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THE PARTICIPATION OF NEGROES  
IN THE GOVERNMENT OF ALABAMA  
1867-1874

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ARTHUR WILLIAMS

DEPARTMENT OF HISTORY

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## TABLE OF CONTENTS

Chapter	Page
I. HISTORICAL BACKGROUND . . . . .	1
Status of the Negro Under the Slave System	
Calling of the Constitutional Convention of 1865	
Abolition of Slavery	
Attitude Toward Negro Suffrage	
Prohibition of Interracial Marriage	
Marital Status of Ex-slaves	
Adjournment of Convention	
The Provisional Government	
Attitude Toward 13 and 14 Amendments	
Legal Status of Negroes	
Enactment of Black Codes	
Question of Negro Suffrage	
The New Reconstruction Policy	
II. INAUGURATION OF THE RECONSTRUCTION POLICY. . . . .	9
Execution of Reconstruction Policy in Alabama	
The Activities of Carpetbaggers	
Union Leagues and Negroes	
Registration of Voters	
Democratic Reaction	
Attitude of Democratic Newspapers Toward Negro Suffrage	
Results of the Election of 1867	
III. ACTIVITIES OF NEGROES IN THE CONSTITUTIONAL CONVENTION OF 1867 . . . . .	15
Character of the Convention	
Question of Education	
Albert Strother's Resolution	
Question of Disfranchisement	
Conservative Views of Thomas Lee	
The Comment of a Local Newspaper	
Rapier's Proposal on Negro Civil Rights	
A Scalawag Resolution on Negro Civil Rights	
Opinion of Negroes on Civil Rights	
The Issue of Interracial Marriage	
The Marital Status of Negroes	
Adjournment of the Convention	
Democratic Reaction Toward the Constitution	
Desertion of Negroes from the Union League	
Attitude of Union League President Toward Negro Desertion	
Constitution Fails of Adoption	
Alabama Question in Congress	
Restoration of Alabama to the Union	

## Chapter

## Page

IV. ACTIVITIES OF NEGROES IN THE GENERAL ASSEMBLY, 1868-1870 . . . . .	27
Number of Negroes in the Legislature	
Negroes on Standing Committees	
Railroad Interests of Carpetbaggers	
The Bribery of Members of the Legislature for "railroad votes"	
Significance of the Ku Klux Klan Act	
Inadequate Provisions for Education	
An Act to Segregate Negroes in Schools	
Effort of Democrats to Repeal School Laws in Mobile	
Opposition of John Carraway	
The Tendency of Negroes to Vote with the Democrats	
Ratification of the 13th and 14th Amendments	
Ratification of the 15th Amendment and Rapier's Comment	
Attitude of Democrats Toward 15th Amendment	
The Common Carrier Bill Issue	
Comment of Democratic Newspaper on the Common Carrier Bill	
Appearance of Schism in the Republican Party	
V. DECLINING POLITICAL STATUS OF NEGROES, 1870-1872 . . . . .	39
Decline of the Republican Party	
Bankruptcy of Carpetbagger Railroad	
Restoration Process of White Rule	
Campaign of 1870	
Negroes and the Ku Klux Klan	
Migration Sentiment of Negroes	
Number of Negroes in the Democratic Legislature of 1870	
Peyton Finley's Plea for a Negro University	
An Act to Establish Negro Normal Schools	
Insignificance of Negro Activity in the Legislature	
Effort of Democrats to Repeal Previous Legislation	
Negro Labor Convention: A Protest Movement	
Negro Democratic Sentiment	
Influence of Scalawags in the State Convention of 1872	
VI. THE DECLINE OF THE POLITICAL ACTIVITIES OF NEGROES, 1872-1874 . . . . .	49
Republicans Win the Election of 1872	
Number of Negroes in the Legislature	
The Defeat of the Civil Rights Bill	
The Report of Negro Commissioners of the Marion Normal School	
An Act to Establish a Negro "University"	
The Conservative Policy in the Dallas Convention	
Campaign of 1874	
Schism in the Republican Party	

Chapter		Page
	Intimidation of James T. Rapier	
	Brutality of the White Democrats	
	Effort of Negroes to Organize an Emigration Association	
	Restoration of White Rule, 1875	
VII.	NEGRO CONGRESSMEN FROM ALABAMA. . . . .	59
	Benjamin Turner	
	Turner's Speech on the Bill Providing for the Erection of Public Buildings	
	James T. Rapier	
	Rapier's Effort to Secure the Enactment of the Civil Rights Bill	
	Jeremiah Haralson	
	Haralson's Conservative Policy	
	CONCLUSIONS . . . . .	63
IX.	APPENDIX . . . . .	64
	A. Negro Officeholders of Alabama, 1867-1877 . .	65
	B. Resolution of the Negro Democratic Club, 1872.	70
X.	BIBLIOGRAPHY . . . . .	71

## CHAPTER I

### HISTORICAL BACKGROUND

During the ante-bellum period in Alabama the social privileges of the Negro were greatly restricted. A dominant cotton economy prescribed contentment and the best of care for the slave, but this, of course, did not include legal privileges.<sup>1</sup> Every possible avenue of learning was generally closed to the slave in order that he might remain docile.<sup>2</sup> As the free Negro was always a threat to the slave system and a tangible evidence of its breakdown,<sup>3</sup> Alabama devised special legislation to restrict the privileges of the free Negro as early as 1823.<sup>4</sup> In later years, state laws forbade free Negroes to enter Alabama and prohibited all social and commercial association between them and slaves.<sup>5</sup> Free Negroes could not vote or appear in court. There were crimes chargeable to them that white men could commit without any offense.<sup>6</sup> Moreover, the government at Montgomery neither encouraged nor made any provision for the education of free colored children.<sup>7</sup>

Although their social privileges were greatly circumscribed, free Negroes enjoyed a certain degree of economic freedom. Those individuals who achieved economic independence were often persons with Creole names. These men themselves owned Negro slaves. In 1830, eleven free Negroes held one one hundred and sixty-five black men in bondage. One man alone owned thirty-

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<sup>1</sup> L. D. Miller, History of Alabama (Birmingham, 1901), p.146.

<sup>2</sup> Ina Corinne Brown, The Story of the American Negro (New York, 1936), p. 50.

<sup>3</sup> Ibid., p. 51.

<sup>4</sup> Harry Toulman, A Digest of the Laws of the State of Alabama (Cahawba, 1823), p. 642.

<sup>5</sup> John J. Ormond, et. al. with notes and index by Henry C. Semple, The Code of Alabama (Montgomery, 1852), pp. 241-242.

<sup>6</sup> A. B. Moore, History of Alabama (University of Alabama, 1934), p. 374.

<sup>7</sup> H. M. Bond, Negro Education in Alabama (Washington, 1939), p. 15.

two slaves.<sup>1</sup> It is the suggestion of one writer that free Negroes purchased slaves in order that the slaves might receive their freedom by gift or purchase.<sup>2</sup>

One effect of the plantation system on the Negro was that of indoctrination. Under an economy that was controlled by a dominant few,<sup>3</sup> the difference in the cultural and social levels of the two races made it inevitable that any accommodation be on a basis of dominance and subordination.<sup>4</sup> To this end, it was considered necessary by the cotton growers, whose pattern of life had also been determined by the plantation system,<sup>5</sup> to implant in the Negro's mind the idea that he was biologically inferior to white men. The tragic outcome of this doctrine lay in the fact that many ignorant Negroes accepted it,<sup>6</sup> and became apathetic. The fact that they were destitute after the Civil War did not stimulate them to demand an equal voice in the government of Alabama. Negroes were compelled to accept whatever laws the whites made, no matter how partial the laws might have been.

The close of the Civil War and the surrender of the military district of which Alabama formed a part, May 4, 1865, left the state without a civil government that was recognized by federal authorities. Alabama had been placed under military rule. In accordance with Andrew Johnson's plan of restoration,<sup>7</sup> Louis E. Parsons, the newly elected governor, issued an order for the election of delegates to a constitutional convention. In

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<sup>1</sup> Carter G. Woodson, "Free Negro Owners of Slaves in the United States in 1830", Journal of Negro History, IX (January, 1924), p. 44.

<sup>2</sup> Ibid., pp. 42-43.

<sup>3</sup> Minnie Clare Boyd, Alabama in the Fifties (New York, 1931), p. 41.

<sup>4</sup> Brown, op. cit., p. 56.

<sup>5</sup> Ibid., p. 50.

<sup>6</sup> Ibid., p. 58.

<sup>7</sup> Joel C. DuBose, Alabama History (Richmond, 1915), p. 179.

August, 1865, the delegates were elected.<sup>1</sup>

On September 12, 1865, the convention assembled at Montgomery. The convention was characterized by the factionalism<sup>2</sup> between the poorer class of anti-confederates, who had refused to fight a "rich man's war,"<sup>3</sup> and the domineering cotton growers of the black belt. As Negroes had not been granted the privilege of voting and holding office, none were present in the convention of 1865.<sup>4</sup>

Long debate on social problems arising from the changed conditions brought on by the sudden emancipation of Negroes displayed a pattern of thinking that bore the imprint of the plantation system. A delegate from Choctaw County raised the issue of state's rights when he denied the right of the federal government to destroy the institution of slavery.<sup>5</sup> After much heated discussion, the following ordinance was adopted:

Sec. 1. Be it ordained by the people of Alabama in convention assembled, That as the institution of slavery has been destroyed in the State of Alabama, hereafter there shall be neither slavery nor involuntary servitude in this State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.<sup>6</sup>

One delegate protested against the entry of Negroes into Alabama from Georgia because, he explained, he lived near the Georgia border and was annoyed by Negro migration.<sup>7</sup> A petition from Negroes of Mobile for the right to vote was unceremoniously laid on the table. In the meantime, the Huntsville Advocate declared: "This is a white man's government and a white man's State ...." This was distinctly a North Alabama doctrine and it meant that the Ne-

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<sup>1</sup> Edward McPherson, Political History of the United States of America (Washington, 1871), p. 21.

<sup>2</sup> Moore, History of Alabama, p. 464.

<sup>3</sup> Bessie Martin, Desertion of Alabama Troops from the Confederate Army (New York, 1932), p. 121.

<sup>4</sup> DuBose, op. cit., p. 179.

<sup>5</sup> W. L. Fleming, Civil War and Reconstruction in Alabama (New York, 1905), p. 362.

<sup>6</sup> J. W. Shepherd, The Constitution and Ordinances Adopted by the State Convention of Alabama (Montgomery, 1865), p. 45.

<sup>7</sup> Fleming, Civil War and Reconstruction in Alabama, p. 364.

gro could neither vote nor be counted a part of the population in determining the representation of the counties in the legislature.<sup>1</sup>

One of the most pressing questions to occupy the attention of the delegates was the inevitable problem of interracial marriage. The law governing social relations between the two races emerged in this form:

Sec. 1. Be it ordained...That...the General Assembly...shall ...pass a law or laws prohibiting the intermarriage of white persons with Negroes, or persons of mixed blood, and declaring such marriages null and void...and making the parties to any such marriages subject to criminal prosecution, with such penalties as the General Assembly may prescribe.<sup>2</sup>

Once the question of marriage between whites and Negroes was disposed of, the delegates proceeded to determine the marital status of ex-slaves. On September 29, 1865, an ordinance ratifying marriages between freedmen and freedwomen was adopted. By the terms of this ordinance, all marriages before and after emancipation were legalized. It was declared that children who had been born of slave parents were legitimate, and their parents should assume the full responsibility of parenthood. The ordinance also stated that the General Assembly should provide for the maintenance and support of ex-slaves.<sup>3</sup>

After the convention had concluded its work, the delegates from the black belt insisted that the constitution be adopted by proclamation in the convention. This scheme was opposed by the poorer class of whites of the hill counties. These poorer whites believed that the constitution should be referred to the people. Their opposition proved to be futile. The constitution was adopted without reference to the people by a vote of 61 - 25.<sup>4</sup> On September 30, 1865, the convention adjourned.<sup>5</sup>

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<sup>1</sup> Moore, op. cit., p. 464.

<sup>2</sup> Shepherd, op. cit., p. 64.

<sup>3</sup> Ibid., p. 69.

<sup>4</sup> Fleming, Civil War and Reconstruction in Alabama, p. 366.

<sup>5</sup> McPherson, op. cit., p. 21.



On November 20, 1865, the machinery of local government was set in-  
to operation. Robert M. Patton who had been inaugurated as governor<sup>1</sup> de-  
clared in his first address that it should be the policy of the General As-  
sembly to pass laws securing Negroes in certain economic and legal rights,  
but he pointed out that "...politically and socially, our's is a white man's  
government."<sup>2</sup>

On December 2, 1865, the legislature ratified the Thirteenth Amend-  
ment to the Federal Constitution with the "...understanding that it does not  
confer upon Congress the power to legislate upon the political status of  
freedmen in this State."<sup>3</sup> One year later, December 6, 1866, the General As-  
sembly unanimously refused to ratify the Fourteenth Amendment<sup>4</sup> "...because  
it proposes to disfranchise the beloved leaders of the State, to transfer  
the protection of civil rights from the State to the Federal Government and  
to reduce the State's representation in Congress until it should allow the  
negroes to vote."<sup>5</sup> It was the opinion of the governor that:

There is an unmistakable purpose on the part of those who  
control the National legislature, to enforce at all hazards  
their own terms of restoration. The measures they propose  
threaten at once to reverse our progress toward the estab-  
lishment of that permanent tranquility which is desired by  
all.<sup>6</sup>

The General Assembly carefully limited all legal rights for the Ne-  
gro. On December 9, 1865, the following measure was enacted:

Sec. 1....That all freedmen, free negroes and mulattoes, shall  
have the right to sue and be sued, plead and be impleaded in  
all the different and various courts of this State, to the same  
extent that white persons now have by law. And they shall be

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<sup>1</sup> L. D. Miller, History of Alabama, p. 241.

<sup>2</sup> Fleming, Civil War and Reconstruction in Alabama, p. 363.

<sup>3</sup> McPherson, op. cit., p. 21.

<sup>4</sup> Miller, op. cit., p. 288.

<sup>5</sup> Moore, op. cit., p. 467.

<sup>6</sup> Alabama, Journal of the House of Representatives, 1866-1867 (Montgomery, 1867), p. 198.

competent to testify only in open court and only in cases in which freedmen, free negroes and mulattoes are parties, either plaintiff or defendant, and in criminal cases, for injuries in the persons and property of freedmen, free negroes and mulattoes, and in all cases, civil or criminal, in which a freedman, free negro or mulatto is a witness against a white person, or a white person against a freedman, free negro or mulatto, the parties shall be competent witnesses, and neither interest on the question or suit, nor marriage, shall disqualify any witness from testifying in open court.<sup>1</sup>

In December, 1865, and during the next six months of the following year, the legislature enacted a series of laws known as the Black Codes. These measures were primarily devised to control Negro labor, but they were so purposely drastic that the governor vetoed three of them. In his veto message of an act to regulate contracts with laborers, he stated:

Information from various parts of the State shows that negroes are everywhere making contracts...upon terms that are entirely satisfactory to the employers. They are also entering faithfully upon the discharge of the obligations contracted. There is every prospect that the engagement formed will be observed with perfect good faith. I therefore think that special laws would ...result in much harm.<sup>2</sup>

In his veto message of the act extending the criminal laws of the ante-bellum period, the governor said:

The bill proposes to apply to the freedmen a system of laws...for free negroes...I have carefully examined the laws...and I think...their provisions...show the impolicy and injustice of enforcing them upon the negroes in their condition.<sup>3</sup>

Governor Patton also vetoed the bill "...to regulate the relations of master and apprentice." He asserted that the laws that were in effect at that time amply provided for all purposes of apprenticeships without dis-

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<sup>1</sup> Alabama, Acts of the General Assembly, 1865-1866 (Montgomery, 1866), p. 98.

<sup>2</sup> McPherson, op. cit., p. 21.

<sup>3</sup> Ibid.

criminating against any particular class of people.<sup>1</sup> In June, 1866, the Black Codes, or "slave codes," went into operation.<sup>2</sup>

Throughout the years, opinion of the Black Codes has varied. One writer points out that the Codes were aimed more especially at the vagrant Negroes around the towns and cities. Insofar as they affected the rural Negro, the purpose of the Codes was to provide against any possible disorder and, if possible, compel him to work.<sup>3</sup> During the period of Reconstruction, however, Republican Senator James G. Blaine believed that the Black Codes represented an attempt by southerners to re-enslave the Negro.<sup>4</sup> Another recent writer declares that the Codes were devised to take every conceivable advantage of the Negro's misfortune.<sup>5</sup>

Under the provisional government in Alabama, the landowners of the black belt considered the plausibility of extending the political franchise to the Negro. In the General Assembly, a delegate from the black belt introduced a bill providing for suffrage based on property and education. But the representatives from the northern counties of Alabama voted it down.<sup>6</sup> One sees in the agitation for Negro political rights a revival of the ancient rivalry between the slaveholders and the non-slaveholders. The cotton growers believed that they could control the Negro vote, and that, in the event the plan succeeded, they could regain undisputed political supremacy over the poorer class of whites.<sup>7</sup>

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<sup>1</sup> Ibid., p. 22.

<sup>2</sup> Ibid., p. 34.

<sup>3</sup> Tebeau, "Some Aspects of Planter-Freedmen Relations, 1865-1880," Journal of Negro History, XXI (April, 1936), p. 147.

<sup>4</sup> James G. Blaine, Twenty-Years in Congress (Norwich, 1886), I, p. 94.

<sup>5</sup> W. E. B. DuBois, Black Reconstruction (New York, 1935), p. 166.

<sup>6</sup> Fleming, Civil War and Reconstruction in Alabama, p. 387.

<sup>7</sup> Moore, op. cit., p. 465.

After the legislature had adjourned, many changes took place. The failure of the provisional government of Alabama to ratify the Fourteenth Amendment provided a revolutionary Congress with a political weapon. The Reconstruction plan of Andrew Johnson was virtually declared illegal by Congress, which instituted a new Reconstruction policy. By the terms of the Congressional plan, Alabama was again placed under military control, the Negro was given the right to vote, and a new constitutional convention was ordered.<sup>1</sup>

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<sup>1</sup> Moore, op. cit., p. 469.

## CHAPTER II

### THE INAUGURATION OF THE RECONSTRUCTION POLICY

In accordance with the Reconstruction Act of March 2, 1867, and supplementary acts of the same year, Alabama was placed under military control following the refusal of the provisional government to ratify the Fourteenth Amendment.<sup>1</sup> General John Pope was appointed commander of the military district of which the state formed a part. Pope was charged with the duty of issuing an order for the election of delegates to a constitutional convention which would institute a civil government in compliance with the Congressional policy of Reconstruction.<sup>2</sup> In the summer of 1867, the white voters who had not been disfranchised and all colored men over twenty-one years of age were entitled to register for the purpose of voting for delegates to the state convention. The boards of registration appointed by Pope were each composed of two white men who had subscribed to the "iron clad" oath, and one Negro.<sup>3</sup>

The Reconstruction policy provided the opportunity for carpetbagger agents of northern capitalists to obtrude on the political scene in Alabama. The discovery had been made that the state abounded in rich deposits of coal and iron ore.<sup>4</sup> As this fact had been revealed to northern industrialists, every effort was made by northerners to invest private funds into the construction of railroads which, upon completion, would develop the in-

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<sup>1</sup> Albert B. Moore, History of Alabama, p. 469.

<sup>2</sup> Edward McPherson, The Political History of the United States of America, p. 339.

<sup>3</sup> L. D. Miller, History of Alabama, p. 249.

<sup>4</sup> Ethel Armes, The Story of Coal and Iron in Alabama (Birmingham, 1910), p. 120.

dustrial possibilities of the state and make the owners rich. The building of railroads apparently required greater expenditures than northern business men were able to afford. It was therefore considered necessary to obtain loans from the State of Alabama to supplement private investments in railroad construction. Highly expedient to this plan was, first of all, the consolidation of the Republican Party in the state. In order to secure political supremacy, carpetbagger agents of northern capitalists organized Negroes into numerous branches of an agency known as the Union League of America. The support of the Negro population was valuable because the number of carpetbaggers was relatively small in Alabama. Also, the support of Negroes meant that carpetbaggers could get themselves elected to the constitutional convention, and later to the General Assembly in which they might pass legislation securing loans from the state for the subsidization of railroads.<sup>1</sup>

During the campaign of 1867, carpetbaggers began to organize Negroes into union leagues.<sup>2</sup> Various methods were used to enlist black men into the folds of the powerful organization, which was sponsored by northern magnates of the Republican Party,<sup>3</sup> and to entice the more conservative Negroes to register. Carpetbaggers invariably based their speeches on the text of Thaddeus Stevens' plan for agrarian reform.<sup>4</sup> The masses of unlettered black men who were anxious for social betterment were told that each man would be given forty acres of land and a gray mule.<sup>5</sup> Negroes were also told that unless they registered, they would be re-enslaved;<sup>6</sup> that the

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<sup>1</sup> H. M. Bond, Negro Education in Alabama: A Study in Cotton and Steel, Chapter IV.

<sup>2</sup> United States Senate Reports. Containing: Alabama Testimony (Ku Klux Klan Conspiracy). The Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States (Washington, 1872), I, 35.

<sup>3</sup> H. U. Faulkner, American Political and Social History (New York, 1946), p. 380.

<sup>4</sup> Alabama Testimony, I, 304.

<sup>5</sup> Ibid., III, 1811.

<sup>6</sup> Ibid., I, 357.

right to vote, testify in court, sit on juries, and hold office would be denied to them.<sup>1</sup> In some cases, carpetbaggers invited Negroes to mixed social affairs, frequented Negro picnics, and baptizings, or shared the same bottle of whiskey with Negroes.<sup>2</sup>

In several counties of the black belt, Negroes were also active union league agents. George Houston, a zealous leader in Sumter County,<sup>3</sup> incurred the hostility of the Democratic whites because, it was charged, he was adamant in his Republicanism.irate whites of Sumter County threatened to shoot Houston because of his political activities. Instead of cowering before his enemies, Houston returned their threat with the reply that he also could use a gun.<sup>4</sup> George Williams, another union league devout, argued agrarianism to his adherents. Williams alluded to the social evils of the slave system and told his audience that Negroes were entitled to a fair share of the plantations.<sup>5</sup>

Carpetbaggers were eminently successful in organizing Negroes into the Union League of America. As the summer of 1867 ended, the registered voters numbered 165, 813. Of this number, 61,295 were white persons who had taken the test oath, and that faction of the white population known as "scal-awags". In addition, there were 104, 518 Negro registrants.<sup>6</sup>

Although the majority of Negro voters was controlled by carpetbaggers, a certain class of white Alabamians took unscrupulous advantage of Negro suffrage to strike back at the carpetbaggers. A leading class of Alabama business men had invested their money into the construction of railroads.<sup>7</sup>

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<sup>1</sup> Ibid., I, 382.

<sup>2</sup> Ibid., 233.

<sup>3</sup> Ibid., III, 1663. Names of Negroes who served in the Legislative Halls underscored.

<sup>4</sup> Ibid., 1664.

<sup>5</sup> Ibid., I, 976.

<sup>6</sup> Miller, op. cit., p. 249.

<sup>7</sup> Bond, op. cit., Chapter IV.

Largely deprived of the ordinary channels of self government by disfranchisement,<sup>1</sup> these men had organized the Democratic Party in 1866.<sup>2</sup> Democrats knew that the Republican Party, which had been organized by the Union League, was almost entirely composed of Negroes. Consequently, Democrats adopted the strategy of making it appear that the Negro was a barbarian and a menace to the peace and welfare of the white people in order to direct public opinion against the holding of a carpetbagger convention and, if possible, to prevent the competition of northerners in local railroad enterprises.<sup>3</sup>

Consistent with the plan to slander the Negro population, the Democratic newspapers began to denounce universal suffrage and the idea of a new constitutional convention. One Democratic newspaper declared:

If the Congressional Reconstruction policy shall be carried out, we shall have some nine or ten states controlled by negroes, and which in Presidential elections, will hold the balance of power. They will have their black Senators and Representatives and will be part and parcel of the governing element of the country....A Saint Domingo is not what we fought for...And, rather than surrender our white nationality, we will massacre or enslave every colored man in this State.<sup>4</sup>

A reporter for the Montgomery Daily Advertiser believed that there was no danger of a "...war of races..." because the Negro was not politically minded by nature. The writer thus suggested that white men and Negroes could live peacefully together provided, that colored men abandoned their political activities.<sup>5</sup> The same paper later stated that the Democrats desired to see

<sup>1</sup>Ina Corinne Brown, The Story of the American Negro, p. 91.

<sup>2</sup>Miller, op. cit., p. 257.

<sup>3</sup>Bond, op. cit., Chapter IV.

<sup>4</sup>Montgomery Daily Advertiser, September 11, 1867.

<sup>5</sup>September 3, 1867.



Alabama relieved of Congressional reconstruction. The idea of a constitutional convention was opposed because a majority of ex-confederates would not be represented.<sup>1</sup> The Montgomery Weekly Mail asserted that it was the intentional plan of Congress to array Negroes against white people, that the white men of Alabama were the true friends of Negroes, and that, above everything else, the blacks should ever bear in mind that the government of Alabama was a white man's government.<sup>2</sup> Another Democratic spokesman warned Negroes that if they obtained the permanent privilege of voting "...their doom will be sealed."<sup>3</sup>

On October 1, 1867, elections were held for the purpose of determining whether or not there should be a convention, and for the purpose of selecting delegates. It was the custom of carpetbaggers to organize Negroes into companies with drums, supply them with tickets, and then march them to the polls in military fashion.<sup>4</sup> When all the votes were counted, it was discovered that of the total number of registered whites, only 18, 553 had voted. Their strategy was to defeat the holding of a convention simply by refusing to vote. Of the total number of registered Negroes, 71,750 voted. The combined votes were therefore large enough to carry the election.<sup>5</sup> A Democratic newspaper reported:

Yesterday, to say the least of it, marked a new and strange era in Alabama. Hundreds of black voters crowded to the polls, and in many instances were actually frightened into town by threats of being disfranchised and re-enslaved if they did not come in to vote. The very fact of their lending such a willing ear to the tales of men who play upon their fears is a striking commentary upon the folly of universal suffrage.<sup>6</sup>

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<sup>1</sup> October 2, 1867.

<sup>2</sup> October 23, 1867.

<sup>3</sup> Montgomery Daily Advertiser, November 21, 1867.

<sup>4</sup> Alabama Testimony, III, 1678.

<sup>5</sup> W. L. Fleming, Civil War and Reconstruction in Alabama, p. 514.

<sup>6</sup> Montgomery Weekly Mail, October 2, 1867.

Although Alabama had a Negro majority in its registration, too much importance cannot be attached to this fact, because it did not mean that the state had a "Negro government" or a government that was in large part Negro. For the white carpetbaggers and scalawags succeeded in getting more of their number elected to the constitutional convention than Negroes were able to elect from their own race.<sup>1</sup>

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<sup>1</sup> William Russ, Jr., "Registration and Disfranchisement Under Radical Reconstruction" Mississippi Valley Historical Review, XXI (June, 1934), 178.

### CHAPTER III

#### ACTIVITIES OF NEGROES IN THE CONSTITUTIONAL CONVENTION OF 1867

On November 5, 1867, the second constitutional convention since the close of the Civil War met in Montgomery.<sup>1</sup> Out of a total membership of one hundred, there were only eighteen Negro delegates present in the convention.<sup>2</sup> These men possessed a fair degree of ability, but most of them had not, of course, received any formal training; their greatest asset was that of common sense. It seems that James T. Rapier<sup>3</sup> and John Carraway were among the most articulate delegates in the convention. The most influential members in the convention, however, were the agents of northern capitalists. John Keffer, the man who had organized the Union League in the state and served as its president, was the leading carpetbagger in the convention. The purpose of the carpetbaggers was to frame a constitution which would keep the ex-confederates disfranchised as long as it was expedient to the scheme of securing political and economic control of the state. The Montgomery Weekly Mail, a Democratic paper, lamented:

We learn that of the members elect, ninety-six are radicals, seventeen are negroes. The ... white Radicals, with only one or two exceptions, are strangers to Alabama, and are in no way identified with her people or her prosperity. Keffer, Buckley, Miller and Stanwood, representing the worst elements of Massachusetts, Ohio, and Pennsylvania, will have the controlling influence.<sup>4</sup>

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<sup>1</sup> Official Journal of the Constitutional Convention of the State of Alabama. Held in Montgomery, 1867. (Montgomery, 1867), p. 3.

<sup>2</sup> Vide Appendix A.

<sup>3</sup> All names of Negroes who served in the Legislative Halls are underscored.

<sup>4</sup> October 23, 1867.

After the convention was called to order, a president was elected on the motion of John Keffer. Another white delegate proposed that all clergymen should act alternately as chaplains. John Carraway offered a substitute which specified that no one should be appointed who had not been loyal to the federal government. This was adopted.<sup>1</sup>

The issue of education involved the opposition of the scalawag delegation in the convention primarily because many delegates, including Negroes, were noncommittal on the question of jim crow provisions. Negroes believed that the very threat of mixed schools would guard against the tendency of southern whites to establish inferior schools for Negro children. The leading scalawag delegate, Henry C. Semple, urged that separate provisions be made for the education of black and white children.<sup>2</sup> John Carraway insisted that in the event such a plan was carried out, an equal division of the school fund should be provided for those districts where such a division would be in demand. This was adopted.<sup>3</sup> A revolutionary proposal establishing a system of free public schools was adopted and later incorporated in the constitution. Article eleven of the constitution provided for the establishment of a Board of Education which was to consist of a superintendent of public instruction and two members from each congressional district. The Board was given full power to legislate on matters regulating the distribution of state aid to public schools and colleges. A common school and university fund was created for this purpose. All laws that should be passed by the Board were to be subject to alteration by the General Assembly. But the issue of separate schools was left entirely to

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<sup>1</sup>Alabama, Journal of the Constitutional Convention of 1867, pp. 3-5.

<sup>2</sup>Ibid., p. 237.

<sup>3</sup>Ibid., p. 238.

the Board of Education and the General Assembly.<sup>1</sup>

During the chaotic period of Reconstruction, the great planters and many Negroes were reduced to the status of average farmer and share-cropper. This condition was evident as early as 1867.<sup>2</sup> In order to aid the black farmers, Albert Strother of Dallas proposed the following:

Resolved, That the Committee on Ordinances be instructed to inquire into the expediency of passing an ordinance empowering the colored people...to collect a fair equivalent for their services from those persons who held them in slavery from the 1st day of January, 1863, to the 20th day of May, 1865.<sup>3</sup>

This resolution was adopted, 55 to 35. Another resolution petitioning Congress to repeal the cotton tax was adopted.<sup>4</sup>

The question of suffrage or disfranchisement was one of the most important issues discussed in the convention. The committee on the Elective Franchise made a majority report which betrayed the intention of carpetbaggers to remove the ex-confederates from the political arena. Before registering, all ex-confederates were required to take an oath to support the federal and state constitutions; every man was to abandon all belief in the right of the South to secede from the union, and to accept the political and civil equality of all men, regardless of race; also, ex-confederate leaders were expected to agree not to injure persons who belonged to the Republican Party or permit anyone else to injure such persons.<sup>5</sup>

The minority committee on the Elective Franchise also reported. This committee charged that the majority report was far too proscriptive.

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<sup>1</sup> Constitution of 1867, bound with the Acts of the Board of Education, 1873 (Montgomery, 1873), p. 24.

<sup>2</sup> John B. Clark, The Rise of Populism in Alabama (Auburn, 1927), p. 32.

<sup>3</sup> Alabama, Journal of the Constitutional Convention of 1867, p. 61.

<sup>4</sup> Ibid., p. 63.

<sup>5</sup> Ibid., p. 31.

It therefore recommended that a given elector should subscribe only to the Federal Constitution and to those of Alabama.<sup>1</sup> After a large number of amendments was offered to the majority report, Thomas Lee of Perry County, said:

I advocate the adoption of the minority report because this report grants equal civil and political rights to all men, of every race and every color. This is all that I, as a colored man, can ask for my race. To ask for more would be wrong and unjust. I have no desire to take away any of the rights of the white man; all I want is equal rights in the courthouse and equal rights when I go to vote. I think the time has come when charity and moderation should characterize the actions of us all. Besides, the minority report is confined strictly to the reconstruction measures of Congress, which...define the powers and limit the action of this convention. To go beyond these would be to endanger the ratification of the Constitution...by the people and by Congress, and I believe that, if the colored race do not get their rights secured without delay, the probability is that they will never get them. I therefore hope the privileges contained in the majority report will not pass, but that the minority report will be adopted.<sup>2</sup>

Carpetbaggers, contending that the majority report did not disfranchise any one who had not already been disfranchised, spoke persuasively on the merits of the report. Their influence prevailed in the convention. Except for minor modifications, the majority report was adopted.<sup>3</sup> In the meantime, a reporter for the Montgomery Weekly Mail commented:

The menagerie had a jolly time yesterday, debating whether white men should be disfranchised or whether the Congressional plan should be adhered to. A very sensible negro named Lee sent a speech up to the clerk to be read. Lee advocated the minority report...The negro barber from Mobile (Ovide Gregory) then read a very impudent speech written by Griffin probably, for which both of them ought to have thirty-nine lashes on the bare back...<sup>4</sup>

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<sup>1</sup> Ibid., p. 37.

<sup>2</sup> American Annual Cyclopedia and Register of Important Events of the Year 1867 (New York, 1872), p. 31.

<sup>3</sup> Ibid., p. 34.

<sup>4</sup> November 20, 1867.

The issue of Negro political and civil rights came up. James

T. Rapier of Lauderdale proposed the following ordinance:

Whereas, the Elective Franchise of those persons in the State of Alabama, known as colored persons, rests solely upon the success of the Reconstruction Laws of Congress;

Therefore, be it ordained...That all colored male persons of the age of twenty-one years are hereby declared to be citizens of Alabama, and are entitled to all privileges and immunities of any of the citizens thereof.<sup>1</sup>

This proposal was referred to the Committee on Ordinances and State Government.<sup>2</sup> John Keffer, the Union League president, proposed a resolution to prohibit discrimination against Negroes on public carriers. Henry Semple, the scalawag delegate, was unable to agree to this proposal. He offered the following amendment:

Equality of civil rights is not invaded by the adoption of such reasonable regulations by the proprietors of hotels, steamboats, railroads, and places of public amusement, as may be necessary to furnish separate accommodations to the two races which inhabit our country, so long as such separation shall be demanded by the sentiment of the white race.<sup>3</sup>

The traditionalism of Henry Semple was roundly assailed by the Negro delegation. Ovide Gregory of Mobile reminded Semple of the fact that Peyton Finley was from Semple's own city. Semple sat next to Finley in the convention; why, then, should Semple object to Finley's presence in the same public car? John Carraway declared that discrimination against Negroes in public cars would result in the practice of forcing Negro women to occupy cars frequented by obscene and degraded white men. James T. Rapier pointed out that during his lifetime he had dined with English lords. Hence, he continued, it could not be an honor for him to occupy a public seat next to

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<sup>1</sup> Alabama Journal of the Constitutional Convention of 1867, p. 51.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid., p. 149.

Henry Semple simply because he was a white man. Rapier asserted that his honor could be inspired only by Semple's intelligence. Rapier insisted that the scalawags, who owed their political ascendancy to Negro voters, should support the issue of civil rights because party harmony and respect for the Negro delegation demanded it.<sup>1</sup> After a period of much discussion, the following section was adopted and later incorporated in the constitution:

Sec. 2. That all persons resident in this State, born in the United States, are hereby declared citizens of the State of Alabama,<sup>2</sup> possessing equal civil and political and public privileges.

The inevitable problem of interracial marriage was discussed. Henry Semple, who served as chairman of the judiciary committee, submitted an article to be incorporated in the constitution.<sup>3</sup> The article authorized the General Assembly to pass a law prohibiting interracial marriage; persons who violated the law would be subject to punishment. A carpetbagger delegate moved that the proposal be tabled and printed with the proceedings. This motion carried by a vote of 48 to 30. Twelve Negroes voted in the affirmative; those who voted in the negative were John Carraway, Ovide Gregory, Columbus Jones, James Rapier, and Lafayette Robinson. Carraway stated that he understood that such an ordinance would prohibit marriage between Negroes and white people; if so, it was in direct conflict with the Civil Rights Bill. He therefore urged that the proposal be printed so that he could understand its intent and purpose and also to propose an amendment. His amend-

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<sup>1</sup> Montgomery Daily Advertiser, November 26, 1867.

<sup>2</sup> Annual Cyclopedia, 1867, p. 33.

<sup>3</sup> Alabama Journal of the Constitutional Convention of 1867, p. 188.



ment was as follows:

Provided, That any white man found cohabiting with a Negro woman shall be imprisoned for life.<sup>1</sup>

This amendment was ordered to be tabled and printed.<sup>2</sup> According to a year-book of 1867, which recorded the reactions of the delegates in the convention, Carraway's amendment was received with tremendous applause and clapping of hands by a large majority. The proposed article against interracial marriage failed to be incorporated in the constitution.<sup>3</sup>

An ordinance declaring common law marriages of slavery years binding was passed. Illegitimate children were declared to be entitled to all the rights enjoyed by legitimate children. The ordinance stipulated that all prosecutions for bigamy, adultery, and fornication against persons who had mutually consented to dissolve such relations should be declared null and void.<sup>4</sup>

The constitution was adopted by a vote of 68 to 8. Carraway offered a resolution stating that the instrument was based on justice, honesty and civilization. Asserting that God would strengthen and assist those persons of unselfish motives, Carraway suggested that a day be set apart for prayer and thanksgiving.<sup>5</sup> The date of February 4, 1868, was designated for the ratification of the constitution. After a session of one month, the convention adjourned on December 6, 1867.<sup>6</sup>

Under the constitution of 1867, the following Negroes were candidates for the legislature: Benjamin Inge, John Carraway, Thomas Diggs, Benja-

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<sup>1</sup> Ibid., p. 189.

<sup>2</sup> Ibid.

<sup>3</sup> Annual Cyclopedia, 1867, p. 33.

<sup>4</sup> Journal of the Constitutional Convention of 1867, pp. 262-263.

<sup>5</sup> Ibid., p. 243.

<sup>6</sup> Annual Cyclopedia, 1867, p. 35.

min Alexander, Samuel Blandon, Thomas Lee and Jim Greene; and B. F. Royal, who was a candidate for the state senate.<sup>1</sup>

Reaction to the work of the convention never ceased. A few days later, leading Democrats advised a convention of white adherents not to ratify the constitution. Elaborate reference was made to the threat of mixed schools and civil rights for the Negro.<sup>2</sup> This theme was taken up by the conservative press. One newspaper remarked:

We desire the white people of Alabama to understand that terrible as is the prospect of political equality forced upon us by swindling and the bayonet, we have the more terrible prospect of social equality....The convention... has decreed that negro children and white children shall sit side by side. The poor whites...must see their little daughters sitting by negro boys and growing up in familiar association.<sup>3</sup>

The Montgomery Daily Advertiser declared that the constitution was made by and only for Negroes,<sup>4</sup> and that the white people could not live under a "negro government" in Alabama.<sup>5</sup> The same newspaper strongly advised all landholders to cease employing Negro farmers.<sup>6</sup>

Almost immediately after the adjournment of the constitutional convention, several Negroes began to desert the Republican Party. Caesar Shorter, an ex-slave of Governor Shorter, withdrew his membership from the Union League and started to organize the nucleus of a Negro Democratic Club. The striking thing about Caesar Shorter was his ability to suddenly desert the Republican Party and later appear as an intense foe of the constitution and the leaders of his own race who fought for political and civil rights. The critic of to-

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<sup>1</sup> Montgomery Daily Advertiser, March 3, 1868.

<sup>2</sup> Montgomery Weekly Mail, December 11, 1867.

<sup>3</sup> Ibid., December 4, 1867.

<sup>4</sup> December 4, 1867.

<sup>5</sup> January 7, 1868.

<sup>6</sup> January 1, 1868.

day would either characterize Shorter as a political gymnast or an "Uncle Tom" extraordinary. On December 11, 1867, Shorter, together with his fellow Union League bolters, charged that the delegates to the convention had proceeded beyond the purview of their duties in framing a constitution which disfranchised and proscribed "...the most intelligent and law-abiding..." citizens of Alabama. A resolution was adopted which enlarged on the grievances of the bolters. The resolution stated that the constitution sought to degrade the white man and endanger the welfare of Negroes. It declared that the Negro bolters could no longer identify themselves with the Union League of America. The resolution also charged that the Union League destroyed the "...peace, happiness, and prosperity of the white people." The concluding passage appealed to all Negroes to unite with the bolters to defeat the adoption of the constitution.<sup>1</sup>

On December 12, 1867, Shorter and one Levi Floyd sponsored a Negro Democratic rally. The following resolution was adopted:

First: the cultivation of a spirit of mutual confidence and good feeling between the two races..., without which there can neither be peace, prosperity or repose to either.  
 Second: to support in the approaching election the policy of our own tired people, neighbors and friends, whose capital furnish us employment, and whose roofs shelter us, in preference to that inaugurated by strangers and their allies.  
 Third: to discourage by all means in our power that war of races which evil causes and ignorance seem to be hastening, and which once inaugurated, will result in our certain and speedy destruction.<sup>2</sup>

The elaborate and public espousal of the interests of white Democrats by the Shorter faction leads one to suspect that, apart from the motive of voluntary allegiance, the Negro Democrats were either bribed or in-

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<sup>1</sup> Montgomery Daily Advertiser, December 12, 1867.

<sup>2</sup> Ibid., December 13, 1867.

timidated by the whites of Montgomery. Still another motive which cannot be overlooked or minimized is the fact that the leading white Democrats were willing to resort to any unscrupulous policy that would disorganize the Republican Party, because southern business men did not relish the competition of northern business men in the lucrative railroad interests in the state. In regard to the Negro Democratic rally, a local organ of the Democratic Party remarked:

The whole affair was managed exclusively by the colored men....The speeches of Shorter, Gorham, Floyd...were interesting and truthful and will reflect credit upon them....They plainly showed that the villainy of the carpetbaggers had become apparent, and that the colored man was an enemy to himself, if he refused to listen to the counsels and heed the advice of his true...friends of the South.

The resolutions...accorded almost precisely with the resolutions of the white club of this city.<sup>1</sup>

The desertion of Caesar Shorter and other Negroes from the Union League was viewed with some misgiving by the Republican Party. In response to this party split, the Union League president published the following resolution:

Whereas, certain parties, fifteen in number, formerly members of the Montgomery Council abolished 12/4/67, have caused to be published in the several papers resolutions said to have been passed at a regular meeting of the Montgomery Council, although at that time no such council was in existence,

Therefore

Be it resolved, That the loyal councils of the State are hereby warned against the parties who are opposed to the principles of the Union Republican Party.

John C. Keffer, Pres.<sup>2</sup>

On February 4, 1868, the constitution of 1867 was submitted to a vote. In order to defeat the adoption of the instrument, the majority of

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<sup>1</sup> Ibid., December 13, 1867.

<sup>2</sup> Ibid., December 14, 1867.

white men refused to vote as usual.<sup>1</sup> Of the total number of registered Negroes, 78,000 voted, but 14,000 failed to do so.<sup>2</sup> Many Negroes were prevented from voting by intimidation, bribery, and the destruction of ballot boxes. As a consequence, the constitution failed of ratification.<sup>3</sup>

On February 17, 1868, the question of restoring Alabama to the Union came up in Congress.<sup>4</sup> There were deviating motives among some Congressmen on the restoration of the state. Senator Boyer opposed readmitting the State because, he said, the constitution of 1867 subscribed to the principle of Negro equality and was therefore unacceptable to the whites of Alabama. He also asserted that the constitution disfranchised all persons who did not swear to universal suffrage. That section of the constitution which was referred to by the Senator was section four of article seven. It provided:

That I accept the civil and political equality of all men, and agree not to attempt to deprive any person or persons on account of race, color or previous condition, or any political or civil rights, privilege, or immunity enjoyed by any class of men.<sup>5</sup>

Senator Boyer also quoted the second section of article seven:

That the said state of Alabama shall be recognized and admitted into the Union upon the following fundamental condition; that the right of suffrage of citizens of the United States shall never be denied or abridged in said State on account of race, color or previous condition of slavery; and Congress shall have power to annul any act of said State in violation or in derogation of the provisions of this act.<sup>6</sup>

In order to drive home his point, the Senator read a message of appeal from the whites of Alabama. Obviously pathetic, the letter petitioned for de-

<sup>1</sup> L. D. Miller, History of Alabama, p. 249.

<sup>2</sup> Montgomery Daily Advertiser, March 5, 1868.

<sup>3</sup> Congressional Globe, 40th Congress, 2nd Session (Washington, 1868), p. 1741.

<sup>4</sup> Ibid., p. 1935.

<sup>5</sup> Ibid., p. 1936.

<sup>6</sup> Ibid.

liverance from "...the horrid rule of barbarian negroes." The petitioners appealed to Congress to overlook sectional animosities and unite with them on the basis of "caucasian brotherhood" to put an end to the political tenure of Negroes.<sup>1</sup> Apart from the objection of some congressmen to the Democratic features of the constitution of 1867, Thaddeus Stevens opposed the restoration of Alabama to the Union because the constitution had failed of ratification.<sup>2</sup>

The restoration of the state to the Union was made possible largely by the pressure of congressmen who apparently represented the interests of the new class of northern industrialists and financiers.<sup>3</sup> A large number of these men were primarily interested in the potential profits arising from the network of railroads in the state. Congressman William D. "Pig Iron" Kelley of Pennsylvania, therefore, pleaded for the restoration of Alabama to the Union. In a long speech, Kelley referred eloquently to the rich deposits of iron ore and the commercial possibilities of the state.<sup>4</sup> On May 11, 1868, Thaddeus Stevens finally submitted a bill readmitting Alabama to the Union along with a majority of the other "reconstructed" states of the South.<sup>5</sup> This bill passed.<sup>6</sup>

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<sup>1</sup> Ibid., p. 1936.

<sup>2</sup> Ibid., p. 1938.

<sup>3</sup> H. U. Faulkner, American Political and Social History (New York, 1946), p. 387.

<sup>4</sup> Congressional Globe, 40th Congress, 2nd Session, p. 2141.

<sup>5</sup> Ibid., p. 2412.

<sup>6</sup> Ibid., p. 2465.

## CHAPTER IV

### ACTIVITIES OF NEGROES IN THE GENERAL ASSEMBLY, 1868 - 1870

The restoration of Alabama to the Union meant that the revolutionary features of the constitution of 1867 were to remain undisturbed. Whether or not the instrument was unjust depends, of course, on one's point of view. In any case, the Negro was enabled to participate in a government whose operations he himself had helped to determine for the first time. Accordingly, on July 13, 1868,<sup>1</sup> twenty-six black men entered the state capitol at Montgomery as lawmakers. Of this number, Benjamin F. Royal was seated in the senate while the others began their duties in the lower house.<sup>2</sup>

The standing committees with their Negro membership were recorded as follows:

Accounts and Claims . . . . .	L. J. Williams Thomas Diggs
Capital . . . . .	Samuel Blandon
Corporations . . . . .	Holland Thompson
Education . . . . .	N. A. Brewington
Fees and Salaries . . . . .	J. K. Greene Benjamin Alexander
Finance . . . . .	Holland Thompson
Industrial Resources and Immigration . . . . .	H. V. Turner
Internal Improvement . . . . .	George Houston George Cox John Carraway

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<sup>1</sup> L. D. Miller, History of Alabama, p. 253.

<sup>2</sup> Vide Appendix.

Judiciary . . . . .	H. V. Turner John Carraway
Military Affairs . . . . .	J. K. Greene
Penitentiary. . . . .	John Carraway
Privileges and Elections . . . . .	H. V. Turner
Public Printing . . . . .	L. J. Williams
Roads and Highways . . . . .	Matt Avery
Social Legislation . . . . .	Benjamin Alexander <sup>1</sup>

Although the General Assembly was noted for its Negro constituency, its sessions were controlled by the carpetbaggers.<sup>2</sup> These men were interested in securing the passage of laws that were designed to subsidize the construction of the Alabama and Chattanooga Railroad, a northern enterprise. It is interesting to note that a Negro, S. W. Jones of Tuscaloosa, had introduced the bill which brought the Alabama and Chattanooga Railroad to birth. The bill had provided for the merging of several local railroads. When this had been accomplished, the name Alabama and Chattanooga designated a single line.<sup>3</sup> During the second session of the General Assembly, a bill providing for a loan of \$3,000,000 from the state for the construction of the Alabama and Chattanooga Railroad passed the senate almost unanimously. In the lower house, however, it encountered strenuous Democratic opposition. One Democrat opposed the bill on the premise that the Alabama and Chattanooga Railroad was not an Alabama project.<sup>4</sup> In spite of the fact that the bill received a large number of Negro votes, it was defeated because it failed to obtain a two-thirds majority. Submitted to a special committee,

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<sup>1</sup> Alabama Journal of the House of Representatives, 1869-1870 (Montgomery, 1870), pp. 14-15.

<sup>2</sup> Thomas McAdory Owens, History of Alabama and Dictionary of Alabama Biography, II, 1184.

<sup>3</sup> Montgomery Daily Advertiser, April 24, 1868.

<sup>4</sup> American Annual Cyclopedia and Register of Important Events of the Year 1870 (New York, 1873), p. 9.



the measure was reduced to \$2,000,000. When it was voted on again, the bill passed the lower house with the unanimous support of Negroes.<sup>1</sup>

The passage of laws authorizing the credit of the state for railroad construction was usually influenced by northern agents of railroad companies. Frequenting the lobby of the General Assembly, these men transacted their "business" by bribing the members of the legislature.<sup>2</sup> The thing that is generally overlooked, however, is the fact that southern agents also bribed members of the legislature for the passage of laws subsidizing southern controlled railroads.<sup>3</sup>

In 1868, the Ku Klux Klan<sup>4</sup> movement was begun by the Democrats to destroy the Republican Party by terrorizing and, in many instances, murdering Negroes who belonged to the Union League of America. Klansmen concentrated on the Negro population because it was the real strength of the economically aggressive Republican Party. As the Klan threatened to destroy the entire process of Reconstruction<sup>5</sup>, the Republican General Assembly, on December 26, 1868, enacted a law to suppress the frightful order. The act provided that persons who committed assault or any form of violence on Negroes, or trespassed on their property would be subject to a heavy fine and imprisonment. The act also provided that any person who shot disguised persons would be exonerated from guilt.<sup>6</sup>

Very little was done for the education of the ignorant masses, because the subsidization of railroads took precedence to everything else. In

<sup>1</sup>Journal of the House of Representatives, 1869-1870, p. 369.

<sup>2</sup>W. B. Fleming, Civil War and Reconstruction in Alabama, p. 739.

<sup>3</sup>Ethel Armes, The Story of Coal and Iron in Alabama, p. 216.

<sup>4</sup>It seems that the Klan was organized by southern industrialists to drive northern railroad competition from the state. N. B. Forrest, a founder of the Klan, held large investments in a railroad that was known as the "Forrest Road." Alabama Testimony, I, 197.

<sup>5</sup>W. L. Fleming, Civil War and Reconstruction in Alabama, p. 653.

<sup>6</sup>Acts of the General Assembly of Alabama (Montgomery, 1868), p. 444.

1868, the governor remarked that "...37,600 of the adult white population ...could neither read nor write, and the colored people were even more deficient...."<sup>1</sup> In October, 1868, the General Assembly appropriated \$245,411.46 for educational purposes.<sup>2</sup> Compared to the vast sums appropriated for railroads, this amount was small. A Republican newspaper carried the following extract from the Democratic Huntsville Advocate:

In the course of your editorial, in setting forth what you wish your readers to take as a correct outline of the action of the legislature, you said "...millions in special grants to the railroad ring-millions...." but not a cent for the education of the poor whites and colored children of the State, beyond the miserable \$1.20 each out of the school fund.<sup>3</sup>

It is obvious that the Democrats feared the intermixture of white and Negro children in the public schools. On August 11, 1868, a law, which showed strong Democratic pressure, was enacted to provide for jim crow provisions. It stated:

Be it enacted by the board of education of the State of Alabama, That in no case shall it be lawful to unite at one school both colored and white children, unless it meets the unanimous consent of the parties and guardians of such children; but said trustees shall in all other cases provide separate schools for both white and colored children.<sup>4</sup>

During the second session, a Democrat proposed the enactment of a law to repeal all special and local acts relating to the public schools in Mobile County.<sup>5</sup> John Carraway was the only Negro to oppose the measure. He declared that such a law would turn over the management of the Mobile schools to a Democratic white man, who was anti-Negro, and would ostracize the colored children. However, the Speaker of the House of Representatives stated

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<sup>1</sup> American Annual Cyclopedica, 1868, p. 17.

<sup>2</sup> Acts of the General Assembly, 1868, p. 255.

<sup>3</sup> Alabama State Journal, March 11, 1870.

<sup>4</sup> Acts of the General Assembly, 1868, p. 148.

<sup>5</sup> Journal of the House of Representatives, 1869-1870, p. 70.

that the object of the bill was not that of turning out the Republican board of commissioners, but rather to map out and start a new system.<sup>1</sup> Carraway, who was a shrewd politician, moved to postpone the question but his motion failed to carry. A Democrat proposed the following substitute:

Sec. 1. Be it enacted...That all local laws, or ordinances concerning schools in Mobile County, except those providing for the raising of a local tax on property for school purposes, be and the same are hereby repealed.<sup>2</sup>

This substitute passed by a vote of 51 to 24. It is significant to point out that all the Negro members except Carraway voted for the substitute.<sup>3</sup> Carraway described the injustice to the people of Mobile if either the bill or the substitute was enacted. He charged that bribery, fraud, and lies were at the bottom of the movement and that the laws of Mobile were equally beneficial to Negro and white children.<sup>4</sup> It was at this point that a carpetbagger proposed the following amendment:

That all laws passed by the Board of Education in December, 1869, relating to the appointment of county and township trustees, shall not apply to Mobile County, and the registered voters of this county shall have the right to vote for...trustees.<sup>5</sup>

This amendment was clever because it meant that the Negro voters of Mobile would be given a fair chance in the election of the school officials, despite the fact that the population of Mobile was largely Democratic. However, the amendment was voted down, 57 to 23. Negroes in the House helped to defeat the amendment.<sup>6</sup> The bill "repealing all special and local acts" passed by a vote of 53 to 20. Negroes again voted with the Democrats.<sup>7</sup> This measure

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<sup>1</sup> Alabama State Journal, January 19, 1870.

<sup>2</sup> Journal of the House of Representatives, p. 261.

<sup>3</sup> Ibid.

<sup>4</sup> Alabama State Journal, January 19, 1870.

<sup>5</sup> Journal of the House of Representatives, 1869-1870, p. 262.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid., p. 263.

failed to pass the senate.

The singular thing about the debating and voting on the measure relating to the schools of Mobile is the fact that many Negroes, along with several scalawags, voted with the Democrats. It appears, therefore, that the Negro members of the General Assembly were becoming dissatisfied with the Republican Party either by free choice or by Democratic coercion. It is also probable that many Negroes simply did not understand the purpose of the measures for which they voted. One Democratic white man declared that "...you would find members of the General Assembly unable to read or write - incapable of understanding the meaning of a law after being enacted by their vote; and unable, perhaps, to explain what measures they had voted for or against."<sup>1</sup>

On July 13, 1868, the General Assembly ratified the Thirteenth Amendment to the Federal Constitution,<sup>2</sup> despite the fact that it had previously been ratified by the provisional government on December 2, 1865. On July 13, 1868, the legislature also ratified the Fourteenth Amendment.<sup>3</sup> This amendment had failed of ratification under the provisional government.

The ratification of the Fifteenth Amendment by the General Assembly in November, 1869,<sup>4</sup> was followed by a belated celebration on the part of Negroes in Montgomery. On April 22, 1870, festivities were marked by fireworks and oratory. Speaking on behalf of the occasion, James T. Rapier pointed out that the Fifteenth Amendment was "...the tangible definition of the declaration of independence." Rapier asserted that the period of Reconstruction was a supreme test which the white political leaders of Alabama

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<sup>1</sup> Annual Cyclopedia, 1870, p. 13.

<sup>2</sup> Acts of the General Assembly, 1868, p. 137.

<sup>3</sup> Ibid., p. 140.

<sup>4</sup> Acts of the General Assembly, 1869-1870 (Montgomery, 1870), p. 455.

had failed to meet. He cited as evidence the antipathetical attitude of the whites toward any revolutionary policy or trend that sought to democratize Alabama society. The Negro leader contended that the majority of black men who were in the quest for political and economic justice, would have preferred the allegiance of the whites of Alabama to that of northerners, provided that the whites had made political friends of Negroes.<sup>1</sup>

The local Democratic newspapers received the ratification of the Fifteenth Amendment in a manner that was characteristically disdainful. The Choctaw Herald declared that the "...menagerie...have fastened upon the state...the damming odor of the Fifteenth Amendment...." The same paper added, however, that "... we still have the reins of power in our hands and are only now awaiting an opportunity to pull them."<sup>2</sup> A note of humor was struck when the Democratic Tuskegee News inquired: "Suppose the devil had his due, where would all Radicals be?" The Republican State Journal replied: "Passing water through hell's iron gates to thirsty Democrats. Ask us a hard question."<sup>3</sup>

During the first session of the General Assembly, the Common Carrier and Disability bills proved to be the subject of great controversy. The Common Carrier Bill, which was a Republican measure, proposed to outlaw discriminatory practices on the streetcars and railroad coaches. The Disability Bill, a Democratic measure, proposed to enable the disfranchised ex-confederates to vote. For a while, neither of these bills was able to receive a vote because each party was determined to block the other party's

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<sup>1</sup>Alabama State Journal, April 29, 1870.

<sup>2</sup>Montgomery Weekly Mail, December 18, 1869.

<sup>3</sup>Quoted from the Alabama State Journal, April 29, 1870.

bill, but, at the same time, each party was equally determined to push its bill through the legislature. As a consequence, both bills were either tied up by certain committees or, as it was reported, deliberately misplaced<sup>1</sup> or "stolen".

The significance of the odd contest which took place is the fact that schism appeared in the Republican Party. It seems that the scalawag faction of the Republican Party was opposed to the Common Carrier Bill, and was not inclined to support the measure. On the other hand, John Carraway and Ovide Gregory, two of the most articulate Negro members in the legislature, apparently believed that the Republican machine should make some concession to Negroes. For this reason, Carraway and Gregory brought pressure to bear. A local Democratic newspaper probably exaggerated when it charged that the white Republicans

...equivocated and procrastinated until Carraway and Gregory were compelled to use a little moral suasion in the way of a street car riot at Mobile...They hewed and hawed, and finally...pressed to the wall (by Carraway and Gregory)...they stole the bill. This is the second time a...bill has mysteriously disappeared. The other day it was the "Disability Bill" which couldn't be found. Everyone was satisfied that the Common Carrier Bill men stole the Disability Bill in order to get it out of the way and let their own bill in first.<sup>2</sup>

According to the same newspapers, the Democrats declared that if the supporters of the Common Carrier Bill "killed" the Disability Bill, the Democrats would "kill" the Common Carrier Bill.<sup>3</sup>

In the Lower House of the legislature, John Carraway, who denied as false the charge that he had instigated the riot at Mobile, introduced the following resolution: "Resolved, That the regular business of the House

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<sup>1</sup> Montgomery Daily Advertiser, August 4, 1868.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

be dispensed with and the Common Carrier Bill be taken up and considered." George Houston of Sumter County moved to lay both bills on the table, but his motion failed to carry. An unidentified member of the legislature made this resolution: "Resolved, That a committee of three be appointed to search for the Common Carrier Bill and the Disability Bill." This was adopted.<sup>1</sup>

On August 7, 1868, a compromise was reached. The Disability Bill passed the Lower House by a vote of 12-13; only two Negroes, N. A. Brewington and George Houston, dissented. Ovide Gregory, expressed regret that the vote on the bill had not been even more decisive. The Common Carrier Bill passed the House by a vote of 46 - 32.<sup>2</sup>

In the meantime, a local Democratic newspaper featured a letter which, supposedly, had been written by a group of white women. The letter stated that the white people owned all public conveyances and should have the authority to institute jim crow provisions. It appeared to the author that it was sheer criminality that carpetbaggers, who sat next to black men in the General Assembly, should decree that Negroes be allowed to come in contact with the whites of Alabama on the streetcars and railroad coaches. The scathing charge was made that Negro men were aggressive in the effort to "thrust" themselves on white women who did not care for Negroes. Negro leaders were warned to abandon the idea of "social equality;" and the whites were exhorted to abstain from all "familiarity" with an "inferior race."<sup>3</sup>

One Democratic newspaper commented:

It is well enough to say that the negro does not wish social equality, and that all he wants is equal civil rights with the whites; but is it not a fact that he claims everything - the right of public contact with the white man?<sup>4</sup>

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<sup>1</sup> Ibid., August 3, 1868.

<sup>2</sup> Ibid., August 8, 1868.

<sup>3</sup> Ibid.

<sup>4</sup> Montgomery Weekly Mail, December 15, 1869.

Although the Common Carrier Bill was discussed in the senate, it failed to pass that body. In 1870, Negro members of the legislature addressed the following letter to the Republican Alabama State Journal:

House of Representatives  
Montgomery, February 26, 1870

Editor, Journal

The undersigned colored members of the Alabama Legislature, wishing that the public may know their feelings toward those who defend their constitutional rights, hereby tender to Senator Pennington of Lee, their thanks for his able defense of those rights this day, in the discussion in the Senate, on the "Common Carrier" Bill:

W. M. V. Turner, of Elmore; James K. Greene, of Hale; Nathan Brewington, of Lowndes; B. F. Royal, Senator, of Bullock; W. Taylor, of Sumter; Samuel Blanton, of Lee; L. J. Williams, of Montgomery; James Alston, of Macon; Spencer Weaver, of Dallas; S. W. Jones, of Tuscaloosa; G. S. W. Lewis, of Perry; E. R. Rose, of Marengo; Holland Thompson, of Montgomery.<sup>1</sup>

Scalawags and carpetbaggers failed to give their full support to measures that might have secured Negroes in the right to ride in public carriers without being discriminated against. Anti-discriminatory laws either failed to pass both houses of the legislature, or the provisions of such laws were altered in such a way as to make them ineffective. Consequently, there appeared to have been a gradual tendency on the part of Negroes to cease agitation for the enactment of laws to prohibit discriminatory practices entirely. It seems that Negroes were compelled to follow a more conciliatory course. For example, on December 8, 1869, John Carraway pressed for the enactment of a law that was simply designed to regulate the carriage

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<sup>1</sup>Alabama State Journal, February 26, 1870.



of passengers in Mobile.<sup>1</sup> Although the measure passed both houses of the legislature, its success was probably due to the fact that it satisfied both the scalawags and the Democrats. The act itself merely prohibited the conductors of public carriers from forcing Negroes to occupy seats on the outside, or on the platform of public conveyances; fines were attached to the law to give it teeth. The act provided a loophole by which conductors might resort to any policy they chose to adopt, ranging all the way from jim crowism to personal abuse.<sup>2</sup>

Under the first Republican administration, very little was done to secure the Negro in the democratic rights that were outlined in the constitution of 1867. This failure was caused by two major facts. First, the Republican Party was controlled by men whose motives were purely economic. This meant that when the railroad interests of carpetbaggers ceased to yield profits, the Republican Party would rapidly decline in Alabama, and its Negro supporters would be deserted. Second, it was because the state government was based too firmly on the principle of universal civil and political equality that the scalawag faction of the Party resented any tendency to put the constitution of 1867 on a working basis. Rather than support any measure that sought to secure the Negro in the full rights of citizenship, the scalawags aligned themselves with the Democrats in order to curtail the privileges of the Negro population.

In many ways, however, Negroes were rewarded for their support of the Republican Party. In 1869, President U. S. Grant appointed L. J. Williams mail agent on the Montgomery and Mobile Railroad. Henry Hunter Craig of Montgomery was appointed mail agent on the Montgomery and Westpoint Railroad.<sup>3</sup> In many sections of the state, Negroes were voting, holding and transmitting

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<sup>1</sup>Journal of the House of Representatives, 1869-1870, p. 153.

<sup>2</sup>Acts of the General Assembly, 1869-1870, p. 28.

<sup>3</sup>Alabama State Journal, May 5, 1869.

property, attending school, and holding office.<sup>1</sup> In 1868, Benjamin Turner was elected to the City Council of Selma. Later, he became tax collector of Dallas County, but because of his inability to secure honest men as assistants,<sup>2</sup> he resigned the office.

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<sup>1</sup>Ibid., April 1, 1870.

<sup>2</sup>A. A. Taylor, "Negro Congressmen a Generation After," Journal of Negro History, VII (April, 1922), p. 138.

## CHAPTER V

### THE DECLINING POLITICAL STATUS OF THE NEGRO, 1870 - 1872

After 1870, the position of the Negro in Alabama politics was rendered unstable largely because the Republican machine almost suddenly lost its economic interests in the state. The Alabama branch of the Union League and its local president no longer exercised a controlling influence in state politics.<sup>1</sup> The railroad enterprises of carpetbaggers became unprofitable when the Alabama and Chattanooga Railroad, which had been the project of northern magnates, fell into bankruptcy and failed to meet its interests obligations to bondholders. The bonds of the company therefore passed into the hands of residents of other states and Europeans.<sup>2</sup> Under the Democratic administration, 1870-1872, the State of Alabama seized the Alabama and Chattanooga Railroad for state security in 1871.<sup>3</sup> As a bitter symbol of the intense rivalry between southern capitalists and northern capitalists, the man who seized the carpetbagger railroad was murdered as he fulfilled his mission by an agent of northern capitalists.<sup>4</sup> Ironically, the victim, an eminent Democratic attorney, had organized the Democratic Party in 1866 to resist, supposedly, "Negro domination" in the State of Alabama.<sup>5</sup>

As the Republican Party weakened, the Negro was beset by the restoration<sup>6</sup> of white political and economic control. The investing of Negroes

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<sup>1</sup>Alabama Testimony, Ku Klux Klan Conspiracy, I, 353.

<sup>2</sup>Ibid., III, 1724.

<sup>3</sup>American Annual Cyclopedic of the Year 1871 (New York, 1812), p.

<sup>4</sup>William Garrett, Reminiscences of Public Men in Alabama for Thirty Years (Atlanta, 1872), p. 644.

<sup>5</sup>L. D. Miller, History of Alabama, p. 257.

<sup>6</sup>The restoration of white rule was made possible when the liberal wing of the Republican Party revolted in 1872 at Missouri. This revolt gave impetus to the general amnesty act which relieved the political disabilities of ex-Confederate leaders. H. U. Faulkner, American Political and Social History, pp. 393, 395.

with the political franchise was a step that the majority of the white people in Alabama could not accept.<sup>1</sup> Consequently, the leading class of Democrats, the landholders, and the poorer class of whites, united to form a homogeneous party in order to bring to an end the political activities of Negroes,<sup>2</sup> to control black labor, and, more especially, to resist the economic aggression of the North.

The restoration of white rule was aided by the heinous activities of the Ku Klux Klan. In 1870, James Alston, who had been a member of the first Republican legislature, was offered \$3,000 by a Democrat to cease his activities with the Union League. However, Alston refused the bribe because, according to his testimony, he did not wish to betray his race. Consequently, Alston was visited by the Klan. A volley of shots fired into the Negro's home in Tuskegee wounded him and his wife. In order not to jeopardize the safety of his wife and child, Alston left his home.<sup>3</sup> George Houston, another Union League official, refused to be intimidated even by the Ku Klux. This man was aroused from sleep one night by his son who informed his father of disguised strangers outside the house. Following a crisp order to open the door, Houston refused to do so. Suddenly a burst of shots was discharged by the Klansmen, demolishing the exterior of the house and wounding the son of Houston. Excitedly, Houston seized his own gun and managed to bring down one of the terrorists as he mounted his horse. The others fled.<sup>4</sup>

During the campaign of 1870, the Democrats resorted to every conceivable device to destroy the Republican Party; war virtually existed as terror reigned. Negro churches and schools were burned, and Negro men were

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<sup>1</sup> Alabama Testimony, I, 191.

<sup>2</sup> W. L. Fleming, Civil War and Reconstruction in Alabama, pp. 771-776.

<sup>3</sup> Alabama Testimony, II, 1021.

<sup>4</sup> Ibid., p. 1000.

beaten and slain almost at will.<sup>1</sup> In Huntsville, where there was an ineradicable hatred for Negro education, a half dozen colored schools were demolished.<sup>2</sup> In Tuskegee, a Negro church holding a meeting was gutted by a fire started by the Ku Klux.<sup>3</sup> Violent opposition to Republicanism in Eutaw was marked by a massacre of Negro men.<sup>4</sup>

In some instances, Democrats used more subtle methods. This was especially true in black belt towns where the Negro male population outnumbered that of the whites. In Selma, therefore, Democrats resorted to flattery. White men rode with black men in public carriages, and publicly drank whiskey with Negroes.<sup>5</sup>

As a result of Democratic brutality, many Negroes refused to vote or to have anything to do with the Republican Party. They were intimidated not only with reference to current elections, but to future elections as well.<sup>6</sup> In Butler County, out of a total black population of two hundred, not a single Negro man was free to cast his vote for the Republican Party.<sup>7</sup> In some counties, Negroes were forced to vote the Democratic ticket.<sup>8</sup> As a result of being intimidated by the Democrats, several Negroes decided to migrate to another state.<sup>9</sup> One feeble man testified:

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<sup>1</sup> Ibid., p. 1039.

<sup>2</sup> Ibid., I, 140.

<sup>3</sup> Ibid., II, 1025.

<sup>4</sup> Ibid., I, 28.

<sup>5</sup> Alabama State Journal, December 30, 1870.

<sup>6</sup> Alabama Testimony, I, 416.

<sup>7</sup> Ibid., p. 528.

<sup>8</sup> Ibid., III, 1759.

<sup>9</sup> Ibid., 1740.

I've got it mighty strong in my head. I don't know how it will end and come out, but that is my opinion now. I have only got so long to live, and it is no comfort now. I am afraid to lie down, and if there is any other place to go to and inherit the happiness of my life, I want to go, if it is only for ten days.<sup>1</sup>

Notwithstanding the violent methods of the white people of the state, the majority of Negroes remained loyal to the Republican Party and continued to vote.<sup>2</sup>

Although the Democrats won the election of 1870,<sup>3</sup> fourteen Negroes were elected to the General Assembly. Of this number, there were several Negroes, who, having served in the previous legislature, were returned to the General Assembly; they were Holland Thompson, L. J. Williams, Lawrence Speed, Thomas Diggs, and J. K. Greene. In addition to these colored men who were elected to office in the state, Benjamin S. Turner was elected to Congress as a member of the House of Representatives.<sup>4</sup>

On June 20, 1871, Peyton Finley, the only Negro member of the Alabama Board of Education, submitted a resolution providing aid for the establishment of a Negro university. The resolution proposed that the Board of Education petition Congress for a grant of public lands which would aid in the establishment of public schools and a university for Negroes. This proposal, according to Finley, was primarily caused by the fact that the poor financial status of Alabama did not permit adequate financial assistance to Negro schools; then, too, Negroes had no desire to enroll at the University of Alabama. This resolution was adopted.<sup>5</sup> On December 2, 1871,

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<sup>1</sup> Ibid., 1739.

<sup>2</sup> Ibid., I, 405.

<sup>3</sup> A. B. Moore, History of Alabama, p. 484.

<sup>4</sup> Vide Appendix.

<sup>5</sup> Journal of the Board of Education, and the Board of Regents, of the State of Alabama (Montgomery, 1871), pp. 15-16.

a carpetbagger member of the Board of Education introduced a bill to establish a Negro university. Disagreeing with this proposal, a Mr. Comegys, Democrat, declared that he was in favor of educating the colored race, but he believed that the establishment of a Negro university should be postponed. His motion was overruled by the Board, which had a Republican majority. The bill was referred to a special committee.<sup>1</sup> On December 13, 1871, Peyton Finley proposed a resolution that petitioned the General Assembly to donate a portion of the funds allocated to the establishment of Auburn, which was to be a land grant white school, for the aid of a Negro university.<sup>2</sup> This resolution was also referred to a special committee<sup>3</sup> where it apparently died when the Board of Education gained a Democratic majority at election time.

On December 20, the Board of Education passed an act<sup>4</sup> providing for the education of Negro teachers. For this purpose, the act provided for the establishment of four normal schools, each to be located at Montgomery, Huntsville, Marion, and Sparta. An annual appropriation of \$4,800 was specified for the maintenance of the schools, but this amount was to be diverted from the general fund appropriated for the education of colored children.<sup>5</sup>

The activities of Negroes in the General Assembly were inconsequential. During the first session, Holland Thompson proposed the enactment of a law to penalize any official who instituted discriminatory accommodations on public carriers. This bill was lost. Jeremiah Haralson tried to secure the passage of laws to prevent fortune-telling, and the sale of "spirituous beverages" near a local Baptist church. L. S. Speed proposed the enactment

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<sup>1</sup> Ibid., p. 55.

<sup>2</sup> Ibid., p. 81.

<sup>3</sup> Ibid., p. 82.

<sup>4</sup> Under the Constitution of 1867, the Board of Education exercised full power to legislate on the distribution of state funds to schools and colleges. Its acts, however, were subject to revision by the General Assembly.

<sup>5</sup> Ibid., p. 117.

of a law against a "game known and styled as the old lady, the baby, and the star." All these measures were lost.<sup>1</sup>

The decline of Negro activity in the General Assembly was largely caused by the fact that the Lower House of the legislature was dominated by the Democrats who applied themselves to the business of devising ways and means to repudiate railroad bonds involving the obligation of the state. Despite the fact that white Democratic business men had also helped to seriously impair the credit of the state through the excessive issue of railroad bonds, their avowed object was to shift all blame to the Republican Party with its Negro constituency. However, the Democrats invariably encountered difficulties because they were unable to agree among themselves on a common policy. Whenever they did, their plans were defeated by a Republican senate.<sup>2</sup>

Late in the second session, several measures were proposed by the Democrats to regain political control of Alabama by amending section four, article seven of the constitution of 1867. This clause was obnoxious to the Democrats because by it the disfranchised ex-Confederates could not vote unless they took an oath acknowledging the political and civil equality of all men in Alabama. The effort to amend the constitution of 1867 failed because the legislature soon adjourned, January 10, 1872.<sup>3</sup>

On January 6, 1871, the Negro Labor Convention met in Montgomery. James T. Rapier, who serve as vice president of the National Labor Convention, was elected president of the Alabama Convention. This organization appears to have been a protest movement, rather than the type of organization

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<sup>1</sup> Journal of the House of Representatives, 1871-1872 (Montgomery, 1872), the index.

<sup>2</sup> L. D. Miller, op. cit., p. 258.

<sup>3</sup> American Annual Cyclopedica of the Year 1871, p. 11.



that its name connotes. The Negro Labor Convention was expressive of the unrest caused by the Ku Klux Klan, and the impoverished state of the majority of Negroes.<sup>1</sup>

Calling the attention of the delegates to the social and economic distress of the period, George Cox, chairman of the Homes and Homesteads Committee, challenged the Negro masses to improve their condition by migrating to the State of Kansas. He listed several reasons why colored men should migrate. Firstly, all fertile lands in Alabama were either held at exorbitant prices or they lay in that section of the state that was terrorized by the Ku Klux Klan; secondly, much of the misery of the Negro masses was caused by the fact that Negroes did not own property. Elaborating on this point, Cox pointed out that it was nearly impossible for Negroes to acquire property because, for one thing, the economic blight of the Negro population was largely caused by its great size, and the lack of undiversified labor to relieve Negro unemployment. Attacking the apathetic attitude of many Negroes, Cox declared that it was sheer folly for colored farmers to wait for the process of industrialization and the construction of railroads to offer employment to Negroes. All indications pointed to the conclusion that northern capitalists would invest their money in the safer and more lucrative enterprises of Pennsylvania. Moreover, judging by the reluctance of the whites of Alabama to employ Negroes, it was useless to think that a solution of social problems was to be found in Alabama. As a matter of fact, Cox continued, the condition of Negroes in the state had not materially improved beyond the status of 1866. For all these reasons, the chairman said:

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<sup>1</sup>Alabama State Journal, January 6, 1871.

Your committee therefore respectfully suggest the state of Kansas...where homes can be had by simply going to them, and where we will not be murdered and driven from our homes for exercising those inestimable rights of life and liberty which are inherent in every freeman born upon American soil.<sup>1</sup>

H. V. Turner, chairman of the Committee on the Condition of Colored People, corroborated George Cox's report. Giving further reasons why Negroes should migrate to Kansas, Turner pointed out that Negroes were prevented from casting their ballots by the Democrats. The chairman declared that even the wives of colored men suffered abuse because their husbands chose to vote the Republican ticket. In regard to labor conditions, Turner stated:

From all over the state there arises a general cry from our oppressed people of their grievances. The landholders have formed combinations to have their large estates cultivated to their own advantage, at the expense of those who till the soil. The poor colored laborer, on the first day of January, makes a contract which he thinks will be a sufficient guaranty for his protection from penury and want at the end of the year, but at the expiration of the year for which he has contracted...he finds himself as poor or poorer than at the beginning.<sup>2</sup>

In 1872, strong Democratic sentiment appeared among some Negroes. The leading Negro Democrat in Alabama was Caesar Shorter. Shorter, who in all probability had been influenced by his former master, Governor Shorter, asserted that the leaders of his own race were too ambitious. Vigorously attacking the Fifteenth Amendment, Shorter declared that the enactment of the law giving Negroes the right to vote should have been postponed until several years later, because, he said, Negroes were too ignorant to vote.<sup>3</sup>

Gathering several discontented former Negro Republicans, Caesar Shorter organized a Horace Greely Club in Montgomery, August 18, 1872. George

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<sup>1</sup>Ibid.

<sup>2</sup>Ibid.

<sup>3</sup>Alabama Testimony, II, 1075.

Cox, who had been outstanding as a Republican, was elected president of the Negro Democratic Club; Shorter was elected vice president. The Negro Democrats adopted a resolution in which they pledged their support to Horace Greeley in his effort to become president of the United States. The resolution declared that peaceful relations between Negroes and the whites of Alabama depended upon the defeat of the Grant administration. It was also asserted that the liberal platform of the Democratic Party guaranteed sufficient protection of the political and civil rights of Negroes. Assailing the policy of migrating to Kansas, the resolution declared that it was better for Negroes to remain in Alabama and try to work out a harmonious settlement of existing prejudices with the whites.<sup>1</sup>

On August 14, 1872, the Republican State Convention assembled at Montgomery to nominate a state ticket. Although many Negro delegates were present, the convention was controlled by the scalawag<sup>2</sup> faction of the moribund Republican Party. In regard to the convention, a local Democratic newspaper made the following prophecy:

The Radical convention of Alabama will assemble in this city today...including electors for the state at large. The negroes of Alabama constitute nine-tenths the voting strength of that party...and yet we venture the assertion that not one black man will be nominated for any important State office... The prediction to which we refer is that no colored man will be nominated...and that rather than give him (the Negro) a chance they will...nominate a life-long Democrat.<sup>3</sup>

This prediction came true. After the convention was called to order, Jeremiah Haralson nominated Benjamin Turner as temporary chairman. A white delegate, however, refused to accept the nomination of Haralson, and, amid loud cries from all parts of the hall of "gag-law," put the motion to make a scalawag temporary chairman. This motion was announced as

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<sup>1</sup> Montgomery Daily Advertiser, August 4, 1872.

<sup>2</sup> Scalawags were white southerners who belonged to the Republican Party, but sympathized with the Democrats.

<sup>3</sup> Montgomery Daily Advertiser, August 14, 1872.

carried, despite the fact that a large number, if not a majority, of the delegates voted against the motion.<sup>1</sup> On a motion of a white man, the temporary officers, all white, were made permanent officers of the convention. Holland Thompson was appointed seargeant-at-arms by the scalawag president. Although the Negro delegates, as a rule, opposed the state ticket, their opposition was fruitless. The convention nominated David P. Lewis, a scalawag, as candidate for governor. Scalawags were nominated as candidates for all the important offices in Alabama.<sup>2</sup>

Four resolutions constituted the platform that was adopted by the convention, but the most pertinent of these were those dealing with the Negro. The third resolution evasively stated that it was the duty of Congress to secure the rights of citizens under the Fourteenth Amendment to the Federal Constitution by permanent legislation. Back of this resolution, however, one detects the old familiar "state's rights" philosophy of the ante-bellum period. The fourth resolution was also evasive. It declared that the education of the people, generally, was the only means by which liberty and free government could be preserved.<sup>3</sup>

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<sup>1</sup><sup>1</sup> Ibid., August 15, 1872.<sup>2</sup> Ibid., August 16, 1872.<sup>3</sup> American Annual Cyclopedica of the Year 1872 (New York, 1873), p. 11.

## CHAPTER VI

### THE DECLINE OF THE POLITICAL ACTIVITIES OF NEGROES, 1872 - 1874

In the fall of 1872, David P. Lewis, a scalawag, was elected governor of the last Republican administration in Alabama.<sup>1</sup> The success of the Republican Party in this election was largely due to the fact that the Democrats had been divided. Two reasons may be assigned as the cause of the Democratic defeat. First, Horace Greeley was not popular in Alabama, but he had been endorsed for president by the National Democratic Convention. Consequently, in view of the fact that state and federal elections had been held on the same day, many Democrats refused to vote. Second, during the previous administration, Democrats in the General Assembly had failed to enact legislation repudiating northern railroad bonds and amending the constitution of 1867.<sup>2</sup> This also caused dissatisfaction.

In the meantime, thirty-four Negroes were elected to both Houses of the General Assembly. Several of these men, namely, Lawrence L. Speed, J. K. Greene, L. J. Williams, and Holland Thompson, had served in the Alabama legislature ever since the beginning of political Reconstruction. In addition to the number of Negroes that were elected to the state legislature, James T. Rapier was elected to succeed Benjamin Turner as Congressman from Alabama.<sup>3</sup>

The most controversial problem to face the General Assembly was the Civil Rights Bill. Racial and party lines were clearly established as the

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<sup>1</sup>L. D. Miller, History of Alabama, p. 260.

<sup>2</sup>Ibid., p. 261.

<sup>3</sup>Vide Appendix.

scalawag faction of the demoralized Republican Party conspired with the Democrats to defeat the measure securing Negroes in the full immunities and privileges of citizenship. On November 20, 1873, the Civil Rights Bill was referred to the Judiciary Committee.<sup>1</sup>

Several days later, the carpetbagger chairman of the Judiciary Committee, a Mr. McAfee, submitted a majority report that was favorable to the Civil Rights Bill. Although this report was adopted,<sup>2</sup> it was opposed by the Democrats. The Democratic chairman of the Judiciary Committee submitted a report listing five major objections to the Civil Rights Bill. First, it was charged that the bill prescribed punishment for anyone violating the measure in the event it became law. Second, the bill would increase racial antagonism because the issue of Negro civil rights would always be contested in the various courts in Alabama. Third, in view of the fact that the bill prescribed punishment for its offenders, much effort would be made to elect party judges and pack juries solely on the racial issue. Fourth, the bill prescribed a minimum fine or jail sentence that might prove to be excessive; also, the proposed law offered a share of the fines that might be paid by violators as compensation to prosecutors; therefore, unjust prosecutions might be stimulated for mercenary purposes. Fifth, the bill in every aspect was incapable of producing anything but dissatisfaction for Negroes and white people.<sup>3</sup>

Considering the demoralized condition of the Republican Party, the Civil Rights Bill was doomed at the first in the General Assembly, despite the effort of Negroes to see it through. On November 26, 1873, Negro

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<sup>1</sup> Journal of the House of Representatives, 1873 (Montgomery, 1874), p. 31.

<sup>2</sup> Ibid., p. 66.

<sup>3</sup> Ibid., p. 67.

leaders remonstrated, pleaded, and even threatened to appeal to Congress on behalf of the bill, but their efforts proved to be futile.<sup>1</sup> On December 16, 1873, the Civil Rights Bill was permanently tabled.<sup>2</sup>

In 1871, the Board of Education had authorized the establishment of four normal schools for the education of Negro teachers. According to the act of 1871, each school was to consist of a board of commissioners who were required to submit an annual report to the Board of Education.<sup>3</sup>

In 1873, Porter King, J. T. Harris, and A. H. Curtis, the commissioners of the new school at Marion, submitted an official report that stated that fifty-five students had enrolled at the Marion Normal School, and that thirteen subjects comprised the course of instruction. However, these subjects ranged all the way from the elementary to the high school level, and were taught by one teacher. Out of an annual appropriation of eight hundred dollars, the commissioners reported a surplus of four hundred dollars. As the Board of Education had failed to appropriate adequate funds for the Marion School, the commissioners asked for the permission to use the surplus money to purchase supplies, and also to add a course in chemistry to the school's curriculum.<sup>4</sup>

The report made an emphatic plea for a Negro university. The argument was ingeniously advanced that the progress of Negro students in the Marion Normal School afforded clear evidence that the black race was capable and receptive of instruction. The report asserted that Negroes would advance further than the normal school level provided they were accorded equality of opportunity. As they believed that Negro schools for higher learning should

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<sup>1</sup> Montgomery Daily Advertiser, November 27, 1873.

<sup>2</sup> Journal of the House of Representatives, 1873, p. 229.

<sup>3</sup> Journal of the Board of Education, and the Board of Regents, of the State of Alabama, p. 117.

<sup>4</sup> Acts of the Board of Education, 1873 (Montgomery, 1874), pp. 74-75.

be second to none in the state, the commissioners declared that only a university could meet the advancing needs of the Negro race.<sup>1</sup>

In response to the agitation for a Negro university, the Board of Education passed an act providing for the establishment of State Teachers College at Marion, Alabama, in 1873. This act stated:

Sec. 1. Be it enacted by the Board of Education of the State of Alabama, That if the president and trustees of Lincoln school, located at Marion, shall place at the disposal of the Board of Education the school buildings for the use of said normal school and university.

Sec. 6. Be it further enacted, That the board shall, under the restrictions and limitations of this act, direct the disposal of any and all moneys appropriated to said school....

Sec. 7. Be it further enacted, That it shall be the duty of said board to organize a normal school upon the most approved plan, and in connection therewith a university department, in which such a course of instruction shall be established as shall meet the wants of the colored race in the same manner as is already provided for the education of the white race in our university and colleges....<sup>2</sup>

During the same year, the Board of Education passed an act providing for the establishment of a normal school at Huntsville, Alabama. The act stated that students would be admitted free of charges. The act provided for an appropriation of one thousand dollars for the Huntsville School, but this amount was to be taken out of the general school fund.<sup>3</sup>

Previous to the campaign of 1874, a convention assembled in Dallas County, August 5, 1874, for the purpose of electing delegates to the Republican State Convention.<sup>4</sup> The Dallas convention showed clearly that the Republican Party was split into two irreconcilable groups; the first

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<sup>1</sup>Ibid.

<sup>2</sup>Ibid., p. 16-17.

<sup>3</sup>Ibid., p. 19.

<sup>4</sup>Montgomery Daily Advertiser, August 8, 1874.



was a scalawag-Democrat coalition, and the other was the Negro-carpetbagger faction.<sup>1</sup> Although Negroes were successfully nominated as candidates for local judgeships, city treasurer, and clerks of local courts, the scalawag delegation elected the greater number of delegates to the state convention.<sup>2</sup>

On August 8, a platform consisting of nine resolutions was submitted to the convention. The first resolution declared that the Republican Party was committed to the principle of universal civil and political equality. The second resolution maintained that the issue of civil equality was not to be confused with social equality as defined by the Democratic Party. In this connection, it was charged that the political exploitation of the civil rights issue by the Democrats was a menace to the material, social, and political interests of Negroes and white people. The third resolution contended that the Republican Party did not propose to cause friction between Negroes and white people. It was further stated that the Republican Party was willing to work for the benefit of both whites and Negroes. The fourth resolution asserted that the attitude and policy of the Democratic Party was reminiscent of the spirit which had plunged the nation into a civil war, whose carnival of blood was continued by the Ku Klux Klan afterward. The fifth resolution explained that the Negro did not wish to invade the rights of white people; all the Negro desired was the right to equal privileges and advantages of public life. The sixth resolution claimed that the government had been instituted to safeguard the life, liberty, and property of its citizens; hence, it was the duty of the government to suppress

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<sup>1</sup>Coburn Report on Alabama Affairs, 1874-1875 (Washington, 1875), the preface.

<sup>2</sup>Montgomery Daily Advertiser, August 8, 1874.

the activities of the Ku Klux Klan or any organization which murdered any class of citizens, regardless of race. The seventh resolution upheld the action of the previous Democratic administration when the Alabama and Chattanooga Railroad was seized to reduce the financial obligations of the state. The eighth resolution declared that the seizure of the carpetbagger railroad had resulted in stimulating the interest of Alabama business men. The ninth resolution asserted that all railroad employees and agricultural laborers<sup>1</sup> should be protected.

The debate on whether or not the platform should be adopted is interesting because the Negro delegation divided itself into two opposing groups on this question: should Negro leaders prosecute a program of civil and political equality, or should they adopt a conciliatory policy?

As was noted, the platform consisted of nine resolutions, half of which dealt almost exclusively with the question of civil rights for Negroes. It was this part of the platform that stimulated debate among the Negro delegates. Attacking the principle of segregation, Allen Alexander declared that he was willing to agree to the prohibition of mixed schools in Alabama, but that he was utterly opposed to the resolution against mixed accommodations in public places, such as railroads. He claimed the right to enter any car, whether or not it was occupied by white people; to be compelled to occupy segregated cars constituted an invasion of his rights. Carrying his point further, Alexander contended that discriminatory practices of restaurants and bars should be outlawed. James Greene, who supported Alexander's idea, declared that he was a citizen of the United States and therefore a citizen of Alabama, and, unless he had been deceived, he was entitled to all the privileges of citizenship.<sup>2</sup>

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<sup>1</sup>Ibid., August 9, 1874.

<sup>2</sup>Ibid.

The views of Alexander and Greene invoked discussion from delegates who advocated the conciliatory policy. A. Mr. Europe stated that the plank dealing with civil rights was contradictory because, it seemed to him, the resolution did demand equal accommodations. Europe advised the advocates of equal civil rights to be prudent until the Republican Party had become firmly established in Alabama. W. H. Council, who later became president of A. & M. College at Huntsville, supported the views of Europe. Repeating the argument that nothing should be done to injure the Republican Party, Council declared that the controversial issue of equal civil rights for the Negro should be left to Congress, which, Council thought, would enact the Civil Rights Bill at a more propitious time. At this point, however, Allen Alexander arraigned Council for the latter's conservative policy. Charging that Council was a political turncoat, Alexander pointed out that Council had recently been a zealous member of the "Equal Rights" Association, and that it had been due to Council's conduct in that Association that the Democrats had made an issue of Negro civil rights.<sup>1</sup>

Notwithstanding the Alexander attack, the conservative policy prevailed in the Dallas Convention. A vote was taken and the platform was adopted. On August 8, the convention adjourned.<sup>2</sup>

During the campaign of 1874, the Republican Party was hopelessly divided into two factions. One of these was the Strobach faction which comprised a large number of Negroes, but only a few carpetbaggers.<sup>3</sup> The other division was the Robinson faction. This faction included scalawags as well as Democrats. Ill-feeling appeared between these groups because the Robinson faction apparently appointed only Democrats to various offices in Alabama.

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<sup>1</sup>Ibid.

<sup>2</sup>Ibid.

<sup>3</sup>Coburn Report on Alabama Affairs,

p. 283.

Violence appeared as the Robinson faction broke up Strobach political meetings by force. When the Congressional convention which nominated James T. Rapier as candidate for United States Representative was held, the Robinson men attempted to take possession of the convention at Union Springs by force. Scalawags and Democrats invaded the town by the carload, singing, shouting, brandishing bludgeons, cursing, and firing pistols.<sup>1</sup> Actual bloodshed was prevented only by Rapier's signing of an agreement which he later repudiated. The agreement was as follows:

State of Alabama  
County of Bullock, August 22, 1874

I do hereby pledge myself to do nothing detrimental to the success of the Robinson and Buckley faction in the coming election, and will use such means as I can honorably do to promote their success, believing that their ticket is the regularly nominated ticket for that county.

In case I fail to receive the nomination from this, the 2d Congressional district of Alabama, this instrument will be considered withdrawn, null and void.

(Signed) James T. Rapier.<sup>2</sup>

Largely as a consequence of the schism within the Republican Party, the Democrats resorted to almost every species of intimidation that would enable the "white man's" party to carry the election of 1874. Negroes and carpetbaggers were proscribed for the alleged reason that both were inferior and unworthy by nature. Democratic newspapers teemed with fantastic accounts of Negro military companies being organized against the whites for the purpose of revenge.<sup>3</sup> More atrocious than either of these measures were the fiendish deeds committed on Negroes and their property. Negro laborers

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<sup>1</sup> Ibid., p. 284.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid., the preface.

who voted the Republican ticket were blacklisted,<sup>1</sup> and they and their wives were beaten.<sup>2</sup> Negro schools were burned because they were buildings in which northern teachers instructed Negro children.<sup>3</sup> Churches were burned to prevent Negroes from holding political meetings in them.<sup>4</sup> It is said that Negro Democrats would sometimes help the white Democrats by spying on Negro Republican meetings.<sup>5</sup>

It was reported that it was not safe for Negroes or white Republicans to canvass in any part of the state. A race riot in Mobile was planned and executed by Democrats to intimidate Negro voters; mounted men occupied the streets, and instigated disturbances which ended in the killing and wounding of Negroes before they could vote.<sup>6</sup> The situation became so tense that federal troops were dispatched to Alabama. However, Democratic leaders gave orders to party members to cease violence temporarily, and resort to a policy of systematic fraud in order to deceive the president, and the attorney-general of the United States.<sup>7</sup>

As a consequence of the distressing economic and social conditions of the period, Negro leaders took steps toward organizing the masses for the purpose of migrating to another state. On December 1, 1874, a Negro convention in Montgomery was called to order by Phillip Joseph. The following report was adopted:

An experience of nine years convinces us that it is to the interest of our people...to leave this State for some other

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<sup>1</sup> Ibid., p. 306.

<sup>2</sup> Ibid., p. 45.

<sup>3</sup> Ibid., p. 292.

<sup>4</sup> Ibid., p. 45.

<sup>5</sup> Ibid., p. 336.

<sup>6</sup> Ibid., p. 450.

<sup>7</sup> Ibid., p. 200.

State or territory more favorable to their material, social and intellectual advancement, for the following reasons, to wit,

We have labored faithfully since our emancipation for the landed class of Alabama, without receiving adequate compensation or without the probability of ever receiving any reasonable remuneration...And consequently, instead of advancing our material interest...our condition is becoming worse...and...many of our people are now on the verge of starvation. And, inasmuch as there is no prospect of our opportunities being any better...we would recommend the formation of an association...to be called "The Emigration Association of Alabama...."<sup>1</sup>

The inevitable success of the Democrats in the election of 1874,<sup>2</sup> represented a climax to an ordeal of fraud, intimidation, and, in some instances, of murder. In 1875 a Democratic constitutional convention was held. Although four Negroes attended this convention,<sup>3</sup> their presence in all probability was to be attributed either to Democratic political strategy or Democratic generosity. Among other things the new constitution abolished the Board of Education and transferred its powers to the General Assembly. The clause acknowledging the political rights of all men in the state was retained,<sup>4</sup> but it became inoperative. For even though Negroes continued to vote and serve in the General Assembly and in Congress until the year 1877, their political activities and economic status gradually came under the control of the white Democrats.<sup>5</sup>

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<sup>1</sup>Ibid., p. 1115.

<sup>2</sup>L. D. Miller, op. cit., p. 264.

<sup>3</sup>John Beverly, History of Alabama, p. 206.

<sup>4</sup>L. D. Miller, op. cit., p. 268.

<sup>5</sup>W. L. Fleming, Civil War and Reconstruction in Alabama, p. 798.

## CHAPTER VII

### NEGRO CONGRESSMEN FROM ALABAMA

Benjamin Sterling Turner was the first Negro to represent Alabama in Congress during the period of Reconstruction. He was elected to the Forty-second Congress as Representative.<sup>1</sup> With one possible exception, Turner always confined himself to economic problems in the national legislature. For local improvement and general rehabilitation, Turner proposed three bills. Two of these measures sought federal appropriation for the improvement of the rivers and harbors in Alabama. The third measure provided for federal aid in the erection of public buildings in Selma,<sup>2</sup> Alabama.

An extract from Turner's speech on the bill providing for the erection of public buildings follows:

Mr. Speaker, on April last I had the honor to introduce a bill in this House providing for the erection of public buildings in the city of Selma...suitable for the pressing demands of business and commerce in that growing city. That bill has been referred to the Committee on Public Buildings and Grounds, and without knowing what their report will be, I desire to offer some reasons to the House why the bill should pass at once. And before proceeding further, let me say to the members of the House that I am earnest in pressing for the passage of this bill, and I shall not relinquish one foot of ground until I have succeeded in my effort. The people of Selma have been magnanimous toward me; they have buried in the tomb of oblivion many of those animosities upon which we hear so many eloquent appeals in this chamber; and I intend to stand by and labor for them in their need and desolation. In doing this I repay personal kindness, resent wrong by upholding

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<sup>1</sup>Biographical Directory of the American Congress, 1774-1927 (Washington, 1928), p. 1631.

<sup>2</sup>A. A. Taylor, "Negro Congressmen a Generation After", Journal of Negro History, VII (April, 1922), p. 159.

right, and at the same time advocate a measure of necessity to the Government of my country.

In the year 1865, two thirds of the city...was reduced to ashes by the United States Army. Churches, schoolhouses, manufacturers, stores, workshops, public buildings, barns, stock pens, and a thousand of more private residences, were swept away...The Government made a display...and conquered a...high toned people. They may have sinned...but suffered terribly....I have no reproach to heap upon them now. Rather would I extend the olive branch...and say to them, let the past be forgotten and let us all...go to work peacefully to build....I now ask Congress...to appropriate \$200,000 for the erection of public buildings in that city.

First, because there is a great...need for these buildings for Government use. Second, because the erection of the buildings will give work to many who need and deserve it, and who...have suffered; and

Third, because this is a growing city, and if aided ...will soon become flourishing and an honor to the commercial growth of our country.<sup>1</sup>

James Thomas Rapier was the second Negro from Alabama to serve in Congress. Elected to the Forty-third Congress as Representative,<sup>2</sup> Rapier continued to a certain extent the economic policies of Benjamin Turner. In order to promote rehabilitation in Alabama, Rapier proposed two measures. One provided for the erection of public buildings in Montgomery through federal aid, and the other proposed to make improvements in the rivers and harbors of Alabama. Rapier succeeded in having enacted into law a measure to constitute Montgomery a port of entry.<sup>3</sup>

The larger part of Rapier's services was spent in the effort to secure the enactment of the Civil Rights Bill. In Congress, he made an effective analysis of the anomolous position occupied by the Negro in the United

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<sup>1</sup> Congressional Globe. Appendix. 42nd Congress, 2nd session (Washington, 1872), p. 530.

<sup>2</sup> Biographical Directory of the American Congress, 1774-1927, p. 1445.

<sup>3</sup> Congressional Record. Appendix. 43rd Congress, 1st session (Washington, 1874), pp. 85, 1345.



States. Pointing out that Negroes had been accorded political rights without civil rights, Rapier deplored the whole situation and challenged the truth of the statement that the United States is the asylum of the oppressed. He contended that the problem was national in scope, and declared that it was the constitutional authority of Congress to solve the problem. In this connection, Rapier assailed the state's rights argument of Alexander Stephens of Georgia who had maintained that it should be the duty of the southern states to decide if or when civil rights should be conferred upon the Negro. It appeared to Rapier that Alexander Stephens had failed to comprehend the new order that had been ushered in by the Civil War. Rapier deplored as unthinkable the idea that the South would secure the Negro in equal civil rights in the future. On the contrary, he pointed out, the heinous activities of the Ku Klux Klan sufficiently demonstrated that the Negro had no rights whatever that the southern whites were bound to respect. Rapier concluded by stating that Negroes had earned all the privileges of citizenship, and that it remained the duty of Congress to secure those rights by enacting the Civil Rights Bill.<sup>1</sup>

An extract from Rapier's speech on the Civil Rights Bill follows:

I must confess it is somewhat embarrassing for a colored man to urge the passage of this bill, because, if he exhibits an earnestness in the matter, straightway he is charged with a desire for social equality, as explained by the demagogue and understood by the ignorant white man. But then it is just as embarrassing for him not to do so, for, if he remains silent while the struggle is being carried on around, and for him, he is liable to be charged with a want of interest in a matter that concerns him more than anyone else, which is enough to make his friends desert his cause.

I trust this bill will become law, because it is a necessity, and because it will put an end to all legislation on this subject. It does not and cannot contemplate any such idea as so-

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<sup>1</sup>A. A. Taylor "Negro Congressmen a Generation After," loc. cit., p. 147.

cial equality; nor is there any man upon this floor so silly as to believe that there can be any law enacted or enforced that would compel one man to recognize another as his equal socially; if there be, he ought not to be here and I have only to say that they have sent him to the wrong public building. I would oppose such a bill (as "social equality")....<sup>1</sup>

Jeremiah Haralson, a minister of the gospel, was the last Negro to be elected to Congress as Representative from Alabama. He served in the Forty-fourth Congress from 1875 to 1877.<sup>2</sup> It was during his term in office that the Reconstruction period came to a close. Haralson's services in Congress were relatively insignificant. It appears that he proposed only three measures. These comprised such objects as the amendment of the revised statutes of the United States, the relief of a medical college in Alabama, and the payment of war claims.<sup>3</sup>

In conclusion, it is apparent that two general types of legislation were pre-eminent in the measures proposed by Negro Congressmen from Alabama. The first of these sought federal appropriations for local improvement. The second sought to secure social justice for the Negro race. Most of these measures, regardless of merit, met one of three fates: they were adversely reported, sidetracked in committees, or defeated in debate.<sup>4</sup> The thing that largely contributed to the failure of legislation proposed by Negro leaders is the fact that the Negro membership in Congress always constituted an ineffective minority.<sup>5</sup>

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<sup>1</sup> Congressional Record. Appendix. 43rd Cong. 1st session, pp. 4782-4786.

<sup>2</sup> Biographical Directory of the American Congress, 1774-1927, p. 1058.

<sup>3</sup> A. A. Taylor, "Negro Congressmen a Generation After," loc. cit., p. 165.

<sup>4</sup> Ibid., p. 168.

<sup>5</sup> Ibid., p. 171.

## CONCLUSIONS

It is almost needless to point out that the political activities of Negroes in Alabama, 1867-1876, show the interacting forces of the Reconstruction period. From 1867 to 1870, there was a tendency on the part of Negro leaders to support measures that were designed to subsidize the construction of a carpetbagger railroad. It was during this period when the Republican Party exercised a controlling influence in state politics that Negro leaders made consistent demands for equal civil rights. However, it was also during this three-year period that the demands of Negro leaders grew weaker, because the Republican Party began to decline, and the Ku Klux Klan began to operate. After 1870, the prospect of Negro leaders securing the race in equal civil rights became increasingly doubtful for obvious reasons. By 1874, there appeared to have been a greater tendency on the part of Negro leaders to adopt a conciliatory policy. At the same time, the Negro masses made stronger demands for economic reforms.

It would seem that there was a disparity between the demands of the Negro leaders and those of the Negro masses. The dominating theme of the Negro leaders throughout the period was the equality of civil rights. Preeminent in the demands of the masses was the cry for agrarian reform.

· APPENDIX

A.

NEGRO OFFICEHOLDERS OF ALABAMA

1867 - 1876<sup>1</sup>

- Abercrombie, Thomas: Member General Assembly, page, 1872-1874, Montgomery County.
- Alexander, Benjamin: Member General Assembly, 1868, Greene County.
- Alexander, B. F.: Member Constitutional Convention, 1867, representing District 22, Greene County.
- Allen, G. W.: Member General Assembly, 1874-1876, Bullock County.
- Avery, Matt: Member General Assembly, 1868-1870, Macon County.
- Baldwin, Elijah: Member General Assembly 1874-1876, Wilcox County.
- Blandon, Samuel: Member Constitutional Convention 1867, representing District 19, Lee County; Member General Assembly, 1868-1870.
- Blevens, W. H.: Member General Assembly, 1874-1876, Dallas County.
- Boyd, Matthew: Member General Assembly 1874-1876, Perry County.
- Brewington, N. A.: Member General Assembly 1868-1870, Lowndes County.
- Carraway, John: Member Constitutional Convention 1867, representing District 1, Mobile County; Member General Assembly; Speaker of the House 1868-1870.
- Carson, H. E.: Member General Assembly 1872-1874, 1875-1876; Constitutional Convention 1875, Lowndes County.
- Cashin, H. V.: Member General Assembly 1874-1876, Montgomery County.
- Clark, T. J.: Member General Assembly 1872-1874, Barbour County.
- Cook, Elijah: Member General Assembly 1874-1876, Montgomery County.
- Cook, Robert: Member General Assembly, page, 1872-1874, Montgomery County.
- Council, W. H.: Member General Assembly, Assistant Engrossing Clerk, 1872-1874, Montgomery County.

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<sup>1</sup> John Beverly, History of Alabama, pp. 203-206.

- Cox, George: Member General Assembly 1868-1870, Montgomery County.
- Craig, Henry Hunter: Member General Assembly, 1870-1872, Montgomery County.
- Curtis, A. H.: Member General Assembly, 1870-1872, 1874-1876; Constitutional Convention 1875, Perry County.
- Diggs, Thomas: Member Constitutional Convention 1867, representing District 6, Barbour County; Member General Assembly 1868-1870, 1870, 1872.
- Dotson, Mentor: Member General Assembly, 1872-1874; Sumter County.
- Dozier, John: Member General Assembly, 1870-1872, 1872-1874, Perry County.
- Drawn, Joseph: Member General Assembly, 1868-1870, Dallas County
- Ellsworth, Hale: Member General Assembly, 1872-1874, Montgomery County
- Fagan, Charles: Member General Assembly, 1874-1876, Montgomery County.
- Fantroy, Samuel: Member General Assembly, 1872-1874, Barbour County.
- Finley, Peyton: Member Constitutional Convention, 1867, representing District 15, Montgomery County.
- Gaskin, W. O.: Member General Assembly, 1870-1872, 1874-1876, Lowndes County.
- Gee, Ned: Member General Assembly, 1870-1872, Dallas County.
- Gilmer, Captain: Member General Assembly, 1874-1876, Montgomery County.
- Goldsby, J. H.: Member General Assembly, 1872-1874, Dallas County.
- Greene, J. K.: Member Constitutional Convention, 1867, representing District 22, Hale County; Member General Assembly, 1868-1870; 1870-1872, 1872-1874, 1874-1876.
- Gregory, Ovide: Member Constitutional Convention, 1867, representing District 1, Mobile County; Member General Assembly, 1868-1870.
- Haralson, Jeremiah: Member General Assembly, 1870-1872, Senate 1872-1874, Senate, 1874-1875, Dallas County; Representative, U. S. Congress, 44th Congress, 1875-1877.
- Harris, C. O.: Member General Assembly, Assistant Enrolling Clerk, 1870-1874, Montgomery County.
- Harriss, C. E.: Member General Assembly, 1874-1876, Dallas County.
- Hatcher, Jordan: Member Constitutional Convention, 1867, representing District 16, Dallas County.
- Houston, George: Member General Assembly, 1868-1870, Sumter County.

- Inge, Benjamin: Member Constitutional Convention, 1867, representing District 18, Sumter County; Member General Assembly, 1868-1870.
- Johnson, A. W.: Member General Assembly, 1874-1876, Macon County.
- Johnson, R. L.: Member General Assembly, 1870-1872, 1872-1874, Dallas County.
- Johnson, Washington: Member Constitutional Convention, 1867, representing District 18, Russell County.
- Jones, Columbus: Member Constitutional Convention, 1867, representing District 43, Lauderdale County; Member General Assembly 1868-1870.
- Jones, J. W.: Member General Assembly, Senate 1872-1874, 1874-1876, Lowndes County.
- Jones, Reuben: Member General Assembly, 1872-1874, Madison County.
- Joseph, Phillip: Member General Assembly, Engrossing Clerk, 1872-1874, Mobile County.
- Law, David: Member General Assembly, 1868-1870, Barbour County.
- Lee, Samuel: Member General Assembly, 1874-1876, Lowndes County.
- Lee, Thomas: Member Constitutional Convention 1867, representing District 21, Perry County.
- Leftwich, Lloyd: Member General Assembly, Senate 1872-1874, Senate 1875-1876, Greene County.
- Lewis, G. S. W.: Member General Assembly, 1868-1870, 1872-1874, 1874-1876, Perry County; Member Constitutional Convention, 1875.
- Locke, E. W.: Member General Assembly, 1874-1876, Wilcox County.
- Long, R. A.: Member Constitutional Convention, 1875.
- Martin, Jacob: Member General Assembly, 1874-1876, Dallas County.
- Matthews, Perry: Member General Assembly 1872-1874, 1874-1876, Bullock County.
- Maul, January: Member General Assembly 1872-1874, Lowndes County.
- McCally, Jefferson: Member General Assembly 1868-1870, Madison County.
- McLeod, J. Wright: Member Constitutional Convention 1867, representing District 17, Marengo County.
- Merriwether, Willis: Member General Assembly 1872-1874, 1874-1876, Wilcox County.
- Miller, G. R. Member General Assembly, 1872-1874, Russell County.

- Patterson, George: Member General Assembly 1872-1874, 1874-1876, Macon County.
- Patterson, L. J.: Member General Assembly 1872-1874, Antanga County.
- Rapier, James T.: Member Constitutional Convention, 1867, representing District 43, Lauderdale County; Representative U. S. Congress, 43rd Congress, 1873-1875.
- Reese, Bristo: Member General Assembly 1872-1874, 1874-1876, Hale County.
- Reid, Robert: Member General Assembly 1872-1874, 1874-1876, Sumter County.
- Rice, H. W. W.: Member General Assembly 1868-1870, Talladega County.
- Robinson, Lafayette: Member Constitutional Convention 1867, representing District 42, Madison County.
- Royal, Benjamin F.: Member Constitutional Convention 1867, representing District 9, Bullock County; Member General Assembly, Senate 1868-1870, Senate 1874-1876.
- Russell, Stephen: Member General Assembly, Page 1872-1874, Montgomery County.
- Shaw, James: Member General Assembly 1868-1870, Mobile County.
- Smith, C. Member General Assembly 1874-1876, Bullock County.
- Speed, Lawrence S.: Member General Assembly 1868-1870, 1870-1872, 1872-1874, Bullock County.
- St. Clair, Henry: Member General Assembly 1870-1872, 1872-1874, Macon County.
- Steele, Lawson: Member General Assembly 1872-1874, Montgomery County.
- Stokes, H.: Member Constitutional Convention 1867, representing District 16, Dallas County.
- Taylor, Manfield: Member General Assembly 1870-1872, Lowndes County.
- Threat, F. H.: Member General Assembly 1872-1874, Marengo County.
- Thompson, Holland: Member General Assembly 1868-1870, 1870-1872, Montgomery County.
- Treadwell, J. R.: Member General Assembly 1872-1874, Russell County.
- Turner, Benjamin S.: Representative U. S. Congress, 42nd Congress, 1871-1873, Dallas County.
- Turner, W. V.: Member General Assembly 1868-1870, 1872-1874, Elmore County.
- Walker, Thomas: Member General Assembly 1872-1874, Dallas County.



Williams, E. A.: Member General Assembly 1872-1874, Barbour County.

Williams, Latty J.: Member General Assembly 1868-1870, 1872-1874, Montgomery County.

Wynne, Manly: Member General Assembly 1874-1876, Hale County.

Young, Henry: Member General Assembly 1868-1870, Lowndes County.

B.

RESOLUTION ADOPTED BY THE NEGRO DEMOCRATIC CLUB

AUGUST 1, 1872<sup>1</sup>

Whereas, The creation and perpetuation of a friendly and peaceful relation between the white and colored people of the South is absolutely essential to the prosperity of the latter and can only be effected by the defeat of the administration candidates, therefore

Be it Resolved, That we, a portion of the colored people of this city and county of Montgomery do heartily endorse the nomination of Greeley and Brown and will use all honorable means to secure their election.

Be it further Resolved, That it is our honest conviction that the adoption of the Liberal Republican platform by the Democratic Party throws around the colored people every guarantee necessary for the protection of their rights under the Constitution of the United States.

Be it further Resolved, That to support the Grant Administration in the face of the favorable political auspices would be detrimental to our interests, both local and national.

Be it further Resolved, That we recognize no other place but the South as our home, and that the interests of the white and colored people here are one and in common and should be regarded by both in order to secure a peaceable settlement of existing prejudices.

Be it further Resolved, That we oppose all secret organizations for political purposes, or any party that slanders or proscribes men because of their party principles.

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<sup>1</sup>  
Montgomery Daily Advertiser, August 8, 1872.

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