

William D. Kelley and Radical Reconstruction

“WHO has not heard of ‘Pig-Iron’ Kelley?” a Washington correspondent wrote in 1883. “. . . Mr. Kelley thinks tariff, talks tariff, and writes tariff every hour of the day. . . . When he goes into society he backs women into corners and asks them their opinion of the duty on steel rails.”¹

This stereotype of William Darrah Kelley, a Philadelphian who served in Congress from 1861 until his death in 1890, has become firmly fixed in the American historical tradition. His famous nickname has become one of the best-known sobriquets in our political annals. Few people, however, seem to know anything more about him. Congressman Kelley should be remembered not only for his devotion to the protective tariff, but also as an outstanding exponent of Radical Reconstruction and an early advocate of civil rights for the Negro. Like his daughter Florence, well known as a crusader for social welfare in the Progressive Era, Kelley was endowed with a strong streak of humanitarian zeal.

Hardship and hard work were his lot in boyhood. Of Scotch-Irish and Huguenot ancestry, he was born in Philadelphia on April 12, 1814, the fourth child and only son of David and Hannah (Darrah) Kelley.² His father, a watchmaker and jeweler, was financially ruined as a result of endorsing a note for an improvident relative, and died of apoplexy when William was two years old. His mother was forced to open a boarding house in order to support the children. Quitting school at the age of eleven, the boy tried several odd jobs before

¹ Frank G. Carpenter, *Carp's Washington*, ed. by Frances Carpenter (New York, 1960), 24-25.

² Brief biographical sketches may be found in *A Biographical Album of Prominent Pennsylvanians*, 1st Ser. (Philadelphia, 1888), 7-13; L. P. Brockett, *Men of Our Day* (Philadelphia, 1872), 495-503; and the *Dictionary of American Biography*. I am indebted to a seminar paper by one of my students, John J. Bubon, an M. A. candidate at the Pennsylvania State University, for preliminary exploration of Kelley's political career.

deciding to follow in his father's footsteps by learning the jeweler's trade. After a seven-year apprenticeship in Philadelphia, he worked in Boston as an enameler from 1835 to 1839.

Returning to his native city, he took up the study of law with Colonel James Page, and in 1841, at the age of twenty-seven, was admitted to the bar. Kelley had already begun his political career as a Jacksonian Democrat, and his services in Francis R. Shunk's campaign for the governorship resulted in his appointment as prosecuting attorney for Philadelphia County in 1845 and then as judge of the court of common pleas in 1847. He continued in the latter post after it became elective, and “Judge” Kelley he remained to his Pennsylvania constituents throughout his long tenure in Congress.

The *Democratic Review* carried a biographical sketch of Kelley in 1851, remarking that he was “widely known as an active, energetic and radical member of the great Democratic Party” and characterizing him as “an ardent friend of humanity, a zealous collaborator in every effort for the elevation of the laboring community, and a helper in every good work.”³ Interest in the antislavery cause led him to abandon the Democrats and join the newborn Republican Party in 1854. Two years later, he gave up his judgeship to run for Congress from the Fourth District of Pennsylvania. He was defeated in 1856, but running again in 1860 he was successful. He was re-elected fourteen times, setting a record for length of service and becoming known as “father of the House.”⁴

In the same year he joined the Republicans, Kelley married Caroline Bartram Bonsall, a liberal Quaker whose family was inclined toward abolitionism. Kelley himself had been raised a Presbyterian. The marriage ceremony was performed by the Reverend William H. Furness, pastor of the First Unitarian Church and a distinguished antislavery man. The Kelleys, who made their home in West Philadelphia, four miles from Independence Hall, were associated with this church for some years. They had eight children, but five died in infancy or early childhood. Florence Kelley was later to wage one of her crusades on behalf of expanded Federal programs to

³ “Political Portraits with Pen and Pencil: William Darrah Kelley,” *United States Magazine and Democratic Review*, XXVIII (1851), 553.

⁴ “Memorial Addresses on the Life and Character of William D. Kelley,” *House Miscellaneous Documents*, 51st Cong., 1st Sess. (1889-1890), XXIII, No. 229, 4.

1864. When the delegates appeared for the second session of the Thirty-eighth Congress on December 5, 1864, they were denied seats. During their three-months' sojourn in Washington, one of the claimants, A. P. Field, became involved in an altercation with Kelley in the Willard Hotel dining room and assaulted Kelley with a knife.¹⁵ It is doubtful whether this episode helped the Louisianans in their fruitless quest for recognition.

One of the main objections of the Radicals to recognizing the new government in Louisiana was the lack of provision for Negro suffrage. The problems of the freedmen were under consideration in Congress at this time. Congressman Thomas D. Eliot of Massachusetts had introduced his Freedmen's Bureau Bill early in 1864, but final passage was delayed until March, 1865. From the beginning, the bill received Kelley's enthusiastic support. "Humanity, the spirit of the nineteenth century, and Christian civilization demand its immediate passage," he said in an impressive speech delivered on February 23, 1864.¹⁶ In answer to critics who denigrated the bill as a product of New England fanaticism, he recalled the economic and cultural benefits he had enjoyed as a journeyman jeweler in Boston and went on to declare:

I thank God for the Puritan spirit of Massachusetts. . . . I thank the men of Massachusetts, as will the scholars in public schools fashioned upon her principles in the city of Charleston in good time. They may be white, they may be black, they may be yellow, but when the civilization of Massachusetts shall have penetrated that dark city, and fashioned its institutions as it will, the pleasure of the pupils in the schools will be to thank God night and morning for the spirit of Massachusetts which kept liberty alive, and finally brought its blessings to the entire people of the country.¹⁷

In answer to those who argued that elevation of the freedmen would promote miscegenation, he called attention to the illegitimate race mixing that was characteristic of plantation society, and exclaimed dramatically, "if the negro race is to be saved as a distinct race, the only way to do it is to take it from the embrace of the slaveholders!"¹⁸

¹⁵ On this incident, see *ibid.*, 38th Cong., 2nd Sess. (Jan. 23, 1865), 371-375, and (Feb. 21, 1865), 971-974.

¹⁶ *Ibid.*, 38th Cong., 1st Sess. (Feb. 23, 1864), 773.

¹⁷ *Ibid.*

¹⁸ *Ibid.*, 774.

In answer to those who contended that the proposed bureau would be a great expense, he suggested that training the former slaves in useful arts and putting them to work would create a great new market for northern manufactured goods. "The bill might well be pressed as a revenue measure," he asserted.¹⁹

William D. Kelley's most important contribution to the program of Radical Reconstruction was his vigorous and effective championship of Negro suffrage. Probably his most influential speech was one delivered on behalf of this cause on January 16, 1865, a full four years before passage of the Fifteenth Amendment, indeed even before passage of the Thirteenth Amendment. The occasion for this oration was debate on a bill (not passed) for reconstruction of occupied areas of the Confederacy. The Pennsylvania Congressman moved an amendment which would have made it possible for all male citizens, regardless of race, who could read the United States Constitution to be given the suffrage in the reorganized states. Kelley also favored suffrage provisions for colored soldiers. The speech was a lengthy one, occupying thirty full columns in the bulky *Congressional Globe*.²⁰ It is said that eventually half a million copies of this speech were distributed.²¹

Much of the reasoning was historical. In the first place, Kelley cited the preamble to the Declaration of Independence and declared that the colored population was covered by its principles. Next, he claimed that free colored men had generally been permitted to vote at the time of the adoption of the Constitution. He referred to a debate in the Continental Congress on June 25, 1778, when the Articles of Confederation were under consideration. The South Carolina delegation had moved to limit the privileges and immunities clause to free *white* inhabitants, but the amendment was defeated by a vote of eight states to two, with one state divided.²² Only South Carolina among the original states had forbidden Negroes to vote from the beginning, but, one by one, other states, including Pennsylvania (by the Constitution of 1838), had excluded them.²³ Kelley

¹⁹ *Ibid.*, 775.

²⁰ *Ibid.*, 38th Cong., 2nd Sess. (Jan. 16, 1865), 281-291.

²¹ Brockett, 501.

²² *Journals of the Continental Congress*, XI (June 25, 1778), 652.

²³ In 1865, Negroes were allowed to vote only in the New England states (with the exception of Connecticut) and New York (which had a special property qualification for Negroes).

then reviewed the history of Congressional ordinances for the governance of western territories and the provisions of treaties with foreign countries in his search for precedents. He pointed to Mexico as a nation without racial discrimination, and to Liberia as one which proved that Negroes were capable of self-government.

He also advanced some contemporary and very practical arguments. Negro suffrage was necessary, he suggested, in order to prevent discriminatory legislation against Negroes and white southern Unionists, to forestall miscarriages of justice in the South, and to prevent southern whites from having an unfair share in the Federal government. With emancipation of the slaves, the entire Negro population instead of only three fifths would be counted for purposes of representation in Congress. "Are we to declare that one white citizen of South Carolina [*where more than half the population was colored*] is entitled to more weight in the councils of the nation than two citizens of a northern State?" he asked.²⁴ In conclusion, he begged members of the Congress to enact the measure and so prevent the South's achieving "her grandest triumph in the hour of her humiliation."²⁵

Another Pennsylvania representative, John D. Stiles of Allentown, a Democrat, promptly rose to challenge both Kelley's history and his philosophy. Stiles denied that Negroes had ever voted in Pennsylvania, and charged that Kelley's speech appealed "to passion and not to judgment," and that it was in favor of a principle which in years hence would be regarded as "the height of the fanaticism of these days."²⁶

Speaking at Concert Hall in Philadelphia two months after the war ended, Kelley took the opportunity to call attention to the fact that race discrimination was a problem in the North as well as in the South. The defeat of the Confederacy had left the nation with a new war to wage, a moral war:

The enemy that we are grappling with is *pride of race, unchristian and anti-republican prejudice against all races of men save our own*. He sits enthroned in our Northern hearts. He controls our action every hour of the day in every street of Philadelphia; and if we cannot conquer him, we cannot

²⁴ *Congressional Globe*, 38th Cong., 2nd Sess. (Jan. 16, 1865), 287.

²⁵ *Ibid.*, 291.

²⁶ *Ibid.*

maintain our own freedom, or transmit the real safeguards of personal liberty to our immediate posterity.²⁷

There was considerable controversy in Philadelphia at this time over the exclusion of Negroes from streetcars. In this connection, Kelley put his marvelous powers of sarcasm to work not on southern rebels but on his own constituents:

I boast of Philadelphia at all times; but I cannot help seeing her weaknesses. I cannot help seeing that she is immensely hypocritical, when she talks about the importance of getting religious instruction to ignorant and dying people, and will allow every white strumpet and thief whose crime furnishes them the means of paying a fare to ride in a car, and will, as she has so recently done, turn out the colored clergyman and other pious people hastening on the holiest errands of philanthropy and Christianity.²⁸

Negroes had been admitted to the streetcars of Washington, D. C., as a result of a Congressional enactment in 1863. When the Thirty-ninth Congress convened on December 4, 1865, the Radicals determined to take advantage of the special Congressional prerogatives over Federal territories to give the Negroes of Washington the right to vote, thus setting an example for the nation at large.²⁹ On the first day of the session Ben Wade introduced a bill for this purpose in the Senate; on the following day, William D. Kelley presented comparable legislation in the House. After referral to the Judiciary Committee, the measure was debated by the House on January 10, 1866.³⁰

Kelley made a forceful speech on its behalf, using historical arguments rather similar to those he had developed a year earlier. He also read into the *Globe* a petition for the suffrage signed by colored

²⁷ *The Safeguards of Personal Liberty: An Address by Hon. Wm. D. Kelley* (Philadelphia, 1865), 2-3. This pamphlet was published by the Social, Civil and Statistical Association of Colored People of Pennsylvania.

²⁸ *Ibid.*, 11. The state legislature prohibited this form of race discrimination in 1867.

²⁹ Washington enjoyed a large measure of local self-government at this time, though its voters did not have the right to participate in national elections. Before the Reconstruction period was over, home rule was abolished and the District was put under a commission form of government. See James H. Whyte, *The Uncivil War: Washington during the Reconstruction, 1865-1878* (New York, 1958).

³⁰ *Congressional Globe*, 39th Cong., 1st Sess. (Dec. 4, 1865), 1, (Dec. 5, 1865), 10, and (Jan. 10, 1866), 173-183. See also Henry Wilson, *History of the Reconstruction Measures of the Thirty-ninth and Fortieth Congresses, 1865-68* (Hartford, Conn., 1868), 267. Wilson called Kelley "one of the earliest advocates of negro suffrage in the Congress."

property owners of Washington and Georgetown. He pointed out that Negroes were paying taxes on more than a million dollars worth of real estate and were supporting a substantial number of schools, churches, and benevolent societies. Some of the Negroes had come to the House gallery to hear the debate. Kelley paid tribute to them:

And I point around these galleries to the maimed and wounded soldiers of the armies of America, whose skin is not colored like our own. I point to intelligent men, black and yellow, descendants of the kings of Dahomey and of American Congressmen, Senators, Presidents, and Cabinet ministers, and ask you to give them, as laboring people and republican soldiers, the rights of citizenship.³¹

Opponents of the measure, like Representative Benjamin M. Boyer of Pennsylvania, argued that the bill was contrary to "the will of the [white] people," and referred to a recent referendum in which the voters of Washington and Georgetown had decided almost unanimously against including Negroes in the electorate.³² The District of Columbia bill was finally passed over Johnson's veto a year later, in January, 1867. No property or educational qualifications were attached, but one year's residence was required. A similar law gave Negroes the right to vote in other Federal territories.

Representative Kelley was exceptional even among Radicals in that he believed Congressional power over suffrage qualifications extended not only to Federal territories, but also to the states. This he implied from the provision of the Constitution (Article IV, Section 4) by which the United States guarantees to every state a republican form of government. In debates on this question, he quoted a statement made by James Madison in the Virginia ratifying convention of 1788 that "should the people of any State by any means be deprived of the right of suffrage, it was judged proper that it should be remedied by the General Government."³³ He also relied on the privileges and immunities clause (Article IV, Section 2) for support of his position. Thus he contended that Congress could bestow the suffrage on Negroes anywhere in the United States by

³¹ *Congressional Globe*, 39th Cong., 1st Sess. (Jan. 10, 1866), 183. Note the reference to miscegenation, a favorite theme in Kelley's speeches on racial questions.

³² *Ibid.*, 175.

³³ *Ibid.* (Feb. 27, 1866), 1057. See also Kelley's speeches in *ibid.* (Jan. 10, 1866), 180-183; and (Jan. 24, 1866), 408-409.

mere legislative fiat. This was distinctly a minority point of view and was never sanctioned by Congress as a whole, except insofar as it was applied to the former Confederate states by the Military Reconstruction Acts.

The Civil Rights Act of 1866, also passed over Johnson's veto, conferred citizenship on the Negroes and declared them entitled to equal protection of the law. Kelley voted in favor of this enactment, but did not take part in the debates accompanying its passage. He supported the Fourteenth Amendment, though he thought it did not go far enough (it did not provide directly for Negro suffrage) and he did not regard it as a final settlement of the southern problem.³⁴ The Military Reconstruction Acts, whose object was "to give peace and safety to every man" in the South, he considered essential for the protection of freedmen and southern Unionists. The necessity for military reconstruction, he maintained, arose from "the perfidy of the President of the United States," who had given his blessing to new governments in the former Confederate states which were unwilling to protect Negroes and Unionists.³⁵

Shortly after the passage of this legislation, Senator Henry Wilson and Representative William D. Kelley undertook extended tours of the South to present the same Radical ideas they had been advocating in Congress. ". . . I am at last able to proclaim that I am a free man in my native land," Kelley announced in his speech at New Orleans on May 11, 1867, "and may traverse its wide extent, carrying with me my conscience and convictions without fear of personal violence."³⁶ His confidence proved to be somewhat less than fully justified: his speech before a mixed audience in a public square of Mobile, Alabama, on May 14 was the occasion of a riot.

Accounts of this episode in both contemporary sources and secondary works are conflicting, and it would be extremely difficult, if not impossible, to determine the truth as to its origin. Kelley's own version was that it had been incited by "a recreant Northerner," one Colonel Mann, a native of Michigan whom President Johnson had appointed collector of internal revenue at Mobile. Mann was owner

³⁴ Joseph B. James, *The Framing of the Fourteenth Amendment* (Urbana, Ill., 1956), 127, 175.

³⁵ *Congressional Globe*, 39th Cong., 2nd Sess. (Feb. 12, 1867), 1177.

³⁶ William D. Kelley, *Speeches, Addresses and Letters on Industrial and Financial Questions* (Philadelphia, 1872), 146.

of the *Mobile Times* and, according to Kelley, used its columns to inflame "the passions of the Irish citizens of Mobile" against him before his arrival.³⁷ The Pennsylvanian had been speaking only a short while when shouts arose to "put him down" and "turn him out"; shots were fired at the platform, and a general melee ensued. Two persons were killed and quite a few injured. The *New York Tribune* reported that "Rebels" were responsible for the violence, while the *Mobile Advertiser and Register* blamed it on the Negroes. The *Tribune* described Kelley's remarks as "frank and temperate"; the *Register* considered them harsh and incendiary.³⁸ Federal military authorities concluded that the disturbance had not been deliberately planned, that most of the shots were fired in the air, and that nearly everyone hastily abandoned the scene. Nevertheless, it was decided that the Mobile police had been guilty of "timidity" and "inefficiency," and that the army should assume local police functions temporarily in order to prevent further trouble.³⁹

Undeterred by his hazardous experience at Mobile, Kelley spoke two days later at the state capitol grounds in Montgomery, where the Confederate government had been inaugurated in 1861. A mixed audience of three thousand appeared. Here Kelley presented the speech he had intended for the people of Mobile. His main theme was an appeal for co-operation of whites and blacks in the development of Alabama's rich natural resources. Paying tribute to the quality of work being done in the freedmen's schools, he urged that colored laborers be given an equal chance with whites. "I speak the more freely," he confessed, "because I once shared your prejudices, but I long since came to know that we can only be happy as we accord to every other man, however humble he may be, every right that we demand from others for ourselves. . . ."⁴⁰ The Negroes he advised to get an education and to practice the virtues of temperance and industry. At the close of his address, Kelley reported, he was not only applauded but was invited to speak in other Alabama communities.

His next stop was Atlanta, "a beautiful and prosperous city," he

³⁷ Account in speech at Philadelphia, June 17, 1867, in *ibid.*, 172.

³⁸ *New York Tribune*, May 15, 1867; *Mobile Advertiser and Register*, May 17, 1867, and later.

³⁹ [Appleton's] *American Annual Cyclopaedia*, VII (1867), 22-25.

⁴⁰ Kelley, *Speeches*, 167. The complete text of the Montgomery speech is included in this volume.

told a Philadelphia audience on his return home, "which, by its sudden rise from its ashes exceeds the fabled Phoenix." He was greeted at the railroad station by "a committee of prominent citizens, and thousands of colored people, in their clean gay Sunday attire." Visiting a school for freedmen, he reported that he had "rarely seen a classified school superior to this," even in the North.⁴¹ His public address was again favorably received. He also spoke at Charlotte, Greensboro, and several other towns in North Carolina; the final speech of his tour was given at Danville, Virginia.

Kelley's southern tour left two vivid impressions on his mind. One was an appreciation of the South's vast natural resources and of the opportunities for northern capital to aid in their development. "I saw during my trip," he told the people of Philadelphia, "a country upon which the Almighty has with most lavish hand bestowed His richest material gifts. It is gorged with every mineral."⁴² The South also had "boundless water power," and Kelley predicted that much of the cotton crop would one day be spun and woven by this power near the fields on which it was grown.⁴³ His other main impression was of the potentialities of southern Negroes, if they were only given educational and economic opportunities. A large proportion of them, he was fond of pointing out, were the beneficiaries of a substantial infusion of Anglo-Saxon blood. He was particularly impressed with several Negro orators whom he heard. If southerners could be persuaded to utilize their natural and human resources more effectively, they would have a great future, he argued. "The South must be regenerated," he said at the conclusion of his speech, "and we of the North must do it."⁴⁴

Congressman Kelley was convinced that one of the greatest obstacles to regeneration of the South was President Andrew Johnson. In connection with debate on the Military Reconstruction Acts he had spoken in a general way of the President's "perfidy" and "treachery." On February 22, 1868, Kelley delivered in the House of Representatives a sizzling speech in favor of impeachment. He called the committee's arraignment of Johnson "too circumscribed." The question was not one of violation of the Tenure of Office Act, but one

⁴¹ *Ibid.*, 174.

⁴² *Ibid.*, 175.

⁴³ *Ibid.*, 182.

⁴⁴ *Ibid.*, 183.

involving a scheme to overthrow the Constitution: Kelley thought Johnson was trying to set up a military dictatorship. The President, in his notorious Washington's Birthday speech of 1866, had "sought to bring the wildest passions of the violent and disappointed men of the South to bear upon both branches of the national Legislature for the purpose of perpetuating his power." Now he was trying to effect a "*coup d'état*" through control of the War Department. Congress was about to bring to trial "the great criminal of our age and country, a man who for two years has been plotting with deliberate and bloody purpose the overthrow of the institutions of our country."⁴⁵ Kelley was inclined to blame Johnson for the persistence of rebel intransigence and for all the violence and disorder that had taken place in the southern states since the war ended:

Sir, the bloody and untilled fields of the ten unreconstructed States, the unsheeted ghosts of the two thousand murdered negroes in Texas—I say two thousand because that number is reported on authority—cry, if the dead ever invoke vengeance, for the punishment of Andrew Johnson.⁴⁶

As is well known, the President was impeached by the House but acquitted by the Senate, where the vote was one short of the required two thirds.

Kelley was still concerned about the question of Negro suffrage. In March, 1868, the legislature of his own state rejected a proposal by John Hickman to permit Pennsylvania Negroes to vote if they were taxpayers and could pass a literacy test (which would also be applied to whites). A majority of the Republicans joined with the Democrats in the state house of representatives to defeat the proposal overwhelmingly. Kelley chided his fellow Republicans for being untrue to the high principles of their party, namely, "the theory of the equality of man before the law, and the fact that the consent of the governed is the only legitimate basis for government." Those members of the Republican Party who refused to permit colored citizens to vote were denying "the humanity and the immortality of the great mass of mankind, for the majority of the human race are of those shades of complexion and that character of blood to which, while asserting the equal rights of man, they deny equality before the laws."⁴⁷

⁴⁵ *Congressional Globe*, 40th Cong., 2nd Sess. (Feb. 22, 1868), 1347.

⁴⁶ *Ibid.*, 1348.

⁴⁷ *Ibid.* (Mar. 18, 1868), 1971.

Shortly after the Presidential election of 1868, in the third session of the Fortieth Congress, several Senators and Representatives, including Kelley, introduced proposals for a constitutional amendment on Negro suffrage. The wording of Kelley's proposal ("No state shall deny to or exclude from the exercise of any of the rights or privileges of an elector any citizen of the United States by reason of race or color")⁴⁸ was remarkably similar to that finally written into the Fifteenth Amendment. While he had earlier believed that Congress had the power to guarantee Negro suffrage by law, since the adoption of the Fourteenth Amendment he was doubtful. "I therefore insisted upon the Constitutional amendment," he wrote a correspondent early in 1869, "and believe that my persistent efforts with the members of the Judiciary Committee have had much to do with its submission." When this amendment was ratified, as it was in a little more than a year, the American government would at last be "truly republican."⁴⁹

William D. Kelley was to serve yet another twenty years in Congress. During the 1870's and 1880's economic issues increasingly occupied his attention, as they did that of the nation at large. While he continued to be interested both in the South and in the Negro, his major concern in later years was the protective tariff. It should be noted that Kelley's main argument for the tariff was that it protected the wages of American workers, but that is another story, beyond the scope of this article. Also worth exploring would be Kelley's consistent defense of greenback currency and his early endorsement of woman suffrage. These concerns, as well as his ardent support for the cause of civil rights, are useful reminders that Radical Republicanism was not synonymous with monolithic subservience to the interests of "Big Business," or even to the interests of the Republican Party, which was by no means united on these matters. Mixed in with mercenary and partisan considerations during Reconstruction was sincere concern for two great principles which a century later have at last won fairly general acceptance—Federal supremacy over the states, and the equality of all persons in the eyes of the law.

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⁴⁸ *Ibid.*, 40th Cong., 3rd Sess. (Dec. 7, 1868), 9.

⁴⁹ Kelley to Howard M. Jenkins, Jan. 12, 1869, The Historical Society of Pennsylvania.