

History 225

Re: OUTline/Notes w/ End of an Ear--Phase II

I. Depression Politics, 1873--)

A. Ascending Political Conservatism in the North

1. Crucible of class politics. The economic downturn of the 1870s ignited a period of Capital/Labor disputes that would have kindled a glowing warmth in Karl marx's heart. Was all this just a precursor to the class struggle that was about to break out in self-admiring "classless" America? [Parenthetically, the 1870s just begins a period of primitive class warfare in this country that continues until WW I in the most brutal fashion].

a. Foner notes the 1873 Tompkins' Square Riot in NY City. Here the unemployed, their afmilies, and allies, demonstrated for "Work and Bread." The demonstration was broken up by the police--actually it was a police riot. But for the bourgeoisie--the "best men" of the Liberal Party tradition--saw in the Tompkins' Square riot the seeds of the Paris Commune.

Foner's point is that many erstwhile Republicans as well as northern middle class Americans soured on the old party ideology of free labor. There was a call to rollback universal male suffrage. . . . Much talk about restricting the vote to those who met property qualifications, etc. Reinforced the view that was gainig support that government should be left up to the best and brightest" in the North and in the South. In the South this was the former antebellum leaders--men of property and a smooth veneer of civilization.

All part of the shift of northern Republicans toward a conservative direction--emphasis on class and property.

2. 1874 election. Hard times turned voters against the party in power and favored the "outs." The 1874 election was according to contemporaries closer to a "revolution" than an off-year election because it return to the House of Representative a sound majority for the Democrats, leaving the Senate in the hands of the Republicans.

3. Nespaperman James Pike of the NY Tribune made a foray into the South, So. Carolina especially, and reported back on the state of affairs in So. Carolina under Reconstruction rule.

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Pike's reporting was later collected in a book titled The Prostrate State. Unabashedly subjective and racist account of the Africanization of southern politics. It made no attempt at balance or critical evaluation. It was an out-and-out smear against Southern reconstruction. It received great reviews in the Northern press--Republican and Democratic.

## B. Constitutional Rereats

*Does Court follow the election returns? maybe? It does follow or is affected by climate of opinion.*

In a series of cases the Supreme Court in the 1870s ruled in a manner that denied congressional Reconstruction much needed legitimacy and legal power. This was all part of the Northern shift toward conservatism and a reaction to state activism that encouraged so much of the corruption of the Gilded Age. (Eg. the corruption that grew out of federal subsidization of rrs-- and gave rise to things like the Credit Mobilier scandal).

1. Slaughterhouse case(1873/4). This was not a case that directly affected blacks but carried ominous implications for them.

Miller decision for the majority(5-4)narrowly defined what were regarded as national rights. Miller's definition of national rights were vacuous. (See them on p. 529). According to the majority decision the 14th Amendment only protected those rights that were national or federal in scope. . .all other rights still resided under local or state control. This was a most rigid reading of state rights federalism that basically took the black man in the South right back to Square One prior to the 13th, 14th Amendment efforts by Congress to protect citizens against violations of their rights by either states or individuals. (See the original intent in the drafting of the Enforcement Actsd and the KKK Act of 1873).

2. U.S. vs. Cruikshank (1876). This case involved convictions against three perpetrators of the Colfax, La., massacre of 1873. The Court threw out the convictions because it argued that the 14th Amendment under which they were convicted for violating only protected citizens in their rights from infringement by the state. Since these men were not representatives of the state, but individuals with no state affiliations they should be prosecuted by the local or state authorities and not the federal government. (In short, the Enforcement Acts and KKK acts were unconstitutional).

3. U.S. vs. Reese (1876)

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*Close over + attempts  
4 writers in Kentucky to  
prevent blacks from voting  
#*

3. U.S. vs. Reese(1875). Weakened significantly the 15th Amendment.

It does not seem inevitable that the Court could not have devised some workable division of authority between the states and the federal power which would have allowed the nation to protect the rights of blacks against violation by either states or individuals. One of the immediate problems was the inability of the Republican party, had it been determined, to have reformed the language of these Amendments because the House was now in the control of the Democrats at this time.

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## II. Compromise of 1877

A. The Disputed Election of 1876. This seals the fate of the congressional govts. in the South. Officially brings the Era of Reconstruction to an end.

1. Long reach of history. Deal w. the record of sectional compromise to hold the Union together(1787 Constitutional Compromises, 1820 Compromise, 1833 Nullification Crisis and Compromise, the 1850 Compromise).

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B. Outcome of the Compromise

## III. The Redeemers "New South"

A. Revolutions Can Go Backward

*# Both cases reflect the backwards reading by the Court of the intent of the 14th Amendment.*

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Re: Notes w/ 15th Amendment (use w/ Reese case)

The limits of the Amendment: It failed to forbid literacy, property, and educational tests for male enfranchisement. Radicals had wanted the Amendment to set voting conditions uniform throughout the land and also provisions for holding office-- democratize the requirements for office holding.

Language of the Amendment only forbids denial of the vote to males on the basis of race, color, or previous condition of servitude. But the framers failed to cast the language of the 15th with the same universalist approach taken in the 14th Amendment in its definition of rights of citizenship.

Had this been the case with the 15th it would have barred denial of the franchise on more than grounds of race. It would have included probably universalist standards that applied to all states and barred refusal of the vote on grounds in addition to race such as education, property, religious beliefs with guarantees of the right to all who could vote the equal right to hold office.

The language of the Amendment was carefully tailored to apply to southern blacks and to attract northern blacks to the Republican ticket.

Northern states did not want to give up certain state requirements for enfranchisement. In the West, state governments wanted to prevent Chinese from enjoying the vote. In other northern states it was to limit immigrant enfranchisement and the poor from exercising the vote.