently faced ultimate extinction or expulsion. Having associated the plight of American Negroes with the institution of slavery, Tocqueville expressed his astonishment at conditions in the North. "The prejudice of race," he wrote, "appears to be stronger in the states that have abolished slavery than in those where it still exists; and nowhere is it so intolerant as in those states where servitude has never been known." Where statutes made no racial distinctions, Tocqueville found that custom and popular prejudices exerted a decisive influence. Although Negroes and whites could legally intermarry in most northern states, public opinion would not permit it. Where Negroes possessed the right to vote, they often faced vigorous resistance at the polls. They might seek redress in the courts, but only whites served as judges; although they were legally entitled to sit on juries, the public would not allow it. Segregation confronted them in public places, including churches and cemeteries. "Thus the Negro is free," Tocqueville concluded, "but he can share neither the rights, nor the pleasures, nor the labor, nor the afflictions, nor the tomb of him whose equal he has been declared to be; and he cannot meet him upon fair terms in life or in death."[2]

In the absence of any pertinent federal statutes, the future of the Negro was left to the states and to the dominant race. As a result, in some states Negroes obtained rights and privileges which in other states they found to be illegal or impossible to exercise. The Negroes' numerical strength, the geographic position of the state, political and economic factors, and pub-

[2] Alexis de Tocqueville, *Democracy in America*, ed. by Phillips Bradley (2 vols.; New York, 1945), I, 359–60, 373.

lic opinion combined to fix their status. This was not a static position, however, but one subject to constant change and fluctuation, ranging from the acquisition of full citizenship in Massachusetts to political disfranchisement in Pennsylvania and from quasi-freedom in New York to attempted expulsion in Ohio.

Nearly every northern state considered, and many adopted, measures to prohibit or restrict the further immigration of Negroes. Those people favoring such legislation included self-styled friends of the Negro, as well as avowed racial bigots. In either case, the professed aim of immigration restriction was to settle the problem of racial relations by expelling the Negro or at least by preventing any sizable increase of his numerical strength.

Basing their arguments largely on the alleged mental and physical superiority of the dominant race, restrictionists warned of the dangers inherent in any attempt to integrate the Negro into the political and social community, for "the natural tendency has been proven by experience, not to be elevation of the degraded, but the deterioration, the lowering, of the better class, towards the standard of the inferior class." Moreover, did not the Bible itself demonstrate conclusively that God had marked and condemned the Negro to servility and social leprosy? "The same power that has given him a black skin, with less weight or volume of brain," an Indiana senator argued, "has given us a white skin, with greater volume of brain and intellect; and that we can never live together upon an equality is as certain as that no two antagonistic principles can exist together at the same time." [3]

Under these circumstances, restrictionists argued that exclusion would be both natural and politic. Indeed, several pro-

[3] *Indiana Constitutional Debates of 1850*, I, 248, 251; *Appendix to the Congressional Globe*, 33 Cong., 2 sess., p. 236.

claimed their support for such a move as a natural consequence of their long friendship with the Negro. Separation of the two races would be mutually beneficial. The real enemies of the Negro were those who desired his continued presence in a country which would never afford him adequate opportunities for advancement. Robert Dale Owen, Indiana politician and reformer, advanced this argument to defend restrictive legislation. A proposed bar on Negroes in his state would, he hoped, advance the cause of humanity, not repression. What would be the alternative to exclusion? Would not Negroes "remain, as now, a race legally and socially excommunicated, as the Helots of Sparta — as the Pariahs of India — disfranchised outcasts; a separate and degraded caste, to whom no honorable career is open; hopeless menials; the hewers of wood and drawers of water of those among whom they are tolerated, not received?" Could there be any decent person, Owen asked, who desired "the continuance among us of a race to whom we are not willing to accord the most common protection against outrage and death?" [4]

Immediate and practical considerations also prompted the demand for exclusion or restriction of Negroes. In the absence of adequate legislation, many feared that the northern states would be inundated with emancipated slaves, some of whom would be too old and worn out to be anything but a burden on the community. This fear was particularly strong in those free states which bordered on the slave states, and it prompted most of them to adopt restrictive measures. In defending the Illinois statute, Senator Stephen A. Douglas asserted that his state would not become "an asylum for all the old and decrepit and broken-down negroes that may emigrate or be sent to it."

[4] *Indiana Constitutional Debates of 1850*, II, 1792. The utopian New Harmony, Indiana, settlement, in which Robert Dale Owen assisted his father, barred Negroes except "as helpers." Constitution of the "Preliminary Society of New Harmony," reprinted in George B. Lockwood, *The New Harmony Movement* (New York, 1907), p. 85.

Indiana also indicated its unwillingness to become "the Liberia of the South."[5]

The adoption of restrictions by many of the new western states and territories impelled several of the older states to reconsider their position. Less than four months after Massachusetts' congressional delegation had argued and voted against the Missouri constitution clause prohibiting Negro immigration, the legislature appointed a committee to investigate the expediency of similar legislation. In its report, the committee warned that increasing restrictions elsewhere would drive Negroes to those states which accorded equal rights and privileges and would consequently increase the number of convicts and paupers, drive white men out of many occupations, and disturb "the good order and tranquility" of the cities. The committee recommended the adoption of measures which would respect "humanity and the just rights of all classes of men" but at the same time protect Massachusetts from "the burthen of an expensive and injurious population." However, a new committee appointed at the next legislative session, although agreeing that "the truest precepts of humanity" demanded some restrictive measure, reported that it could not "conscientiously vindicate" any proposed bill. Such legislation, it concluded, would not be consistent with "that love of humanity, that respect for hospitality and for the just rights of all classes of men" which had traditionally characterized the state of Massachusetts. The legislature made no further attempt to exclude Negroes from the state.[6]

[5] *Appendix to the Congressional Globe*, 31 Cong., 1 sess., p. 1664; *Indiana Constitutional Debates of 1850*, I, 446. For other examples of this argument, see Arthur C. Cole (ed.), *The* [Illinois] *Constitutional Debates of 1847* (Springfield, 1919), pp. 208, 217, 224–25, 237; *Official Reports of the Debates and Proceedings of the Ohio State Convention . . . 1850* (Columbus, 1851), p. 983; *Report of the Debates in the Convention of California . . . 1849* (Washington, D.C., 1850), pp. 48–49, 137–38.

[6] *Niles' Weekly Register*, XX (July 14, 1821), 311–12; Massachusetts House of Representatives, *Free Negroes and Mulattoes* (Boston, 1822).

In contrast to Massachusetts, where Negro immigration had been relatively slight, Pennsylvania's geographically strategic position attracted large numbers of emancipated slaves and fugitives. White residents, especially in the southern portion of the state, continually petitioned the legislature to halt further Negro immigration, but bills for this purpose failed to receive the approval of both houses.[7] In 1829, however, the legislature agreed that the removal of the Negro would be "highly auspicious to the best interests of our country," and indorsed the American Colonization Society.[8] In the absence of legislative action, Pennsylvania restrictionists appealed to the constitutional convention of 1837. Representatives from the southern counties expressed great alarm over the steady influx of Negroes and urged the convention to consider an appropriate constitutional amendment. However, delegate Thaddeus Stevens assailed any proposed restriction and managed to have the question indefinitely postponed.[9]

In several of the newly admitted states, whites threatened drastic action if legislative protection were not forthcoming. The people of southern Illinois, a native warned, "would take the matter into their own hands, and commence a war of extermination." An Indianan told a state constitutional convention that "it would be better to kill them off at once, if there is no other way to get rid of them." After all, he added, "we know how the Puritans did with the Indians, who were infinitely more magnanimous and less impudent than the colored race." In southern Ohio, an aroused populace forcibly thwarted an attempt to settle the 518 emancipated slaves of Virginia's John Randolph. Defending that action, an Ohio congressman warned that "if the test must come and they must resort to force to effect their object, the banks of the Ohio

[7] Edward R. Turner, *The Negro in Pennsylvania* (Washington, D.C., 1911), pp. 151–54, 204.

[8] *House Report*, 21 Cong., 1 sess., No. 24 (1829).

[9] *Pennsylvania Constitutional Debates of 1837–38*, I, 191, II, 199–202.

. . . would be lined with men with muskets on their shoulders to keep off the emancipated slaves."[10]

The nature of restrictionist legislation varied from state to state. Several states required from incoming Negroes certificates proving their freedom and attesting to their citizenship in another state.[11] Connecticut forbade, without the approval of civil authorities, the establishment of any educational institution for the instruction of non-resident Negroes.[12] Most of the new states, particularly those carved out of the Northwest Territory, either explicitly barred Negroes or permitted them to enter only after they had produced certified proof of their freedom and had posted a bond, ranging from $500 to $1,000, guaranteeing their good behavior. If enforced, this requirement alone would have amounted to practical exclusion. Violators were subject to expulsion and fine, the non-payment of which could result in their being whipped, hired out, or, under the Illinois statute of 1853, advertised and sold at public auction. Residents, white or Negro, who employed such persons or encouraged them to remain in the state were subject to heavy fines.[13]

Three states — Illinois, Indiana, and Oregon — incorporated anti-immigration provisions into their constitutions.[14]

[10] *Illinois Constitutional Debates of 1847*, p. 860; *Indiana Constitutional Debates of 1850*, I, 574; *Appendix to the Congressional Globe*, 30 Cong., 1 sess., p. 727.

[11] *The Perpetual Laws of the Commonwealth of Massachusetts . . .* [1780–1788] (Worcester, 1788), p. 349; William Paterson, *Laws of the State of New Jersey* (New Brunswick, 1800), pp. 312–13.

[12] *The Public Statute Laws of the State of Connecticut* (Hartford, 1835), pp. 321–22.

[13] Such legislation, varying only slightly in content, was enacted in Illinois in 1819, 1829, and 1853; in Indiana in 1831 and 1852; in Ohio in 1804 and 1807; in Michigan Territory in 1827; in Iowa Territory in 1839; in Iowa in 1851; and in Oregon Territory in 1849. For a convenient summary of this legislation, see Henry W. Farnam, *Chapters in the History of Social Legislation in the United States to 1860* (Washington, D.C., 1938), pp. 219–20.

[14] Constitutions of Illinois, 1848; Indiana, 1851; Oregon, 1857. For a defense of these provisions, see the state constitutional-convention debates; *Congressional Globe*, 35 Cong., 1 sess., pp. 1964–70, 2204, 2207; *Appendix to the Congressional Globe*, 30 Cong., 1 sess., p. 44; 31 Cong., 1 sess., pp. 1654, 1664; 33 Cong., 2 sess., p. 236.

The electorates, voting on these provisions separately, indicated their overwhelming approval at the polls. Voters indorsed the Illinois constitutional clause barring the further admission of Negroes by a margin of more than two to one, most of the opposition coming from northern counties in which there were few Negroes. Indianans gave a larger majority to the restriction clause than to the constitution itself, and Oregon approved exclusion by an eight-to-one majority.[15] The popular mandate thus seemed clear. "The tendency, strong and irresistible, of the American mind," an Indianan declared, "is finally to accomplish a separation of the two races."[16]

Despite such overwhelming popular approval, legislation implementing the constitutional prohibitions was only sporadically enforced. The Illinois act remained on the statute books until 1865 and was upheld by the state supreme court, but few efforts were made to invoke it, and one Negro called it "a dead letter."[17] Indiana seldom prosecuted violators. In 1856, however, an Indiana court convicted a Negro of violating the law by bringing a Negro woman into the state in order to marry her. The state supreme court upheld the conviction. "The policy of the state," it declared, "is . . . clearly evolved. It is to exclude any further ingress of negroes, and to remove those already among us as speedily as possible." The law specifically voided all contracts made with Negroes entering the state, and this applied to marriage agreements. "A

[15] *Illinois Constitutional Debates of 1847*, p. xxx; Charles Kettleborough, *Constitution Making in Indiana* (2 vols.; Indianapolis, 1916), II, 617–18; Charles H. Carey (ed.), *The Oregon Constitution and Proceedings and Debates of the Constitutional Convention of 1857* (Salem, 1926), p. 27.

[16] *Indiana Constitutional Debates of 1850*, I, 562.

[17] John Jones, *The Black Laws of Illinois, and a Few Reasons Why They Should Be Repealed* (Chicago, 1864), p. 13. Sporadic efforts to enforce the law are cited by Norman D. Harris, *The History of Negro Servitude in Illinois* (Chicago, 1904), p. 237; Arthur C. Cole, *The Era of the Civil War, 1848–1870* (Springfield, 1919), p. 226; J. N. Gridley, "A Case under an Illinois Black Law," *Illinois State Historical Society Journal*, IV (1912), 401–25.

constitutional policy," the court concluded, "so clearly conducive to the separation and ultimate good of both races should be rigidly enforced."[18]

Although seldom invoked, the anti-immigration laws reminded Negroes of their inferior position in society and provided whites with a convenient excuse for mob violence and frequent harassment of the Negro population. Perhaps the authors of such legislation had no more than this in mind. An Ohio legislative committee reported in 1838 that "it was never believed that the law would ever be complied with, nor was it intended by the makers that it ever should be. Its evident design was to drive this portion of our population into other states. It was an unrighteous attempt to accomplish, indirectly and covertly, what they would shrink from doing openly and frankly."[19]

Ohio provided a classic example of how anti-immigration legislation could be invoked to harass Negro residents. That state's restrictive statutes, enacted in 1804 and 1807 as part of the Black Laws, compelled Negroes entering the state to post a $500 bond guaranteeing their good behavior and to produce a court certificate as evidence of their freedom. No extensive effort was made to enforce the bond requirement until 1829, when the rapid increase of the Negro population alarmed Cincinnati. The city authorities announced that the Black Laws would be enforced and ordered Negroes to comply or leave within thirty days. The local Negro population promptly obtained a time extension, sent a delegation to Canada to find a suitable location for resettlement, and petitioned the legislature for repeal of "those obnoxious black laws."[20]

[18] Catterall (ed.), *Judicial Cases*, V, 40; Emma Lou Thornbrough, *The Negro in Indiana* (Indianapolis, 1957), pp. 72–73.

[19] *Journal of the Senate of the State of Ohio*, 36 General Assembly, 1 sess., p. 562.

[20] Salmon P. Chase (ed.), *The Statutes of Ohio and of the Northwest Territory* (3 vols.; Cincinnati, 1833), I, 393–94, 555–56; Richard C. Wade, "The Negro in Cincinnati, 1800–1830," *Journal of Negro History*, XXXIX (1954), 50–55.

Impatient for results, white mobs roamed through Cincinnati's Negro quarters, spreading terror and destruction. Subsequently, the Negro delegation sent to Canada returned with a cordial invitation from the governor of Upper Canada. "Tell the Republicans on your side of the line," he declared, "that we royalists do not know men by their color. Should you come to us you will be entitled to all the privileges of the rest of His Majesty's subjects."[21] An estimated 1,100 to 2,200 Negroes departed from the city, most of them apparently settling in Canada.[22] By the end of 1829, the citizens of Cincinnati could assess the results of their action. The editor of the Cincinnati *Gazette*, who had earlier favored enforcement of the Black Laws, lamented the consequences. "It has driven away the sober, honest, industrious, and useful portion of the colored population," he wrote. "The effect is to lessen much of the moral restraint, which the presence of respectable persons of their own colour, imposed on the idle and indolent, as well as the profligate." He then assailed the injustices of the Black Laws and concluded that "the rank oppression of a devoted people, may be consummated in the midst of us, without exciting either sympathy, or operative indignation."[23] Two years later, a prominent Cincinnati lawyer explained to Alexis de Tocqueville that the severe restrictions on Negroes constituted an attempt "to discourage them in every possible

[21] [Ohio Anti-Slavery Society], *Condition of the People of Color in the State of Ohio* (Boston, 1839), p. 7.

[22] Wade, "The Negro in Cincinnati," p. 56; Carter G. Woodson, "The Negroes of Cincinnati Prior to the Civil War," *Journal of Negro History*, I (1916), 7. For the development of the Negro community in Canada, see Fred Landon, "Social Conditions among the Negroes in Upper Canada," Ontario Historical Society, *Papers and Records*, XXII (1925), 144–61, and Samuel Gridley Howe, *The Refugees from Slavery in Canada West* (Boston, 1864).

[23] Cincinnati *Gazette*, August 17, 1829, quoted in Wade, "The Negro in Cincinnati," pp. 56–57.

way." Not only had the laws provided for their expulsion, the lawyer declared, "but we annoy them in a thousand ways."[24]

Growing abolitionist sentiment in the Old Northwest prompted organized efforts to repeal the anti-immigration laws. In Ohio, Negroes and white abolitionists organized an extensive petition campaign for repeal, and the Free Soil party inserted a demand for repeal in its state platform, although at the same time it expressed a desire for "a homogenous population" in Ohio and asserted that such would be the case when slavery ceased to force its victims "upon the uncongenial North." For several years, however, the Ohio legislature successfully resisted such agitation; in fact, in 1839, the state house of representatives resolved that repeal was "impolitic and inexpedient" and that Negro residents had no constitutional right to petition the legislature "for any purpose whatsoever." After considerable maneuvering, a Free Soil–Democratic political bargain in 1849 resulted in the partial repeal of the Black Laws, including the statute compelling Negroes to post bond in order to settle in the state.[25] In no other state where such measures had been adopted did similar agitation meet with success.

Negroes did not share in the expansion of political democracy in the first half of the nineteenth century; indeed,

[24] George Wilson Pierson, *Tocqueville and Beaumont in America* (New York, 1938), p. 565. Further attempts to expel Negroes from Ohio are cited in Carter G. Woodson, *A Century of Negro Migration* (Washington, D.C., 1918), pp. 56–57, and Ebenezer Davies, *American Scenes and Christian Slavery* (London, 1849), p. 129.

[25] "Memorial to the Legislature of Ohio by the Anti-Slavery Society in the Western Reserve," *The Liberator*, December 27, 1834; *Memorial of the Ohio Anti-Slavery Society, to the General Assembly of the State of Ohio* (Cincinnati, 1838); *The Address and Reply on the Presentation of a Testimonial to Salmon P. Chase, by the Colored People of Cincinnati* (Cincinnati, 1845); *Minutes and Address of the State Convention of the Colored Citizens of Ohio* (Oberlin, 1849), pp. 17–18, 21–25; Frank U. Quillin, *The Color Line in Ohio* (Ann Arbor, 1913), p. 38; *Journal of the House of Representatives of the State of Ohio*, 37 General Assembly, 1 sess., pp. 235–36; 43 General Assembly, 1 sess., pp. 17–35; Theodore C. Smith, *The Liberty and Free Soil Parties in the Northwest* (New York, 1897), pp. 162–72.

such expansion frequently came at the expense of their rights and privileges. By 1840, some 93 per cent of the northern free Negro population lived in states which completely or practically excluded them from the right to vote. Only in Massachusetts, New Hampshire, Vermont, and Maine could Negroes vote on an equal basis with whites. In New York, they could vote if they first met certain property and residence requirements. In New Jersey, Pennsylvania, and Connecticut, they were completely disfranchised, after having once enjoyed the ballot.

In several states the adoption of white manhood suffrage led directly to the political disfranchisement of the Negro. Those who opposed an expanded electorate — for both whites and Negroes — warned that it would, among other things, grant the Negro political power. Adopt universal manhood suffrage, a Pennsylvania constitutional convention delegate declared in 1837, and "every negro in the State, worthy and worthless — degraded and debased, as nine tenths of them are, will rush to the polls in senseless and unmeaning triumph." Would this not constitute, he asked, "a highly *coloured* illustration of the beauty and perfectability of *universal suffrage*?" In New York, a Federalist opponent of universal manhood suffrage warned that "the whole host of Africans that now deluge our City (already too impertinent to be borne), would be placed upon an equal with the citizens." In the face of increasing demands for a liberalized suffrage, a Rhode Island legislative committee advised against extending the vote in 1829, citing as one of its reasons the addition of Negroes and Indians to the electorate. "We ought to recollect," the committee warned, "that all the evils which may result from the extension of suffrage will be evils beyond our reach. We shall entail them upon our latest posterity without remedy. Open

this door, and the whole frame and character of our institutions are changed forever." [26]

White manhood suffragists shared this overwhelming antipathy toward Negro voting, but they soon discovered a convenient and effective way out of the dilemma: eliminate the racial issue by denying the vote to all Negroes. Consequently, most arguments for a liberalized suffrage applied only to whites, and, in those states where no previous restriction existed, incorporated a demand for Negro disfranchisement. The expansion of political democracy would thus pose no threat to white supremacy. Suffragists utilized the standard racial arguments to justify this seemingly inconsistent position: granting Negroes equal political rights would be "inexpedient, impolitic and unsafe"; the Negroes were "a peculiar people, incapable . . . of exercising that privilege with any sort of discretion, prudence, or independence"; God had marked them "a distinct, inferior caste"; they should thus be given no reason to suppose "that they are entitled to equal rights and equal privileges with the white man, when, by our laws of society, they are not, and cannot be permitted to exercise them." Moreover, equal rights would invite "black outcasts and worthless vagrants, of other states, to settle among us," and this, in turn, would degrade white labor and discourage colonization.[27]

Advocates of an expanded electorate also offered practical political considerations to justify Negro disfranchisement. They warned that Negro voters would control those political wards in which they were most heavily concentrated; they would then distribute offices, hold a potential balance of power between the two political parties, and, through compromises

[26] *Pennsylvania Constitutional Debates of 1837–38*, II, 541; New York Historical Society, *Collections, John Watts de Peyster Publication Fund Series* (80 vols.; New York, 1869—1954), XVIII, 306; *House Report*, 28 Cong., 1 sess., No. 546 (1844), p. 401.

[27] Nathaniel H. Carter and William L. Stone, *Reports of the Proceedings and Debates of the Convention of 1821* (Albany, 1821), p. 180; *Pennsylvania Constitutional Debates of 1837–38*, III, 91; IX, 321, 364–65; X, 24, 104.

and bargains, perhaps secure political appointments. A delegate to the New York constitutional convention of 1821 recalled that at one election the votes of three hundred Negroes in New York City had decided the political character of the state legislature.[28] Moreover, once Negroes had secured the ballot, what would then keep them out of future constitutional conventions, the state legislature, the jury box, or even the United States Congress? Would not the election of a Negro to Congress constitute "a gross insult" to the South and threaten the very existence of the Union? Imagine what the reaction of a "southern gentleman" who had freed his slaves and sent them to Pennsylvania or New York would be if he met them in Congress! [29]

In addition to the dictates of political, economic, and social necessity, white manhood suffragists maintained that public opinion demanded color distinctions. A Pennsylvania constitutional convention delegate found, in passing through nearly half his state in 1837, "almost unanimous" opposition to Negro suffrage from members of both political parties. "There can be no mistaking public opinion on this subject," he declared. "The people of this state are for continuing this commonwealth, what it always has been, a political community of white persons." Delegates to New York's constitutional convention of 1821 expressed a similar reaction. They reported overwhelming sentiment against Negro suffrage, especially in those areas where Negroes made up a substantial portion of the population. "If that sentiment should alter," one delegate proposed, "if the time should ever arrive when the African shall be raised to the level of the white man—when the distinctions that now prevail shall be done away—when the colours shall intermarry—when negroes shall be invited to your tables—

[28] *Pennsylvania Constitutional Debates of 1837–38*, III, 83; IX, 365–66, 383; X, 95; *New York Constitutional Debates of 1821*, pp. 185–86, 198–99, 212.

[29] *New York Constitutional Debates of 1821*, p. 181; *Pennsylvania Constitutional Debates of 1837–38*, II, 478; III, 88; V, 418; IX, 366; X, 95.

to sit in your pew, or ride in your coach, it may then be proper to institute a new Convention, and remodel the constitution so as to conform to that state of society." [30]

Public opinion appeared to be so fixed on this subject that various delegates to the state constitutional conventions warned that violence and bloodshed would inevitably accompany Negro suffrage. The statute books might make the Negro and the white equal, but "you can never force the citizens of this commonwealth to believe or practice it; we can never force our constituents to go peaceably to the polls, side by side with the negro." A Philadelphian "entertained not the slightest doubt" that Negro suffrage would lead to bloody riots. Within twenty-four hours after the first Negro had voted, he warned, "not a negro house in the city or county would be left standing." [31]

In the face of such vigorous opposition, some whites still protested attempts to deny the ballot to the Negro while extending it to more whites, and argued — largely in vain — that Negro voters would not endanger white supremacy and that consistency demanded equal suffrage. Disfranchisement, they contended, would set an "ominous and dangerous precedent" which could be applied to other minority groups, and it would certainly bring forth a well-deserved "shout of triumph and a hiss of scorn" from the slave states. Moreover, Negroes would not abuse the ballot any more than "the many thousands of white fawning, cringing sycophants, who look up to their more wealthy and more ambitious neighbours for direction at the polls, as they look to them for bread." [32]

This was hardly a popular position in those regions which looked with growing fear at the rapid increase of the Negro

[30] *Pennsylvania Constitutional Debates of 1837–38*, IX, 357; *New York Constitutional Debates of 1821*, p. 190.
[31] *Pennsylvania Constitutional Debates of 1837–38*, IX, 328, 393. See also II, 477; III, 696; IX, 350, 365.
[32] *Ibid.*, IX, 333, 375; X, 123; *New York Constitutional Debates of 1821*, pp. 184, 188.

population. But even the friends of equal suffrage had their reservations. One Pennsylvanian, for example, opposed disfranchisement but conceded that Negroes "in their present depressed and uncultivated condition" were not "a desirable species of population," and he "should not prefer them as a matter of choice." [33] Such admissions as these hardly added to the popular acceptance of Negro suffrage, and the advocates of such a dangerous doctrine found themselves labeled as either radical amalgamationists or hypocrites. There could be no middle ground. "Has any gentleman on this floor, the boldest and the warmest advocate for negro equality and suffrage," a Pennsylvania constitutional convention delegate asked, "gone so far as to say — to insinuate that he is willing to extend to the blacks his social equality and rights; to receive him in his family or at his table, on the same footing and terms with his white friends and acquaintances; allow them to marry with his children, male and female? — not a word of the kind. They will give him the rights of the people — of the commonwealth — but not of their own houses and homes." [34]

Utilizing various political, social, economic, and pseudo-anthropological arguments, white suffragists moved to deny the vote to the Negro. From the admission of Maine in 1819 until the end of the Civil War, every new state restricted the suffrage to whites in its constitution. In New Jersey and Connecticut, where no racial distinctions had appeared in the original constitutions, the legislatures limited the suffrage to whites, and subsequent constitutions incorporated the restrictions. The changes occasioned little public debate or opposition.[35] In Rhode Island, a reform party led by Thomas W. Dorr attempted to secure control of the state in 1841 in order

[33] *Pennsylvania Constitutional Debates of 1837–38*, IX, 332.
[34] *Ibid.*, X, 94.
[35] Marion T. Wright, "Negro Suffrage in New Jersey, 1776–1875," *Journal of Negro History*, XXXIII (1948), 172–76; James T. Adams, "Disfranchisement of Negroes in New England," *American Historical Review*, XXX (1925), 545.

to replace the old colonial charter with a constitution providing for a liberalized suffrage. The new "People's Constitution," however, provided for white manhood suffrage. Reminded of this apparent inconsistency, one of Dorr's followers stated that they had originally intended to make no distinctions but that the opposition had utilized this to prejudice the public against them. In any event, the Dorrites went down to defeat, with the partial assistance of Rhode Island Negroes, and the victorious party rewarded its allies by removing the racial restrictions in the 1842 constitution.[36]

In New York and Pennsylvania, which contained the largest number of northern Negroes, disfranchisement faced some vigorous opposition. Abolition societies and Negro organizations had long been active in both states. Moreover, Negroes had previously exercised the right to vote, at least in some regions, and had generally favored certain political parties or factions. Under these circumstances, it was only natural that the favored groups would attempt to retain this segment of political support. Such was the case in New York.

Prior to 1821, property and residence requirements for New York voters applied equally to both races. Those Negroes who were thereby eligible to vote apparently did so in substantial numbers, and there could be no mistaking their strong Federalist sympathies. This support continued until the demise of the Federalists, after which many Negroes switched their allegiance to the National Republicans and the Whigs. To understand these political loyalties, one must remember that many Negroes had been raised as slaves in Federalist households, their emancipation had been advocated by prominent Federalist leaders (who helped to organize and lead the New York Manumission Society), and the gradual-abolition law had been enacted by a Federalist legislature and signed by a Federalist governor.[37] But this signified more than a sentimental attachment to the party of their old masters. Negroes supported the Federalists because that party demonstrated greater concern than the Republicans for the protection of their rights and privileges. The identification of the Republican party with southern slavery strengthened this conviction. Southerners, a Negro leader asserted in 1809, generally adhered to the Republicans and "are the very people who hold our African brethren in bondage. These people, therefore, are the enemies of our rights." Negro voters would thus be not only "wanting in duty" to their people, but would be "destitute of the *spirit of freemen*," were they not to support the Federalists and revere that "*standard of liberty* which was erected by the IMMORTAL WASHINGTON: and which has been consecrated by the blood of the MARTYRED HAMILTON."[38]

When the Republicans captured control of the New York legislature in 1811, they recognized this sentiment and promptly drafted legislation which would compel Negroes to present certificates of freedom before being permitted to vote. However, the Federalist-dominated Council of Revision vetoed the proposal, saying that it was too vague, and charged that it would force Negroes to the "humiliating degradation of being challenged in consequence of a supposed taint" and would expose them to "wanton insult and contumely, merely on account of their complexion." The legislature sustained the veto but enacted a similar bill later in the year.[39] Meanwhile, Negroes

[36] William Goodell, *The Rights and Wrongs of Rhode Island* (Oneida Institute, 1842), p. 5; [Frances H. W. Greene], *Might and Right* (Providence, 1844), pp. 291–92; *House Report*, 28 Cong., 1 sess., No. 546 (1844), pp. 110–17; Frederick Douglass, *Life and Times* (Hartford, 1884), pp. 272–75; *The Liberator*, October 29, November 19, December 10, 31, 1841, July 8, August 19, 1842; William Lloyd Garrison to George W. Benson, July 8, 1842, Garrison Papers.

[37] Dixon Ryan Fox, "The Negro Vote in Old New York," *Political Science Quarterly*, XXXII (1917), 253–56.

[38] Joseph Sidney, *An Oration, Commemorative of the Abolition of the Slave Trade in the United States* (New York, 1809), pp. 10–15.

[39] Lincoln (ed.), *Messages from the Governors*, II, 686; *Public Laws of the State of New York passed at the Thirty-fourth Session of the Legislature* (Albany, 1811), p. 372.

continued to play a prominent role in New York politics and were credited in some instances with holding the balance of power.[40] The Republicans, continually growing in strength, waited for the constitutional convention of 1821 to make their next move.

The "Reform Convention" of 1821 has come to symbolize the expanded democracy which made possible the triumph of Andrew Jackson seven years later. Martin Van Buren, a rising Republican politician and a prominent figure in the convention, later wrote that the new constitution provided for "increased action on the part of the People themselves in the management of public affairs" and elevated New York's political institutions "to the standard required by the advance made by public opinion in that direction."[41] The report of the committee on suffrage reflected this sentiment and sounded the keynote of the convention. It expressed the hope that the only qualification for voting would be "the virtue and morality of the people," and it proclaimed that the national trend "is for the extension, and not the restriction of popular rights." At the same time, and without explanation, the report recommended that the suffrage henceforth be restricted to "every white male citizen."[42] With one blow, then, the Republican-dominated convention intended to remove not only a bloc of Federalist voters but also any objection that might be raised against an expanded suffrage on the grounds that it would admit degraded Negroes.

With only a few exceptions, the Republicans favored virtual universal white manhood suffrage, while the Federalists supported a continued property qualification for both races and

[40] Fox, "The Negro Vote in Old New York," pp. 257–58, 263 n.; *New York Constitutional Debates of 1821*, p. 212.

[41] John C. Fitzpatrick (ed.), *The Autobiography of Martin Van Buren* (Washington, D.C., 1920), p. 112.

[42] *New York Constitutional Debates of 1821*, pp. 178–79.

vigorously opposed Negro disfranchisement.[43] Despite the eloquent plea of Federalist Chancellor James Kent that the delegates had not gathered "to *disfranchise* any portion of the community or to take away their rights," the convention voted practically to disfranchise the Negro. In future elections, Negroes would be entitled to vote if they could meet the age and residence requirements and if they possessed a freehold estate worth $250.[44] Van Buren and others supported the "compromise" proviso on the grounds that it would not close the door on Negro suffrage but would, instead, encourage the Negro's economic improvement. One delegate, however, more appropriately called it "an attempt to do a thing indirectly which we appeared either to be ashamed of doing, or for some reason chose not to do directly, a course . . . every way unworthy of us."[45]

The delegates had correctly gauged public opinion. New York voters accorded the new constitution their overwhelming approval. Five years later, a Republican legislature abolished the few remaining restrictions on white voters while retaining the property proviso for Negroes.[46] The triumph of white democracy was now complete. After visiting New York in 1832, an English traveler assessed the Negro's position and concluded: "To be worth two hundred and fifty dollars is not a trifle for a man doomed to toil in the lowest stations; few

[43] Jabez D. Hammond, *History of Political Parties in the State of New York* (2 vols.; Cooperstown, 1846), II, 21.

[44] *New York Constitutional Debates of 1821*, p. 190; *The Revised Statutes of the State of New York* (3 vols.; Albany, 1836), I, 38–40.

[45] *New York Constitutional Debates of 1821*, pp. 364, 369, 376. Van Buren had previously voted against total disfranchisement "for he would not draw a revenue from them, and yet deny to them the right of suffrage." During the presidential election of 1840, a young Illinois Whig, Abraham Lincoln, assailed Van Buren for "his votes in the New York Convention in allowing Free Negroes the right of suffrage . . . ." Basler (ed.), *Collected Works of Abraham Lincoln*, I, 210. At the same time, a New York Negro newspaper refused to endorse Van Buren because of his "objectionable" conduct during the 1821 convention. *Colored American*, October 3, 1840.

[46] *Revised Statutes*, I, 50.

Negroes are in consequence competent to vote. They are in fact very little better than slaves, although called free."[47]

Against a background of increasingly explosive racial bitterness, marked by a series of riots, the Pennsylvania constitutional convention of 1837 debated white manhood suffrage and Negro disfranchisement. "I should rejoice," a Democratic party leader declared, "to see adopted in this commonwealth a constitution which would give to every citizen — I use the word citizen as not embracing the coloured population, — whether in poverty or affluence, that right, sacred and dear to every American citizen — the right of suffrage."[48] To the Negro, this was by now a familiar cry — free votes for all free white men.

Neither the 1776 nor 1790 state constitutions had explicitly excluded Negroes from the suffrage. Indeed, those opposing the abolition of slavery in Pennsylvania had warned that Negroes would henceforth be allowed to vote and to hold office. By 1837, Negroes still voted in some counties, though barred by public opinion in others. A Philadelphian told Alexis de Tocqueville in 1831 that Negroes could not appear at the polls without being mistreated. "And what becomes of the reign of law in this case?" the French traveler asked. "The law with us is nothing," the Philadelphian replied, "if it is not supported by public opinion." Six years later, an English visitor asked why Negroes did not vote, since no law specifically barred them. "Just let them try!" he was told.[49]

Although at first the delegates refused to disfranchise the

[47] Carl D. Arfwedson, *The United States and Canada, in 1832, 1833, and 1834* (2 vols.; London, 1834), I, 239.

[48] *Pennsylvania Constitutional Debates of 1837–38*, IX, 324.

[49] *Ibid.*, I, 149; II, 478, 541; III, 83, 89–90, 695; V, 414; IX, 380; X, 21, 50, 63; Turner, *Negro in Pennsylvania*, pp. 178–87; Pierson, *Tocqueville and Beaumont in America*, p. 514; Andrew Bell, *Men and Things in America* (London, 1838), p. 179; Adlard Welby, *A Visit to North America and the English Settlements in Illinois with a Winter Residence at Philadelphia* (London, 1821), in Reuben G. Thwaites (ed.), *Early Western Travels, 1748–1846* (32 vols.; Cleveland, 1904–7), XII, 319.

Negro, there transpired outside the convention hall events which led to a reversal of the earlier vote. In July, 1837, the Pennsylvania Supreme Court ruled that Negroes could not legally exercise the right to vote. The chief justice cited a 1795 court decision excluding Negroes from the suffrage, and although no record of this case existed, he declared that the memory of a good friend and Philadelphia lawyer was "perfect and entitled to full confidence." Besides, as he proceeded to demonstrate, the decision had been based on "the true principles of the constitution."[50]

Three months later, the Democratic candidates in a Bucks County election attributed their defeat to the margin of Negro votes. In addition to arousing public excitement over this alleged injustice, the incident prompted Democratic meetings to petition the legislature and the constitutional convention for an alteration of the existing electoral laws. One newspaper warned that the Negroes' claim to voting rights had been inspired by unscrupulous abolitionists. "Thaddeus Stevens!" it charged, "a man who has taught the NEGROES to contend for the rights of a white man at the polls! by his zealous support of the accursed doctrines of ABOLITION."[51] Meanwhile, the defeated candidates appealed to the courts and secured a favorable opinion. Judge John Fox of the Bucks County Court ruled that Negroes did not have the right to vote. The framers of the state constitution, he declared, "were a political community of white men exclusively," and Negroes were not even contemplated by that document, for they were then, as now, a degraded and inferior race. "What white man," Judge Fox asked, "would not feel himself insulted by a serious imputation that he was a negro, and who, having believed himself

[50] Catterall (ed.), *Judicial Cases*, IV, 288–89. See also Frederick Marryat, *A Diary in America* (3 vols.; London, 1839), I, 296–315.

[51] *Niles' National Register*, LIII (November 11, 1837), 162, (February 10, 1838), 382; *The Liberator*, November 10, 17, 1837; Turner, *Negro in Pennsylvania*, pp. 170–71.

to be of the white race, if he should be found to be strongly tainted with black blood, would not feel and experience that he had fallen greatly in the social scale?" Judge Fox claimed, moreover, that Negroes had never voted in the city or county of Philadelphia, where most of them lived, or in the greater portion of the state.[52]

Such pronouncements had the desired effect on the constitutional convention. To remove all doubts concerning Negro suffrage, the delegates voted overwhelmingly to restrict the vote to white men.[53] Meeting shortly afterwards, Philadelphia Negroes appealed to the electorate to reject the white suffrage proviso on grounds that it divided "what our fathers bled to unite, to wit, TAXATION and REPRESENTATION." Denying any intention to seek amalgamation or "social favors," they warned Pennsylvania voters that disfranchisement would destroy the state's "foundation principle of equal rights" and convert forty thousand friends into enemies. Meanwhile, white abolitionists appealed to William Lloyd Garrison to publish some "trumpet calls" in *The Liberator* in order to arouse Negroes and sympathetic whites to defeat the new constitution.[54] In October, 1838, however, the electorate, as expected, gave the new document a decisive vote of approval.

Neither complete disfranchisement in Pennsylvania nor practical disfranchisement in New York eliminated the Negro from politics. Pennsylvania Negroes continued to remonstrate for equal suffrage rights and blamed their increasing degradation and repression on disfranchisement. Finally, in 1855,

[52] *Opinion of the Hon. John Fox, President Judge of the Judicial District Composed of the Counties of Bucks and Montgomery, against the Exercise of Negro Suffrage in Pennsylvania* (Harrisburg, 1838). See also *Pennsylvania Constitutional Debates of 1837–38*, X, 48, 87.

[53] *Pennsylvania Constitutional Debates of 1837–38*, X, 106.

[54] *Appeal of Forty Thousand Citizens, Threatened with Disfranchisement, to the People of Pennsylvania* (Philadelphia, 1838). Reprinted in *The Liberator*, April 13, 1838, and *The Colored American*, May 3, June 2, 1838. Elizur Wright, Jr., to William Lloyd Garrison, October 9, 1838, Wright Papers, Library of Congress.

they appealed directly to Congress. After seventeen years of disfranchisement, they complained that their position had become "one of mere toleration and sufferance," that they had memorialized and petitioned without success, and that they had waited patiently but in vain for an aroused public conscience to accord them equal rights. Under these circumstances, they turned to the national legislature for assistance.[55] Fourteen years later—in 1869—Congress submitted the Fifteenth Amendment to the states for ratification.

In New York, the propertied Negro remained a factor in state politics. To the dismay of local Democrats, Whig candidates carried those New York City wards in which Negroes were most numerous, and an English visitor to that city in 1833 remarked that he never met a Negro who was not "an anti-Jackson man."[56] Meanwhile, Negroes organized and petitioned for equal suffrage rights. "Foreigners and aliens to the government and laws," they complained, "strangers to our institutions, are permitted to flock to this land and in a few years are endowed with all the privileges of citizens; but we, *native* born Americans, the children of the soil, are most of us shut out."[57]

In their efforts to achieve an unrestricted suffrage, New York Negroes encountered vigorous Democratic opposition and Whig apathy. In the 1838 election, for example, the Democratic gubernatorial candidate expressed his opposition to any move to grant Negroes equal suffrage rights. His Whig opponent, William H. Seward, objected to any property qualification for voting, but, at the same time, he was "not prepared

[55] *Memorial of Thirty Thousand Disfranchised Citizens of Philadelphia to the Honorable Senate and House of Representatives* (Philadelphia, 1855).

[56] Fox, "The Negro Vote in Old New York," p. 264; Edward S. Abdy, *Journal of a Residence and Tour in the United States of North America, from April, 1833, to October, 1834* (3 vols.; London, 1835), II, 9.

[57] *The Weekly Advocate*, February 22, 1837. (Changed its name to the *Colored American* on March 4, 1837.)

to say, having in view the actual condition of that race, that no test ought to exist." The Whig candidate for lieutenant governor, on the other hand, assailed the restriction as "an anomaly entirely at war with democratic principles."[58] The election results, in which Seward was elected and his running mate defeated, appeared to vindicate the Whigs' non committal attitude. Five years later, in a reflective mood, Seward recalled that "prejudice, interest, and passion" sometimes counseled him to overlook "without compromise of principle, and even with personal advantage" what appeared to be the rights of Negroes. Nevertheless, Seward explained, he had always adhered to a philosophy of equality and had condemned those practices and institutions which deprived men of their just rights.[59]

Against this background of legislative inaction and Whig double talk, some Negroes turned to the newly organized Liberty party, which pledged itself to secure equal suffrage rights. Several Negro leaders, on the other hand, warned that alignment with the new party would incur the opposition of both Whigs and Democrats and thus destroy whatever political effectiveness the Negro possessed.[60] Moreover, Whig leaders — including Seward, Horace Greeley, and Thurlow Weed — finally announced their support of unrestricted Negro suffrage and prepared to back this stand at the forthcoming constitutional convention of 1846. The Democratic press, including William Cullen Bryant's New York *Evening Post*, warned that such a move would dangerously increase Whig power in the

[58] *Niles' National Register*, LV (November 3, 1838), 155–58, and (November 24, 1838), 206.

[59] George E. Baker (ed.), *The Works of William H. Seward* (5 vols.; Boston, 1884), III, 438. For a Virginia congressman's discussion of Seward's position on Negro suffrage, see *Congressional Globe*, 36 Cong., 1 sess., pp. 238–39.

[60] Charles H. Wesley, "The Participation of Negroes in Anti-Slavery Political Parties," *Journal of Negro History*, XXIX (1944), 39–48. The Liberty party national convention of 1843 included Negro delegates, speakers, and officials, marking the first time that Negroes had participated actively in the leadership of an American political party.

state and might even lead to a dissolution of the Union.[61] Three months before the convention, a New York Democrat wrote John C. Calhoun that the attempt to remove the property restriction on Negro voting constituted "the most dangerous movement that has ever occurred in this country." Its immediate effect, he declared, would be to give the Whig party political control of the state and the Presidency.[62] The Democratic-controlled convention, however, after extensive and heated debates, voted to retain the property proviso for Negroes but agreed to submit a proposal for equal suffrage to the voters at the next election. The proposal was decisively defeated.[63]

In 1848, several Negro leaders turned enthusiastically and hopefully to the new Free Soil party, but their enthusiasm was not shared by many New York Negroes. Had not Samuel J. Tilden, a prominent state Free Soil leader, voted against Negro suffrage — even the property proviso — at the recent constitutional convention? Had not the Free Soil candidate for governor been noted for his opposition, as a senator, to antislavery petitions, to the abolition of slavery in the District of Columbia, and for his frequent avowals that the Negro was an inferior being? Was it not "well known" that Van Buren and nine-tenths of the prominent "Barnburners" opposed equal suffrage rights for Negroes? Although the national Free Soil convention had welcomed and applauded Negro delegates, it would take more than fancy slogans and an ovation for Frederick Douglass to convince Negroes that their political savior had arrived.[64]

[61] Fox, "The Negro Vote in Old New York," pp. 265–67. For various newspaper reactions, see *The Liberator*, November 14, 1845, January 23, April 10, 17, 1846.

[62] Chauncey S. Boucher and Robert P. Brooks (eds.), *Correspondence Addressed to John C. Calhoun, 1837–1849* (Washington, D.C., 1930), pp. 327–29.

[63] For the debates on Negro suffrage, most of which repeated the arguments of the 1821 convention, see William G. Bishop and William H. Attree, *Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of New York* (Albany, 1846), especially pp. 1014–20, 1026–36, 1042–48, 1065, and 1078–79.

[64] *North Star*, August 18, September 1, 22, November 24, 1848, January 5, 12, May 25, 1849.

In view of the distrust of Free Soilism and growing disillusionment with Whiggism, New York Negroes assumed an increasingly cynical attitude toward the existing political parties. Assessing the political scene in 1851, a Negro convention concluded that support of either of the two major political parties was "gratuitous on our part" and that in the future Negroes should be prepared to indorse "any design which may be deemed necessary to defeat either of the two, if their principles should be considered at war with our interest." In view of the convention claim that five thousand Negro voters held the balance of power in New York State, such political tactics seem plausible.[65]

The organization, program, and successes of the Republican party raised Negro hopes for an improvement of their political position. But in New York, as elsewhere, Republican victories resulted in no legislative improvements. Republican newspapers courted the Negro with liberal advice and some indorsed equal suffrage rights. Nevertheless, they added little to the popular acceptance of such rights. Greeley's *Tribune*, for example, campaigned for equal suffrage, but, at the same time, it admitted that Negroes were hardly "an attractive" or "a favorite class" and that they possessed many faults, as did "all degraded, downtrodden tribes or races." Moreover, it called on Negroes to turn their efforts from "the sterile path of political agitation" to economic improvement. In their present "indolent, improvident, servile and licentious" condition, they could hardly convince the public of their ability to become useful members of society.[66] Meanwhile, the Republican New York *World* made no pretenses but openly rejected Negro suffrage and called on Republicans to demonstrate "moral

[65] *Ibid.*, April 10, 1851.
[66] New York *Tribune*, September 22, 1855, and reply by Douglass in *Frederick Douglass' Paper*, September 28, October 5, 1855; Horace Greeley, "Christianity and Color," as reprinted in *Douglass' Monthly*, November, 1860.

courage and political independence" and to defeat any proposed changes in the existing voting provisions.[67]

In 1860, the state legislature submitted the suffrage question to the voters, but the sectional crisis and the dramatic presidential election pushed the matter into the background. Frederick Douglass, while touring the state on behalf of equal suffrage, reported that "neither Republicans nor Abolitionists seem to care much for it." The election results appeared to confirm Douglass' discouragement. Although New York helped to elect Abraham Lincoln to the Presidency, it overwhelmingly rejected the proposal for equal suffrage. "We were," Douglass concluded, "over shadowed and smothered by the Presidential struggle — over laid by Abraham Lincoln and Hannibal Hamlin. The black baby of Negro Suffrage was thought too ugly to exhibit on so grand an occasion. The Negro was stowed away like some people put out of sight their deformed children when company comes." [68] As late as 1869, New York voters defeated proposals to grant equal suffrage rights to Negroes, thus postponing complete enfranchisement until the ratification of the Fifteenth Amendment.

By 1860, five states — Massachusetts, Rhode Island, Maine, New Hampshire, and Vermont — in which dwelled 6 per cent of the total northern Negro population, had provided for equal suffrage rights. Doubts still lingered, however, concerning the practical exercise of political rights in these states. For example, a Boston newspaper claimed in 1830 that the state constitution excluded Negroes from "places of emolument and trust." As late as 1850, a skeptical southern senator charged that the aversion to Negro suffrage was so great in Massachusetts that "the voters absolutely drive them from the polls at an election, and scorn and spit upon them." Five years later, a French traveler observed that the Negroes of Massachusetts

[67] *Douglass' Monthly*, October, 1860, with editorial comment by Douglass.
[68] *Ibid.*, November, December, 1860.

and other New England states, although qualified, were frequently "designedly omitted" from the tax lists and thus blocked from voting.[69] These reports, however, do not accord with overwhelming evidence that Negroes voted, held the balance of power in some locations, acted as election officials, and were sometimes elected to local offices.[70]

Elsewhere, the general pattern of disfranchisement prevailed until the adoption of the Fifteenth Amendment. Several states submitted the question to the voters, but only in Wisconsin did Negro suffrage meet with popular approval.[71] The issue usually transcended party lines. Republican apathy in New York accorded with the party's attitude in other states. "The controlling idea of the one-horse politicians," Horace Greeley concluded in 1859, "is that the republicans must not let their adversaries have a chance to raise the cry of 'nigger' against them — that hence they must be as harsh, and cruel, and tyrannical, toward the unfortunate blacks as possible, in order to prove themselves 'the white man's party,' or else all the mean, low, ignorant, drunken, brutish whites will go against them from horror of 'negro equality.' "[72] In the era of Jacksonian democracy, Negro disfranchisement had been adopted in order to advance universal manhood suffrage and maintain white supremacy; on the eve of the Civil War, it still accorded with popular sentiment and party policy; in 1870, idealism,

[69] Boston *Evening Transcript*, September 28, 1830; *Appendix to the Congressional Globe*, 31 Cong., 1 sess., p. 1654; Michael Chevalier, *Society, Manners, and Politics in the United States* (Boston, 1839), p. 361 n.

[70] John R. Godley, *Letters from America* (2 vols.; London, 1844), II, 70; *Congressional Globe*, 30 Cong., 1 sess., p. 609; Nell, *Colored Patriots*, p. 112; *North Star*, November 24, 1848.

[71] Wisconsin voters approved a Negro-suffrage amendment in 1849, but a state supreme court decision was required in 1866 to uphold the validity of the vote. In the meantime, Negroes had not been permitted to vote, and the state's electorate had twice — in 1857 and 1865 — defeated suffrage extension. See John G. Gregory, "Negro Suffrage in Wisconsin," *Transactions of the Wisconsin Academy of Sciences, Arts, and Letters*, XI (1898), 94–101.

[72] Horace Greeley, *An Overland Journey from New York to San Francisco, in the Summer of 1859* (New York, 1860), p. 37.

political expediency, and a gradually aroused public conscience forced its abandonment.

Racial discrimination extended from the polls to the courtroom. No state questioned a Negro's right to legal protection and a redress of injuries, but some added significant qualifications. Five states — Illinois, Ohio, Indiana, Iowa, and California — prohibited Negro testimony in cases where a white man was a party, and Oregon forbade Negroes to hold real estate, make contracts, or maintain lawsuits. Under these circumstances, an Oregonian protested, the colored man "is cast upon the world with no defense; his life, liberty, his property, his all, are dependent on the caprice, the passion, and the inveterate prejudices of not only the community at large but of every felon who may happen to cover an inhuman heart with a white face."[73] But this, nevertheless, was the Negro's judicial plight in a large part of the North and West.

Although rigidly enforced, restrictions on Negro testimony were subject to varying court interpretations. When a lower Indiana court, for example, rejected such testimony in a case involving a Negro charged with the attempted murder of a white man, the state supreme court ordered that the witness be admitted, since the state was not "contemplated as a person of any particular color." The California Supreme Court, on the other hand, ruled that in a criminal action against a white man, a Negro, even if he were the injured party, could not testify.[74]

Where courts refused to admit Negro testimony, legal protection obviously had its limits. A white man could assault, rob, or even murder a Negro in the midst of a number of Negro witnesses and escape prosecution unless another white man had been present and had agreed to testify. Such laws scarcely

[73] *Oregon Constitutional Debates of 1857*, p. 385.

[74] Catterall (ed.), *Judicial Cases*, V, 39, 336.

secured a Negro's life and property; indeed, a prominent Cincinnati lawyer told Alexis de Tocqueville that it often resulted in "the most revolting injustices."[75] After dismissing a case because Negro testimony had been admitted, an Ohio judge angrily protested from the bench that in all of his judicial experience he could not recall a single instance where the law had served the purposes of justice. "The white man may now plunder the Negro," he declared, "he may abuse his person; he may take his life: He may do this in open daylight . . . and he must go acquitted, unless . . . there . . . be some white man present."[76] In 1849, after many years of agitation, Ohio finally abrogated the ban on Negro testimony, but in the southern portion of the state, where the Negro population was heaviest, observers admitted that the repealed law would still be practically enforced.[77]

In most of the North, custom and prejudice, in the absence of any appropriate statute, combined to exclude Negroes from jury service.[78] Only in Massachusetts, where the Negro advanced more rapidly toward equal rights than in any other state, were Negroes admitted as jurors prior to the Civil War. As late as 1855, a Boston Negro leader had protested the absence of colored jurors and had called upon his people to agitate relentlessly for equal judicial rights. Five years later, two Negroes were named as jurymen in Worcester, and they were called "the first of such instances" in the state's history.[79]

The absence of Negro jurors, judges, and witnesses, when added to the general economic degradation of the colored people, largely explains the disproportionate number of Negroes in northern jails, prisons, and penitentiaries. Contemporary statistical studies demonstrated convincingly that Negroes made up a startling percentage of convicted offenders. One such study, published in 1826, revealed that Massachusetts Negroes comprised one seventy-fourth of the population but contributed one-sixth of the state's prisoners; New York Negroes constituted one thirty-fifth of the population but contributed one-fourth of the state's convicts; and Pennsylvania Negroes made up one thirty-fourth of the population but supplied one-third of the prisoners.[80] "Already are our prisons and poor houses crowded with the blacks," a Pennsylvania state senate committee reported in 1836. "The disparity of crime between the whites and the blacks, which is at present so distressing to every friend of humanity and virtue, and so burdensome to the community, will become absolutely intolerable in a few years: and the danger to be apprehended is, that if not removed, they will be exterminated."[81] While northern legislatures and governors expressed alarm over the situation, southern observers smugly concluded that this was simply an inevitable product of emancipation.[82]

Statistics, however, ignored the two-sided nature of northern justice. In some states or cities, authorities arrested Negroes for various minor offenses, such as vagrancy, while ignoring similar infractions committed by whites; Negroes often found it difficult to obtain competent legal counsel and witnesses on their behalf; judges sometimes sentenced Negroes for longer terms than whites although both were convicted of the same

[75] Pierson, *Tocqueville and Beaumont in America*, p. 565.
[76] Catterall (ed.), *Judicial Cases*, V, 11.
[77] Ohio *State Journal*, February 24, 1849.
[78] [Isaac Candler], *A Summary View of America* (London, 1824), p. 291.
[79] *Triumph of Equal School Rights in Boston. Proceedings of the Presentation Meeting held in Boston, December 17, 1855* (Boston, 1856), p. 21; *The Liberator*, April 1, 1859, June 15, 1860; C. J. Furness, "Walt Whitman Looks at Boston," *New England Quarterly*, I (1928), 356; *Appendix to the Congressional Globe*, 36 Cong., 1 sess., p. 284.

[80] *First Annual Report of the Board of Managers of the Boston Prison Discipline Society* (6th ed.; Boston, 1830), pp. 23–25; *Free Negroism: or, Results of Emancipation in the North and the West India Islands* (New York, 1862), pp. 2–3, 6; J. S. Buckingham, *The Eastern and Western States of America* (3 vols.; London, 1842), II, 26.
[81] *Journal of the Senate of Pennsylvania*, 1836–37 sess., I, 680. See also *Pennsylvania Archives* (Ser. 4, 12 vols.; Harrisburg, 1900–1902), V, 386–87.
[82] *Congressional Debates*, 21 Cong., 1 sess., p. 201; E. N. Elliott, *Cotton Is King, and Pro-Slavery Arguments* (Augusta, Ga., 1860), pp. 37–40; "Reflections on the Census of 1840," *Southern Literary Messenger*, IX (1843), 345–47.

crime; and Negroes found it much more difficult to secure pardons than whites or to pay fines imposed on them.[83]

Had racial prejudice not permeated both bench and jury, it would have been remarkable. "It is hardly possible," a New Yorker told the 1846 constitutional convention, "that persons in their condition [Negroes] should have an impartial trial. Hated, trodden down, and despised, they had not the means to procure counsel to defend themselves against false and malicious charges, and false witnesses; and too often, an accusation against them was equivalent to conviction."[84] After inspecting several northern prisons, speaking with their colored inmates, and surveying the general condition of the Negro in the North, English traveler Edward Abdy concluded that when a crime was committed, public opinion almost invariably turned upon the Negro. Moreover, he added, "want of work, ignorance, and the difficulty of finding unprejudiced witnesses and juries . . . have led too many of this unfortunate race to the prisons and penitentiaries of the country."[85]

Improvement did not come easily. When Worcester admitted Negroes to the jury box, for example, some northerners viewed it as a frightening spectacle and a dangerous precedent. "Republicanism . . . in Massachusetts," an irate Indiana congressman warned, "would allow a white man to be accused of crime by a negro; to be arrested on the affidavit of a negro, by a negro officer; to be prosecuted by a negro lawyer; testified against by a negro witness; tried before a negro judge; convicted before a negro jury; and executed by a negro executioner; and either one of these negroes might become the husband of his widow or his daughter!"[86] Although this statement exaggerated the consequences, it correctly reflected the improved legal position of Massachusetts Negroes. However, this was not the general northern pattern. By 1860, most Negroes still found severe limitations placed upon the protection of their life, liberty, and property.

[83] *A Statistical Inquiry into the Condition of the People of Colour, of the City and Districts of Philadelphia* (Philadelphia, 1849), p. 27; *The Present State and Condition of the Free People of Colour, of the City of Philadelphia and Adjoining Districts* (Philadelphia, 1838), pp. 15–17; *A Review of a Pamphlet, entitled an Appeal to the Public on Behalf of a House of Refuge for Colored Juvenile Delinquents* (Philadelphia, 1847), pp. 8–10.

[84] *New York Constitutional Debates of 1846*, p. 1030.

[85] Abdy, *Journal of a Residence and Tour*, I, 46–47, 95, III, 151.

While statutes and customs circumscribed the Negro's political and judicial rights, extralegal codes — enforced by public opinion — relegated him to a position of social inferiority and divided northern society into "Brahmins and Parias."[87] In virtually every phase of existence, Negroes found themselves systematically separated from whites. They were either excluded from railway cars, omnibuses, stagecoaches, and steamboats or assigned to special "Jim Crow" sections; they sat, when permitted, in secluded and remote corners of theaters and lecture halls; they could not enter most hotels, restaurants, and resorts, except as servants; they prayed in "Negro pews" in the white churches, and if partaking of the sacrament of the Lord's Supper, they waited until the whites had been served the bread and wine. Moreover, they were often educated in segregated schools, punished in segregated prisons, nursed in segregated hospitals, and buried in segregated cemeteries. Thus, one observer concluded, racial prejudice "haunts its victim wherever he goes, — in the hospitals where humanity suffers, — in the churches where it kneels to God, — in the prisons where it expiates its offences, — in the graveyards where it sleeps the last sleep."[88]

[86] *Appendix to the Congressional Globe*, 36 Cong., 1 sess., p. 285.

[87] Abdy, *Journal of a Residence and Tour*, I, 44; Chambers, *Things as They Are in America*, pp. 354–58; Henry B. Fearon, *Sketches of America* (London, 1818), pp. 60–61, 168–69.

[88] Gustave De Beaumont, *Marie, or Slavery in the United States* (tr. by Barbara Chapman, Stanford, 1958), pp. 66, 75–76; Bell, *Men and Things in America*, pp. 179–81; [James Boardman], *America, and the Americans* (London, 1833), p. 311; Chambers, *American Slavery and Colour*, pp. 131–35; Francis J. Grund, *Aris-*

To most northerners, segregation constituted not a departure from democratic principles, as certain foreign critics alleged, but simply the working out of natural laws, the inevitable consequence of the racial inferiority of the Negro. God and Nature had condemned the blacks to perpetual subordination. Within the context of ante bellum northern thought and "science," this was not an absurd or hypocritical position. Integration, it was believed, would result in a disastrous mixing of the races. "We were taught by our mothers," a New York congressman explained, "to avoid all communications with them" so that "the theorists and utopians never would be able to bring about an amalgamation."[89]

The education of northern youths—at home and in school—helped to perpetuate popular racial prejudices and stereotypes and to confirm the Negro in his caste position. In 1837, for example, a Boston Negro minister discussed the origins of racial attitudes in the younger generation. As children, whites were warned to behave or "the old nigger will carry you off," and they were reprimanded as being "worse than a little *nigger*." Later, parents encouraged their children to improve themselves, lest they "be poor or ignorant as a *nigger*" or "have no more credit than a *nigger*." Finally, teachers frequently punished their students by sending them to the "nigger-seat" or by threatening to put them in a Negro class. Such training, the Negro minister concluded, had been "most disastrous upon the mind of the community; having been instructed from youth to look upon a black man in no other light than a slave."[90] Under such circumstances, white adults could

tocracy in America (2 vols.; London, 1839), I, 177–78; [Thomas Hamilton], *Men and Manners in America* (2 vols.; London, 1834), I, 93–99; Charles Mackay, *Life and Liberty in America* (2 vols.; London, 1859), II, 41–42; Edward Sullivan, *Rambles and Scrambles in North and South America* (London, 1852), pp. 203–4.

[89] *Appendix to the Congressional Globe*, 30 Cong., 1 sess. p. 581.

[90] Hosea Easton, *A Treatise on the Intellectual Character, and Civil and Political Condition of the Colored People of the United States; and the Prejudice Exercised Towards Them* (Boston, 1837), pp. 40–41, 43.

hardly be expected to afford Negroes equal political and social rights.

Northerners drew the Negro stereotype in the image of his political, economic, and social degradation and constantly reminded him of his inferiority. Newspapers and public places prominently displayed cartoons and posters depicting his alleged physical deformities and poking fun at his manners and customs. The minstrel shows, a popular form of entertainment in the ante bellum North, helped to fix a public impression of the clownish, childish, carefree, and irresponsible Negro and prompted one Negro newspaper to label these black-face imitators as "the filthy scum of white society, who have stolen from us a complexion denied to them by nature, in which to make money, and pander to the corrupt taste of their fellow-citizens."[91] Nevertheless, the minstrel shows, newspapers, and magazines combined to produce a Negro stereotype that hardly induced northerners to accord this clownish race equal political and social rights. As late as 1860, a group of New York Negroes, in an appeal for equal suffrage, complained bitterly that every facet of northern opinion had been turned against them. "What American artist has not caricatured us?" they asked. "What wit has not laughed at us in our wretchedness? has not ridiculed and condemned us? Few, few, very few."[92]

In addition to persistent public reminders of their physical and mental inferiority, Negroes frequently complained that they had to endure "abusive epithets" and harassment when walking through white areas or shopping in white stores. In passing a group of white men, "ten chances to one" there would be a "sneer or snigger, with characteristic accompanying remarks." Children often tormented them in the streets and hurled insulting language and objects at them.[93] "There

[91] *North Star*, October 27, 1848.

[92] Aptheker (ed.), *Documentary History*, p. 456.

[93] Easton, *A Treatise*, p. 41; *North Star*, March 30, 1849; Abdy, *Journal of a*

appears to be a fixed determination on the part of our oppressors in this country," a Negro wrote in 1849, "to destroy every vestige of self-respect, self-possession, and manly independence left in the colored people; and when all things else have failed, or may be inconvenient, a resort to brow-beating, bully-ragging, and ridicule is at once and at all times had."[94]

Anti-Negro sentiment did not confine itself to popular ridicule and petty harassment. It frequently took the forms of mob action and violence, especially in the large centers of Negro population. In 1829, Cincinnati mobs helped to convince more than half of the Negro inhabitants of that city that flight was preferable to violence and enforcement of the "Black Codes." Twelve years later, a mob descended on the Negro section and prompted its inhabitants to seek protection from city officials. Agreeing to disarm, Negro men found themselves placed in the city jail in order to avoid further violence. The mob then turned on their women and children. "Think, for one moment," the Cincinnati *Gazette* reported, "of a band calling themselves men, disarming, carrying away and securing in prison, the male negroes, promising security and protection to their women and children — and while they were confidently reposing in that security, returning with hellish shouts, to attack these helpless and unprotected persons!"[95]

Sporadic outbreaks, preludes to the disastrous Draft Riots of 1863, occurred in New York City, but violence flared even more frequently in Philadelphia. Between 1832 and 1849, Philadelphia mobs set off five major anti-Negro riots. In July, 1834, a white mob stormed through the Negro section, clubbed and stoned its victims, destroyed homes, churches, and meeting halls, forced hundreds to flee the city, and left many others

Residence and Tour, III, 206–7; Mrs. Felton, *American Life: A Narrative of Two Years' City and Country Residence in the United States* (London, 1842), p. 58.

[94] *North Star*, March 30, 1849.

[95] *Tenth Annual Report of the Board of Managers of the Massachusetts Anti-Slavery Society* (Boston, 1842), pp. 99–102; J. Reuben Sheeler, "The Struggle of the Negro in Ohio for Freedom," *Journal of Negro History*, XXXI (1946), 213–14.

homeless. In assessing the causes of the riot, a citizens' committee cited the frequent hiring of Negroes during periods of depression and white unemployment and the tendency of Negroes to protect, and even forcibly rescue, their brethren when the latter were arrested as fugitive slaves. To prevent further violence, the committee called upon influential Negroes to impress upon their people "the necessity, as well as the propriety, of behaving themselves inoffensively and with civility at all times and upon all occasions; taking care, as they pass along the streets, or assemble together, not to be obtrusive."[96]

Perhaps influenced by the Philadelphia outbreak, anti-Negro violence erupted in other parts of the state. In August, 1834, a Columbia mob invaded the Negro section of that city, destroyed homes, and forced many of its victims to hide in nearby woods until order was restored. A meeting of "the working men and others favorable to their cause" blamed the riots on abolitionist attempts to amalgamate the two races, agreed to boycott merchants who hired Negroes "to do that species of labor white men have been accustomed to perform," and declared its support of the American Colonization Society. Subsequently, white leaders met with Negro property-holders to discuss the disposition of their property at "a fair valuation" and to advise them not to receive any Negro residents from other areas. Few of these property-holders, the committee reported, indicated any reluctance to "sell as fast as funds could be raised." A new meeting then called upon local "capitalists" to give serious consideration to this "very profitable investment of their funds." Meanwhile, mob violence continued and finally prompted one wealthy Negro coal and lumber dealer to offer his entire stock at a reduced price in order to close his business.[97]

[96] Turner, *Negro in Pennsylvania*, pp. 160–65; Abdy, *Journal of a Residence and Tour*, III, 316–33; Joseph Sturge, *A Visit to the United States in 1841* (London, 1842), p. 46; Bell, *Men and Things in America*, pp. 178–79.

[97] *The Liberator*, September 20, 1834; William F. Worner, "The Columbia Race Riots," *Lancaster County Historical Society Papers*, XXVI (1922), 175–87.

Political disfranchisement did not, as some of its backers had promised, eliminate racial tensions. Violence broke out in New York City in 1834, and on August 1, 1842, Philadelphia mobs attacked a Negro parade commemorating the abolition of slavery in the West Indies. This touched off a riot which ended only after whites had beaten many Negroes, destroyed several homes, and burned the new African Hall and the Colored Presbyterian Church. A grand jury subsequently placed the blame on the provocative nature of the Negro processions, but others charged that the attack had been premeditated and strengthened by unemployed white workers. Economic depression still prevailed in a large part of the country, and, according to one observer, the whites felt that the destruction or expulsion of the Negroes would open up job opportunities.[98] Robert Purvis, a Philadelphia Negro leader, called it "one of the most ferocious and bloody spirited mobs, that ever cursed a Christian (?) community" and charged city officials with apathy and negligence. "Press, Church, Magistrates, Clergymen and Devils are against us," Purvis wrote. "The measure of our suffering is full. . . . From the most painful and minute investigation, in the feelings, views and acts of this community—in regard to us—I am convinced of our utter and complete nothingness in public estimation." Only a year before, an English Quaker visiting Philadelphia remarked that probably no city exists "where dislike, amounting to hatred of the coloured population, prevails more than in the city of brotherly love!" When new riots broke out in 1849, Frederick Douglass concluded: "No man is safe—his life—his property—and all that he holds dear, are in the hands of a mob, which may come upon him at any moment—at midnight or mid-day, and deprive him of his all."[99]

[98] Abdy, *Journal of a Residence and Tour*, III, 115–25; Beaumont, *Marie*, pp. 243–52; Samuel D. Hastings to Lewis Tappan, August 19, 1842, Tappan Papers, Library of Congress; *The Liberator*, August 12, 19, 26, September 2, 9, 16, 1842.

[99] Robert Purvis to Henry C. Wright, August 22, 1842, Weston Papers, Boston Public Library; Sturge, *Visit to the United States*, p. 40; *North Star*, October 19, 1849.

In explaining the need for a segregated society, whites usually referred to the economic degradation of the northern Negro and his inability to rise above the menial employments. However, those Negroes who managed to accumulate property and advance their economic position generally achieved a greater respectability only among their own people and found no escape from the scorn and ridicule of white society. "The worst are treated with contempt," an English observer noted, "while the better portion are spoken of with a degree of bitterness, that indicates a disposition to be more angry with their virtues than their vices."[100] Indeed, economic improvement might incur even greater hostility and suspicion. Northern whites had come to accept irresponsibility, ignorance, and submissiveness as peculiar Negro characteristics, as natural products of the Negroes' racial inferiority. Consequently, those who rose above depravity failed to fit the stereotype and somehow seemed abnormal, even menacing. The "drunken, idle, ignorant, and vicious" Negro, Frederick Douglass explained, was the proper butt of the white man's humor; he was termed "a good-natured fellow" and was always the first to be asked to hold the horse or shine the boots of the white man. As long as he catered to white wishes and pride, as long as "he consents to play the buffoon for their support," he would be tolerated. But if he rejected this servile position, educated himself, and improved his economic position, he aroused white prejudice and jealousy for attempting to leave his "place" in society.[101]

By the 1840's, an increasing number of northern Negroes refused to accept passively their assigned place in society. In addition to agitating for equal suffrage, judicial, and educational rights, they sought to break down those barriers which excluded them from public places and vehicles or which seg-

[100] Abdy, *Journal of a Residence and Tour*, I, 117.

[101] *North Star*, June 13, 1850.

regated them in Jim Crow sections. Experience had taught the Negro that only constant pressure for immediate changes, rather than a passive trust in gradualism, would produce results. Accordingly, Negroes secured the assistance of white abolitionists, formed independent organizations, published several newspapers, and achieved some remarkable progress toward racial equality. The success of their agitation varied from state to state, but nowhere was it more vividly demonstrated than in Massachusetts.

After 1821, the political position of the Massachusetts Negro gradually and perceptibly improved. His right to vote and hold office had been generally acknowledged, but such progress had not been made in the economic and social spheres, where Negroes competed with new immigrants for the menial employments and encountered the familiar pattern of segregation, extending from public transportation to the theater. In 1831, Boston's mayor, Harrison Gray Otis, described the Negro inhabitants as "a quiet, inoffensive, and in many respects a useful race," but the "repugnance to intimate social relations with them is insurmountable." Fifteen years later, the state statistician reported that racial prejudice doomed Massachusetts Negroes to economic and social inferiority and accounted for the decrease of their numerical strength in proportion to the whites. On the eve of the Civil War, abolitionist Senator Henry Wilson admitted in Congress that powerful prejudices still existed and that Negroes "with the same intellectual qualities, the same moral qualities, are not in Massachusetts regarded as they would be if they were white men."[102]

Possession of the suffrage, then, did not automatically open the doors of white society. Statutes barred Massachusetts Negroes from intermarrying with whites, and extralegal restrictions segregated them in public places and vehicles. In 1841,

[102] *Niles' Weekly Register*, XLV (September 14, 1833), 43; Jesse Chickering, *A Statistical View of the Population of Massachusetts, from 1765 to 1840* (Boston, 1846), pp. 155–60; *Congressional Globe*, 35 Cong., 1 sess., p. 1966.

the fear of possible mob violence even prompted Boston authorities to place Negro participants in the rear of President William Henry Harrison's funeral procession.[103] Any attempt to secure equal rights for Negroes would first have to arouse public opinion to the undemocratic nature of such distinctions. With this in mind, Massachusetts abolitionists—Negro and white—set out to convince an apathetic and frequently hostile public that a consistent stand against southern slavery involved the full recognition of the rights of local Negroes.

In one of the first issues of *The Liberator*, William Lloyd Garrison launched a campaign to repeal the law barring marriages between Negroes and whites.[104] Abolitionists accompanied an incessant editorial barrage with a continuous flow of petitions to the legislature and placed particular emphasis on the inconsistency of such a statute with the state's traditional hostility to slavery. "So long as Southerners can point to it on her Statute Book," John Greenleaf Whittier declared, "the anti-slavery testimony of Massachusetts is shorn of half its strength."[105] Agreeing with this sentiment, a legislative committee concluded that the existence of such a law belied "sentiments which we have heretofore expressed to Congress and to the world on the subject of slavery, for by denying to our colored fellow-citizens any of the privileges and immunities of freemen, we virtually assert their inequality, and justify that theory of negro slavery which represents it as a state of necessary tutelage and guardianship."[106]

The possibility that Massachusetts might actually repeal its ban on interracial marriages drew some bitter comments from both northern and southern newspapers, including a warning

[103] *National Anti-Slavery Standard*, May 20, 1841.

[104] *The Liberator*, January 8, 1831. See also May 7, 1831, January 28, February 11, March 31, 1832, February 5, 1841, February 24, 1843.

[105] *Ibid.*, February 22, 1839.

[106] *Massachusetts House of Representatives, House Report*, No. 46 (March 6, 1840), pp. 7–8; No. 7 (January 19, 1841).

that "such alliances will never be tolerated in New England." [107] Some legislators defended the law on grounds that it was not discriminatory because it applied equally to both races; moreover, it recognized certain natural distinctions, "which nothing but the insanity of fanaticism dares to arraign," and prevented a deterioration of the white race.[108] Nevertheless, after more than a decade of agitation, the legislature voted, on February 24, 1843, to repeal the act. Abolitionists hailed the successful campaign as "another staggering blow . . . to the monster prejudice," and Garrison reassured an English correspondent that their object was not to promote amalgamation but "to establish justice, and vindicate the equality of the human race." [109]

Simultaneously with their attack on the intermarriage ban, abolitionists moved to abolish the Jim Crow railroad cars. Precedents already established in stagecoaches and steamships, as well as the existing state of public opinion, accounted for the assignment of Negroes to special coaches.[110] Josiah Quincy, Jr., president of the Boston and Providence Railroad, recalled that when the Providence road opened the shortest route to New York, "it was found that an appreciable number of the despised race demanded transportation. Scenes of riot and violence took place, and in the then existing state of

[107] Editorial comment reprinted in *The Liberator*, April 2, May 21, June 11, 1831, February 8, 1839, and in *National Anti-Slavery Standard*, April 1, 1841. For the critical reaction of a Hallowell, Maine, town meeting, see Charles L. Remond to Elizabeth Pease, May 5, 1841, Garrison Papers, Boston Public Library.

[108] *Massachusetts House of Representatives, House Report*, No. 28 (February 25, 1839), p. 10; No. 74 (April 3, 1839).

[109] William Lloyd Garrison to Richard D. Webb, February 28, 1843, Garrison Papers.

[110] For origins of the term "Jim Crow" as applied to separate railroad accommodations, apparently first used in Massachusetts, see Mitford M. Mathews (ed.), *A Dictionary of Americanisms* (2 vols.; Chicago, 1951), I, 906–7. Some examples of stagecoach and steamboat segregation may be found in *Freedom's Journal*, March 23, 1827; *The Liberator*, January 15, December 10, 1831, July 7, August 11, 1832, December 28, 1833, November 30, 1838, September 17, 1841; Abdy, *Journal of a Residence and Tour*, II, 48–49.

opinion, it seemed to me that the difficulty could best be met by assigning a special car to our colored citizens." [111] As early as 1838—only a few years after railroads first came into public use in Massachusetts—Negroes demanded an end to segregation on trains, steamboats, and stagecoaches. By the 1840's, the newspapers frequently reported cases of Negroes' being forcibly removed from railroad cars for refusing to sit in the Jim Crow sections.[112]

The failure to secure a court injunction against such practices prompted Negroes to turn to the legislature for relief. Meanwhile, abolitionists urged their followers to boycott companies which sanctioned segregation and to flood the legislature with petitions. In an effort to arouse public indignation, they pointed out that southern slaveholders, when traveling through the state, were allowed to keep their Negro bondsmen with them in cars which excluded native free Negroes. Therefore, "it is *not* color alone which excluded a man from the best car. The colored person to be excluded must also be *free*!!" [113]

Abolitionist agitation produced the desired effect. In 1842, a joint legislative committee, after conducting hearings, reported that the railroad restrictions violated the Negro's rights as a citizen, conflicted with the state constitution, and "would be an insult to any white man." Since the railroad companies derived corporate privileges from the legislature, the committee recommended a bill which would prohibit any distinctions in accommodations because of descent, sect, or color.[114]

[111] Josiah Quincy, Jr., *Figures of the Past* (Boston, 1883), pp. 340–41.

[112] August W. Hanson to Frances Jackson, October 22, 1838, Garrison Papers; *The Liberator*, October 18, 1839, July 2, 9, 23, August 27, October 1, 8, 15, November 5, 12, 1841; *Colored American*, September 25, October 30, 1841.

[113] *The Liberator*, October 1, November 5, 1841. Two unsuccessful attempts to obtain court action against the railroads are described in *ibid.*, August 6, November 5, 1841.

[114] *Massachusetts Senate, Senate Report*, No. 63 (February 22, 1842). For the testimony of Wendell Phillips and Charles L. Remond before the legislative committee, see *The Liberator*, February 18, 25, 1842.

Governor Marcus Morton suggested, in the following year, that if any citizens, in railroad cars or elsewhere, sustained injuries because of their descent or color for which no legal redress was available, they should be provided with "remedies adequate to their protection in the enjoyment of their just and equal rights." [115]

Such sentiment was not unanimous. The railroad directors argued that all Massachusetts corporations had been granted the power to make "reasonable and proper" by-laws for the management of their business, and "the established usage and the public sentiment of this community authorize a separation of the blacks from the whites in public places." A Boston newspaper charged that recent legislative proposals, designed to make Massachusetts a "paradise of colored people," had resulted in a sizable increase in Negro immigration. The effect of the proposed railroad bill, the newspaper pointed out, would be to subject passengers "to the hazard of being compelled to sit cheek by jowl with any colored person who may chance to seize upon the adjoining seat." Moreover, a state senator warned, such legislation would not stop at forcing the mixture of Negroes and whites in railroad cars but would subsequently be applied to hotels, religious societies, "and through all the ramifications of society." [116]

The legislature refused to adopt the proposed act. Nevertheless, constant abolitionist pressure, the growing impact of public opinion, and the threat of legislative action prompted the railroad companies to abandon segregation, and only a few cases were reported after 1842. Frederick Douglass, who had frequently been a victim of these restrictions, noted in 1849 that "not a single railroad can be found in any part of Massachusetts, where a colored man is treated and esteemed

[115] Marcus Morton to Henry I. Bowditch, October 2, 1843, Garrison Papers.
[116] *The Liberator*, November 5, 1841, February 10, 17, 1843.

in any other light than that of a man and a traveler." The abolitionists had scored a significant triumph.[117]

Although so often rebuked for their ignorance, Negroes frequently found it difficult to take advantage of the increasing opportunities for adult education, particularly the popular lecture presentations of the Lyceum. Lecture-hall managers either refused them admittance or consigned them to remote corners, usually in the balcony. In Boston, where this was apparently not the practice, one Lyceum subscriber protested in the local press that he refused to "carry a lady to a lecture, and compel her to do the pennance of sitting cheek by jowl with a negro." In the absence of any restrictions, he warned that the Boston Lyceum, among the first to be established in the United States, would "become nothing more than the patron and upholder of abolition orgies; the auditory consisting of the same class usually found in the third tier and gallery of the theatres." [118] The Boston Lyceum apparently withstood such attacks and managed to survive.

In nearby New Bedford, however, Lyceum authorities in 1845 excluded Negroes from membership and assigned them to gallery seats — after they had once enjoyed the same privileges as whites. This precipitated an immediate reaction. In addition to abolitionist threats to boycott the Lyceum, three prominent lecturers — Ralph Waldo Emerson, Charles Sumner, and Theodore Parker — refused to appear there until the restrictions had been rescinded. Emerson told a Concord abolitionist "that the Lyceum being a popular thing designed for the benefit of all, *particularly* for the most ignorant . . . he should not know how to address an assembly where this class was excluded, and if any were excluded, it should be the cultivated classes." [119] When the Lyceum remained ada-

[117] *Ibid.*, April 28, 1843, June 8, 1849.
[118] *Ibid.*, January 13, 1843.
[119] Mary Brooks to Caroline Weston, March 19, November 24, 1845, Weston Papers; Deborah Weston to Anne Warren Weston, October 1845, *ibid.*; Sumner,

mant in its refusal to admit Negroes to membership, abolitionists organized a rival association.[120]

By 1859, a Boston Negro leader could point not only to the frequent presence of his people at popular lectures but also to the actual appearance of Frederick Douglass and other prominent Negro abolitionists on Lyceum platforms. Exclusion and segregation, however, still confronted Negroes in several Boston theaters, and legal action to abolish these restrictions proved largely unsuccessful.[121]

By the eve of the Civil War, Massachusetts Negroes had made considerable progress toward the attainment of full civil rights, but much remained to be done. "Some persons think," a Boston Negro leader remarked in 1860, "that because we have the right to vote, and enjoy the privilege of being squeezed up in an omnibus, and stared out of a seat in a horse-car, that there is less prejudice here than there is farther South." This was only partially true, he continued, for "it is five times as hard to get a house in a good location in Boston as it is in Philadelphia, and it is ten times as difficult for a colored mechanic to get work here as it is in Charleston." Moreover, local restaurants, hotels, and theaters continued to exclude the Negro, while at least two amusement places helped to perpetuate existing prejudices through constant caricature and ridicule.[122]

Few could deny, however, that in several areas the Negro had at least ceased to be a second-class citizen. He could now vote, hold public office, testify in court, sit as a juror, ride

Works, I, 160–62; Zephaniah W. Pease (ed.), *The Diary of Samuel Rodman: A New Bedford Chronicle of Thirty-Seven Years, 1821–1859* (New Bedford, 1927), pp. 269–70; *The Liberator*, October 31, November 28, 1845.

[120] Maria (Weston) Chapman, "An Incident of Anti-Slavery Reform," n.d., Weston Papers; *The Liberator*, December 5, 19, 1845.

[121] Catterall (ed.), *Judicial Cases*, IV, 524, 527–28; Mary C. Crawford, *Romantic Days in Old Boston* (Boston, 1922), p. 249; *The Liberator*, October 30, 1857.

[122] *The Liberator*, March 16, 1860.

public vehicles, and intermarry with whites. To many observers, especially those from outside the state, it was a rather frightening spectacle: amalgamation had run amuck in the Puritan Commonwealth.[123]

Elsewhere in the North, Negroes met with little success in their efforts to break down segregation. Rather than submit to further harassment on New York City public conveyances, Negroes formed the "Legal Rights Association," deliberately violated company segregation rules, and employed, among others, Chester A. Arthur as legal counsel.[124] The railroad directors replied, however, that public sentiment required separate cars for Negroes and pointed out that Negroes could stand on the front platforms of any cars. In a case involving the expulsion of a Negro woman from a segregated car, the presiding judge instructed the jury that Negroes, "if sober, well behaved, and free from disease," possessed the same rights as whites and could not be excluded by force or violence from public conveyances. The jury convicted the railroad company of negligence and ordered damages paid to the plaintiff.[125] However, one year later—in 1856—a jury refused to convict a railroad company for ejecting a Negro minister from one of its cars. In a lengthy instruction to the jury, the presiding judge pointed out that common carriers had the right to prescribe reasonable rules and regulations, that they were not obligated to carry particular persons when such action might adversely affect their interests, and that consideration had to be given to "the probable effect upon the capital, business and interests of admitting blacks into their cars indiscriminately with the whites." Moreover, the principles in-

[123] *Appendix to the Congressional Globe*, 36 Cong., 1 sess., pp. 284–85.

[124] New York *Daily Times*, August 27, 1855; *Frederick Douglass' Paper*, May 11, September 7, 1855; Leo H. Hirsch, Jr., "The Negro and New York, 1783 to 1865," *Journal of Negro History*, XVI (1931), 426.

[125] New York *Daily Times*, May 29, 1855; *Frederick Douglass' Paper*, July 28, 1854, March 2, 1855.

volved in this case could readily be applied to hotel owners, omnibus proprietors "and all others of that description."[126]

When Philadelphia streetcars went into operation in 1858, Negroes could ride only on the front platform. Protesting this practice, one local newspaper charged that Philadelphia was the only northern city which barred Negroes from the public conveyances and that this prevented them from moving to outlying areas where they could secure cleaner and more comfortable homes at cheaper rates. The Philadelphia District Court, however, upheld the restriction as a consequence of the different treatment accorded Negroes and whites, particularly since 1838. Finally, in 1867, a legislative act forbade segregation in public conveyances.[127]

Although the Negro made substantial gains in Massachusetts and scored sporadic successes elsewhere, his general political and social position remained unaltered. By 1860, the North had clearly defined its position on racial relations: white supremacy and social peace required a vigorous separation of blacks and whites and the concentration of political and judicial power in the hands of the superior race—the Caucasian. "The result," an English traveler observed, "is a singular social phenomenon. We see, in effect, two nations—one white and another black—growing up together within the same political circle, but never mingling on a principle of equality."[128]

[126] New York *Daily Times*, December 18, 20, 1856.
[127] *The Liberator*, September 21, 1860; Turner, *Negro in Pennsylvania*, pp. 197–98; *A Brief Narrative of the Struggle for the Rights of the Colored People of Philadelphia in the City Railway Cars* (Philadelphia, 1867).
[128] Chambers, *Things as They Are in America*, p. 357.