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Elisa Hink

University of Nevada, Las Vegas, haugh@unlv.nevada.edu

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The Federal Elections Bill and the End of Reconstruction in 1890

In an 1897 essay for *The Atlantic*, W.E.B. DuBois wrote, “The power of the ballot we need in sheer self-defense, and as a guarantee of good faith.”¹ This was published 27 years after the ratification of the Fifteenth Amendment to the U.S. Constitution, the last of the Reconstruction Era additions to the document. The Amendment was designed to guarantee suffrage regardless of a (male) citizen’s “race, color, or previous condition of servitude,” which opened the door for those freed from enslavement to exercise their right to vote. It was the nation’s “second founding,”² and an opportunity to reinvigorate the promises of the United States’ birth. The respite from the stress of a seemingly interminable cycle of oppression that Reconstruction provided to African Americans was - as evidenced by the despair which echoes in DuBois’ text - brief. The promise and hope launched by the Thirteenth, Fourteenth, and Fifteenth Amendments quickly crashed back down to earth as the federal government pulled back from its commitment to their spirit. The ability to safely and securely cast a vote was (and continues to be) recognized by both leadership within the U.S. government and civil rights advocates as a cornerstone to freedom within the nation; voting determines representation for citizens. Absence from the polls means an absence from power to affect progress. Through Reconstruction, federal oversight within the former Confederate states provided to African Americans a high degree of protection from interference of their voting rights by forces either political or terrorist in nature.

¹ W.E.B. DuBois, “Strivings of the Negro People,” *The Atlantic*, August 1897, <https://www.theatlantic.com/magazine/archive/1897/08/strivings-of-the-negro-people/305446>.

² Eric Foner, *The Second Founding: How the Civil War and Reconstruction Remade the Constitution* (New York: W.W. Norton & Company, 2019), xx.

Reconstruction “officially” ended on April 24, 1877, according to most accounts, when the final federal troops were withdrawn by President Rutherford B. Hayes under the terms of the Compromise of 1877. With them went the last vestiges of security for African Americans in the South. Work had begun by elite white Southerners as early as 1870 to either handicap or completely undo the progress sponsored by the federal government on behalf of former enslaved persons. Abraham Lincoln’s “last speech,” given three days before his assassination, was the first endorsement by a president of Black suffrage.³ The Radical Republican arm of the party leapt on this sentiment to secure the vote for Black men and spent the first years of Reconstruction pushing for security of this right by federal protection. As the energy of these early years wore down and the Radicals became fewer in number, the federal commitment to progress dampened. Creeping back into statehouses, former Confederates positioned themselves to subvert federal authority. They siphoned the new rights from their Black constituents to reclaim their authority and turned their attention to the easiest method of securing power for generations to come: Black disenfranchisement.

The remaining Radical Republicans in Congress stayed vigilant in their fight in the post-Reconstruction years. The quick decay of the progress they championed for African Americans as Reconstruction petered out alarmed them. Beyond any ethical concerns for fellow human beings, they were well aware that their continued power in the federal government was dependent on Black voters, who were decidedly loyal to the Party of Lincoln. As Southern states weaponized dubiously legal mechanisms including grandfather clauses, literacy tests, and identification requirements to block voter access, the Republican-held seats in the House and Senate shrank in number. Beyond this, tacit (and implicit) support of terrorist organizations like the Ku Klux Klan from Southern

³ Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877 (Updated Edition)* (New York: Harper Collins, 2014), 74.

civil servants lent a threat of violence to any African Americans who dared question or challenge the status quo. The hope of 1865 had turned to despair by 1877; the compromise which put Rutherford B. Hayes into office and pulled federal management from the South prompted Frederick Douglass to wonder, “In what position will this stupendous reconciliation leave colored people?”⁴

The Federal Elections Bill of 1890 was introduced as a last-ditch effort to secure federal protection of voters. Penned by Massachusetts Representative Henry Cabot Lodge, it was drafted to establish federal regulation of elections to the House of Representatives via a commission of supervisors. Empowered to attend and observe elections, this law was designed to specifically address the disenfranchisement of Black voters in the South. Championed by Republicans and civil rights groups (who casually referred to the Bill as The Lodge Bill) and disparaged by Southern Democrats (who aggressively referred to it as The Force Bill), the legislation’s potential to impact elections was recognized as a threat to the white supremacist establishment of the South. Anything which guaranteed the vote of African Americans endangered the power of Southern Democrats; Lodge himself wrote of its detractors, “[Opponents of the bill] believe that the law threatens the disappearance of the race issue on which they found their power.”⁵ The measure passed through the House, but ultimately died in the Senate under pressure of a filibuster and Republicans who traded away their votes to other interests.

My paper argues that while the myth that Reconstruction “ended” in 1877 persists, the failure to pass this bill is the true end of Reconstruction. I will further argue that the failure of this bill to pass enabled the extended disenfranchisement of African Americans by refusing federal

⁴ Adam Sewer, “Civility Is Overrated,” *The Atlantic*, December 2019, <https://www.theatlantic.com/magazine/archive/2019/12/adam-serwer-civility/600784>.

⁵ Henry Cabot Lodge, “The Federal Election Bill,” *The North American Review* (1821-1940), September 1890, 265.

protection until the Voting Rights Act of 1965 and has stretched into the nation's present-day threats to the security and equity of voters. The wholesale abandonment of the United States' most vulnerable citizens by those who had pledged to protect them not only ended Reconstruction, but also stands as a historic lost opportunity to do the hard work of leadership on behalf of citizens. To support these arguments, I will draw from primary sources including the legislation itself and the numerous newspaper articles of the era which offered analysis and opinions from across the political spectrum. Additionally, political cartoons and photographs representing the period will add perspective on the issues of Reconstruction and Black suffrage and how they were documented. I have also collected secondary sources that include works by historians, scholars, and politicians whose works have centered Reconstruction, voting rights, and the African American experience during the post-Civil War era; these works are found in books, editorials, and journal articles obtained through JSTOR, ProQuest, and physical book holdings.

To best communicate my thesis, this paper will begin with an evaluation of the historiography of Reconstruction and how the scholarly conversation has evolved in regard to the era's end. In doing so, I will establish the growing consensus in the academic community which deconstructs Reconstruction and when it reached completion; this will provide space for my argument centered on the Federal Elections Bill's failure to pass as the end of Reconstruction to enter the historical dialogue. An overview of how voting rights blossomed for (male) African Americans during the early years of Reconstruction and then were systemically stripped by white supremacist power structures, leading to the need for the Federal Elections Bill of 1890. I will use this segue to evaluate the brief life and quick death of the bill and then transition to examine its defeat as the end of Reconstruction and how this moment in history reverberated into the 20th and 21st centuries. The paper will conclude with a reaffirmation of its thesis and a final connection of

all points argued to establish the defeat of the Federal Elections Bill of 1890 as the end of Reconstruction.

HISTORIOGRAPHY

In a foundational course about American History, there will likely be a breakdown of the 19th century which includes a timeline reflecting the Antebellum Era (1820s-1860), the Civil War (1861-1865), and then the Reconstruction Era (1865-1877). Depending on the focus on the course, there will be a jump to the Gilded Age or if a student is taking an African American History course, the next stop will likely be the Jim Crow Era. At UNLV, many instructors in the introductory course on U.S. History use Eric Foner's textbook, *Give Me Liberty!*, "As a historical process - the nation's adjustment to the destruction of slavery - Reconstruction continued well after 1877. But as a distinct era of national history...Reconstruction had come to an end."⁶ The next chapter, then launches into the Gilded Age. From a practical standpoint for teachers and students working under the pressure of a ticking clock, this sort of compartmentalization is helpful. While the example cited here leaves room for thought regarding "what" Reconstruction was, it ascribes to the tidier dialogue that it "ended" in 1877. Interestingly, the author of this textbook is Eric Foner, who has been one of the most valuable sources for this paper. His comprehensive work on Reconstruction in the 1980s was a fresh take, which reevaluated the existing scholarship. In the 25th anniversary edition of his *Reconstruction: America's Unfinished Revolution* (2014), he recognizes that since the original publication of his book, not only has there been a swell of new interest from historians, but that, "the chronological boundaries of Reconstruction have [also] expanded."⁷ This is an

⁶ Eric Foner, *Give Me Liberty! An American History, 6th Edition, Volume 1* (New York: W.W. Norton & Company, 2019), 601.

⁷ Foner, *Reconstruction*, xxxvi.

important note because historians are moving away from a legislative and military perspective to evaluate Reconstruction.

Early scholarly evaluations of Reconstruction were dominated by the work of William A. Dunning, who compiled both secondary and (revolutionarily) primary sources in the 1890s and 1900s to create a narrative of Reconstruction as a period of nation-building. The so-called Dunning School of historiographical dialogue dominated the country's understanding of the why and how of the period; it was, however, a product of its time. Framed sympathetically around the grievances of white Southerners, the Dunning School argues that the enfranchisement and empowerment of African Americans was a grievous error enacted by radical activist Republicans. This explanation aided in justification of the white supremacist framework of post-Reconstruction Southern states and the "separate but equal" standards of the nation in the late 19th and early 20th centuries. Historian Annette Gordon-Reed argues that the reliance on the Dunning School during these crucial years delayed and made more challenging the nation's ability to resolve its problems rooted in its racial history, writing, "What if American historians during the aftermath of Reconstruction had not been white supremacists? A different type of society, and a different type of education about that society, would have given young blacks and whites an opportunity to learn another narrative about black people's place in America."⁸

Contemporary historians are engaging with Reconstruction in a less static fashion than their predecessors. Heather Cox Richardson uses Reconstruction as a springboard to evaluate the expansion of pre-Civil War attitudes on race from the South (which certainly did not vanish when Lee departed from Appomattox in 1865) westward and the era as a gradual weakening of the Republican Party. She argues that by platforming on the idea that Reconstruction was an episode

⁸ Annette Gordon-Reed, "What If Reconstruction Hadn't Failed?" *The Atlantic*, October 26, 2015, <https://www.theatlantic.com/politics/archive/2015/10/what-if-reconstruction-hadnt-failed/412219>.

of massive federal overreach, Southern Democrats were able to gain traction within the newest states in the West, “where hardworking men asked nothing of the government but to be left alone.”⁹ By doing so, both the Radical Republicans and their more moderate colleagues had their power stripped, which leaves the real date of Reconstruction’s end in question - if it was a process sponsored by the Republican Party, then the ebbs and flows of their power dictate how and when it actually ended. Kate Masur similarly proposes that Reconstruction’s completion aligns with a slow implosion of the Republican Party’s ability or willingness to sustain federal oversight in enforcement of the civil rights legislation they themselves constructed to protect Black Americans; she writes, “[Democratic-led] state and local governments continued to insist that race was a legitimate distinction in public policy and to reinforce forms of racial subordination.”¹⁰ Grand schemes of equity and equality via the Fourteenth Amendment and the Civil Rights Act of 1875 were only managed at the federal level and disregarded at the state level. The withdrawal of troops and organized Southern white terror on Blacks to either compel their disenfranchisement empowered the Democratic states and weakened federal Republicans. Foner supports this view more cynically, stating, “During the 1890s, Republicans tacitly acquiesced in the southern Democratic demand that their states should be left free to regulate voting, labor relations, and the racial system without outside interference.”¹¹

The conversation surrounding Reconstruction has a glaring void in easily accessible mainstream contributions from African American scholars. Every historian referenced so far in this paper is white. The two most prominent scholars in establishing the discourse of their respective eras in this regard - Dunning and Foner - are white. It goes without saying that the Black

⁹ Heather Cox Richardson, *How the South Won the Civil War* (New York: Oxford University Press, 2020), 85.

¹⁰ Kate Masur, *Until Justice Be Done* (New York: W.W. Norton & Company, 2021), 354.

¹¹ Foner, *The Second Founding*, 158.

experience offers an entirely different approach toward Reconstruction, what it was, and when it ended; the lack of contribution is mending itself as the field of history overall becomes more diverse. Recent scholarship from Henry Louis Gates evaluates the period as a quickened evolution of Blackness itself, from “The Old Negro” to “The New Negro,” post-slavery African Americans who were better-equipped by the tools honed during Reconstruction to fight back after its collapse and the institutionalization of Jim Crow in the 1890s.¹² He identifies Reconstruction as a government program that ended in 1877, but continued in the consciousness of Americans as a “specter” that gave fuel to the Lost Cause myth and haunted the nation’s conversation for generations. Arguably the most important voice in Reconstruction scholarship as it is practiced today is W.E.B. DuBois (one of the original “New Negroes” referenced by Gates), whose 1935 *Black Reconstruction in America* centers the period on African Americans who had previously been absent from the record. He, too, carefully separates the federal government’s Reconstruction from the social Reconstruction which occurred in reaction to the progressive legislation passed in the post-Civil War years. When evaluating the federal piece, he makes a case that the Election of 1876, during which Southern states organized violence to intimidate Black voters and redistribute local and state governments toward Democratic leadership, was the end of Reconstruction.

The myth of 1877 is unraveling quickly with more recent threats to voting rights and the stability of precedent which has secured them since the passage of the Voting Rights Act of 1965. Historians Erik B. Alexander and Rachel Sheldon published an October, 2021 Op-Ed piece which, like DuBois, uses the Election of 1876 as an example of not only a contested ballot, but one which historically silences the tactics used by Southern Democrats against Black voters to capture a

¹² Henry Louis Gates, *Stony the Road: Reconstruction, White Supremacy, and the Rise of Jim Crow* (New York: Penguin Publishing Group, 2019), 186.

majority.¹³ They center the Electoral Count Act of 1887, which was designed to removal federal “interference” from evaluation of contested elections. They establish that there was no Compromise of 1877 and that the legislation’s memory has been so whitewashed that it is historically invalid when utilizing it to “end” Reconstruction. Journalist Adam Serwer equates the Black Lives Matter movement with the anti-racist work done during Reconstruction, which he argues was *never* finished, writing, “the best analogue to the current moment is the first and most consequential such awakening - in 1868.”¹⁴ Colin McConarty argues that the Federal Elections Bill of 1890 is a “continuation” of Reconstruction and makes a case that the collective reevaluation of the traditional ending should convert to a so-called ending, with flexibility built from 1877 to the Great Depression.¹⁵

The common thread for all of these scholars is that the protection of voting as an act of citizenship was a cornerstone of Reconstruction. Additionally, they recognize that the breakdown of Reconstruction - regardless of what year they believe to be its end or what the era should be defined as within American History - is a result of the breakdown of federal protection of Black voters. With this widely agreed upon thesis as a baseline, this paper will analyze the identity of Reconstruction as a federal civil rights initiative for which the Federal Elections Bill of 1890 as the last attempt to manage Black enfranchisement at a federal level. This supplants 1877 with 1890 as the end of the road for the period and further disrupts the voting rights of African Americans for another three generations.

RECONSTRUCTION AND VOTING

¹³ Erik B. Alexander and Rachel Sheldon, “The Electoral Count Act is broken. Fixing it requires knowing how it became law,” *The Washington Post*, October 8, 2021.

¹⁴ Adam Serwer, “The New Reconstruction,” *The Atlantic*, October 2020, <https://www.theatlantic.com/magazine/archive/2020/10/the-next-reconstruction/615475>.

¹⁵ Colin McConarty, “The Federal Elections Bill of 1890: The Continuation of Reconstruction in America,” *The Journal of the Gilded Age and Progressive Era*, 19, 400.

The Fifteenth Amendment to the U.S. Constitution was ratified in 1870; its language is an extension of the Fourteenth Amendment, which established birthright citizenship as true and sound within the document. The Fourteenth Amendment carved out specific language to guarantee that “the state” could not infringe on the rights of citizenship for those born in the United States and that all citizens were due equal protection under the law. Much to the disappointment of the Radical Republicans in 1866, however, there was no language in it to guarantee suffrage; long-time Republican progressive, Charles Sumner, was so upset by this omission that he refused to vote in the measure’s favor.¹⁶ Republicans were well aware that with the newly-freed African American population no longer being counted as 3/5ths of a person, as directed in Article 1 of the U.S. Constitution, their numbers on the voting roster were too great to *not* provide them access to the polls. From both a moral perspective and a politically strategic one, these voters needed to be able to vote (presumably) Republican.

The Fifteenth Amendment piggybacks on the language of the Fourteenth: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” Having established citizenship, the Reconstruction Republican Congress moved to enfranchise their most affected constituents. Both amendments include provisions granting Congress the right to enforce them from a federal level. This five year period of the United States is its most progressive and its most audacious: people who, before 1865, were beholden to the whims and moods of a man that they had to call, “Master,” had become, in 1870, freed from enslavement, granted citizenship, and given the vote. On the heels of this tsunami of success, Republicans had every reason to presume that they were

¹⁶ Masur, 341.

going to succeed in enacting their most controversial pre-Civil War aims and elevate the former slaves of the Confederacy to a place of equality.

These admirable goals were cut off at the knee by Southern Democrats who leveraged the post-Civil War leniency (and racism) of Andrew Johnson into a reclamation of their pre-War power via state and local action. Always reasonably skeptical of the passions of powerful white men, Frederick Douglass wrote in December 1866, “the right of each State to control its own local affairs,” was, “more deeply rooted in the minds of men of all sections of the country than perhaps any other political idea.”¹⁷ Douglass was urgent in his message and recognized the need for Congress to act; they had to work beyond “a treacherous president,” Andrew Johnson, and operate in a fashion more radical than their most conservative members would have preferred. He was correct. Without aggressive action to corral the former Confederate states, all of their good intentions were for naught: the same year that *The Atlantic* published Douglass’ call to arms, the Ku Klux Klan was founded in Tennessee. The terrorist group quickly spread through the South and by 1868, their violent hostilities directed at Black voters had gone to such extremes, Georgia and Louisiana Republicans ceded the presidential election; in this instance, the final straw was the murder of as many as 200 African Americans in St. Landry Parish, Louisiana. The federally appointed commander of the area, General Lovell Rousseau (a friend of Johnson’s) advised Blacks to avoid the polls for their own safety.¹⁸

Episodes like the one in St. Landry Parish were not anomalies. Between 1869 and 1871 white agitators lynched more than 400 African Americans, primarily motivated by their desire to prevent their Black neighbors from voting.¹⁹ It was well understood through the nation that federal

¹⁷ Frederick Douglass, “Reconstruction,” *The Atlantic*, December 1866, <https://www.theatlantic.com/magazine/archive/1866/12/reconstruction/304561>.

¹⁸ Foner, *Reconstruction*, 342.

¹⁹ Gates, 26.

intervention was the only safe passage Black voters had in the South; a cartoon published in *Harper's Weekly* (a New York City-based publication) reflected the comprehension in Northern states that troops were still needed as late as 1875. This illustration was produced after an Alabama newspaper published an editorial with a line reading, "We intend to beat the negro in the battle of life & defeat means one thing - EXTERMINATION." [Fig. 1] Hardly a subtle message to prospective voters. *The Richmond Whig*, an anti-secessionist newspaper which resumed printing after the Civil War was even more clear regarding the understood aims of the white terrorists in the South, depicting a murdered Black Man and the caption, "One Vote Less." [Fig. 2] Even *with* federal authorities present and martial law still in effect, these are the images which captured the reality of the Reconstruction states - what would voting be like for Black citizens *without* the soldiers there [Fig. 3]?

THE FEDERAL ELECTIONS BILL

The election of 1888 awarded control of the House, the Senate, and the presidency to the Republicans for the first time since 1875.²⁰ In the intervening years, the U.S. endured a decimating economic depression and a series of major labor disputes; these historical events had shifted the focus of the government and the citizenry away from the challenges now faced by a vulnerable Black population in the former Confederate States.²¹ The Democratic "Redeemers" in these states had erected and strengthened legal barriers to African Americans who tried to vote: literacy tests, poll taxes, and grandfather clauses sprung up throughout the South. The U.S. Supreme Court ruled in 1883 to nullify the Civil Rights Act of 1875, which had been birthed to compel (by means of federal control) whites into compliance with the Fourteenth and Fifteenth Amendments. While Black voters continued to impress themselves into voting booths, this *carte blanche* for states and

²⁰ Foner, *Second Founding*, 158.

²¹ DuBois, *Black Reconstruction*, 727.

localities to double-down on their regression toward Black disenfranchisement did its work.²² Leaders in the African American community saw the writing on the wall and were clear-eyed about the intent of the white elites in this regard; Bishop Henry McNeal Turner observed of this turn of events, “It has made the ballot of the black man a parody, his citizenship a nullity and his freedom a burlesque.”²³ Additional rulings narrowed the interpretations of the same Amendments - the *Slaughterhouse Cases* (1873) and *United States v. Cruikshank* (1876) both strengthened the power of the states to go around federal legislation.²⁴

It was evident in 1889 to the Republicans still dedicated to the most noble tenants of Reconstruction that the window to act was closing quickly; in 1890, the Senate’s Committee on Privileges and Election, chaired by “old-fashioned Republican,”²⁵ George Hoar [Fig. 4], introduced its intent to fashion a bill which would establish federal supervision of state voter registration and election procedures. The Committee deferred to parliamentary procedure and pushed the idea to the House special committee headed by Henry Cabot Lodge [Fig. 5] to produce the legislation. The bill identifies itself as, “A Bill to prevent force and fraud in Federal elections and to insure the lawful and peaceful conduct thereof.”²⁶ The Bill is thorough: 44 pages in length, there are detailed directions and notes about each proposal (parts read as a SOP, down to the note about what time a registrar must report to work by [eight o’clock in the morning]²⁷). Lodge himself would acknowledge the length of the document in a piece published the same year in *The North American Review*, “The National Election Bill, as has been pointed out several times during

²² Douglas Blackmon, *Slavery By Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2008), 93.

²³ From Gates, 251.

²⁴ Gates, 33.

²⁵ Richard E. Welch, Jr., “The Federal Elections Bill of 1890: Postscripts and Prelude,” *The Journal of American History*, Dec. 1965, Vol. 52, No. 3, 512.

²⁶ *Federal Elections Bill, 1890*, S. 4842, 51st Cong., 2nd sess., *Congressional Record 1891-0112*, 1.

²⁷ S.4842, 6.

the discussion which it has aroused, both in and out of Congress, is a long bill.”²⁸ The primary points established for procedure included oversight of returns and procedures by way of federal circuit court (rather than state election boards or governors), who would also be empowered to appoint election supervisors to monitor activity and security of ballot; most controversially, these supervisors would have the ability to request military assistance in their role.

It was the language of the bill involving the military which led to its nickname from dissenters: “The Force Bill.” Still less than a generation removed from the “end” of Reconstruction, opponents wailed that the introduction of federal troops to elections would lead to an unending war, “bayonet be unsheathed, and large portions of our territory practically put under martial law, with United States judges and supervisors, and other Federal authorities in command, and that this condition of things shall continue until the negro is everywhere recognized as being as good as the white man, if not better.”²⁹ Southern Democrats and their allies were quite clear in their opinion on the preservation of rights for Black Americans and their displeasure at the suggestion that anything would impede their ability to hinder them. Hoke Smith, future Governor of Georgia, summoned the ghost of the Force Bill to remind white voters what a Republican-dominated legislature would try to do in the lead-up to the 1892 election; he warned that if given the opportunity to rise too high, African Americans would abandon their labors in the cotton field and impair the economy. Alabama-born Reverend Sam Jones was quoted saying, “‘A free ballot and a fair count’ in the South means negro domination, and the South won’t have it,” in an article that uses another quote of his in its headline to really deliver the message: “Cheaper To Kill Them.”³⁰

²⁸ Henry Cabot Lodge, “The Federal Election Bill,” *The North American Review*, Sep 1890, 257.

²⁹ “The Longest War,” *Belford’s Magazine (1888-1891)* 5, no 28 (09, 1890), 624.

³⁰ “Cheaper to Kill Them: Than to Corrupt Voters by Use of Money at Elections,” *The Washington Post*, July 4, 1890, 5.

Those in support of the bill were equally aware that this issue was one centered on race for the South. Democratic leadership circled the drain decrying the measure as federal overreach or unnecessary because states would have figured it all out themselves eventually or vague threats to economic stability or racial tensions because Black citizens would just get too excited and commit violence.³¹ Republicans kept their messaging squarely focused on the moral obligation of the party to see it through. Lodge was passionate, “Equality of representation has been destroyed by the system in the South which makes one vote there outweigh five or six votes in the North, and the negro has been deprived the rights of the nation gave.”³² The editorial staff at the Illinois *Daily Inter Ocean* declared the Federal Election Bill was, “a measure of justice and humanity.”³³ Lodge’s bill received support from his home state of Massachusetts, “should not the political rights of the negro be fully recognized and protected...?”³⁴ Passage of the bill was vital to the survival of the Republican Party as it was initially envisioned by its abolitionist founders: morally correct and invested in broader federal power to protect civil rights of citizens. President Benjamin Harrison made effective use of bully pulpit to endorse the bill in his 1890 State of the Union, “The need of such a law has manifested itself in many parts of the country, and its wholesome restraints and penalties will be useful to all.”³⁵ The opportunity to get this or any measure of its sort would likely not come again soon and the Republicans knew it.

The bill easily passed through the House of Representatives, where the Republican majority clinched it without any controversy. The Senate proved much harder to break - Southern

³¹ Hilary A Herbert, “The Race Problem In the South and the Lodge Bill.” *The Independent* , December, 1890, no. 42, 1.

³² Lodge, 265.

³³ C.M. Coyle, “The Right Position,” *Daily Inter Ocean*, May 11, 1890, 19.

³⁴ “Mr. Lodge’s Election Bill,” *Boston Daily Advertiser*, April 7, 1890, 4.

³⁵ Benjamin Harrison, State of the Union Address, December 1, 1890, <http://www.infoplease.com/primary-sources/government/presidential-speeches/state-union-address-benjamin-harrison-december-1-1890>.

Democrats filibustered. The bill was delayed through the summer recess and re-introduced after the Congressional session resumed. On December 2, Hoar moved that the Senate proceed with consideration. Again, the Democrats were prepared to filibuster. Carefully planned tangents and recitations frustrated Republicans into silent compliance driven by a desire to simply move onward in the process. Hoar finally prepared a speech to counter the opposition and pled with his colleagues to recognize their place in history, “The struggle for this bill is a struggle for the last step toward establishing a doctrine to which the American people are pledged by their history, their Constitution, their opinions, and their interests.”³⁶ He dug more deeply and concluded on a note of humanitarian imperative, “[It is said] that these two races can-not live together except on the terms that one shall command and the other obey. That proposition I deny. They can live together, neither, as a race, commanding, neither, as a race, obeying. They can live together obeying nothing but the law, framed by lawmakers whom every citizen shall have his equal share in choosing... The error... of the Southerner, in dealing with this problem, is in their assumption that race hatred is the dominant passion of the human soul; that it is stronger than the principle of equality, stronger than Christianity, stronger than justice...”³⁷

Hoar’s plea, however heart wrenching, fell on deaf ears. Southern Democrats were never going to support it. The people to whom he was actually pleading were members of his own party: Senators William Stewart of Nevada, Edward Wolcott and Henry Moore Teller of Colorado, and Minnesota’s William Washburn aligned with the Democrats in return for their support of the Sherman Silver Act. Throwing all integrity out the window, Wolcott was quoted as saying, “it [was] better to have unlawfully conducted elections in New York or Philadelphia, than to have the Federal Government take charge of them, because it is too great an interference with States’

³⁶ From Welch, 518.

³⁷ From Welch, 519.

rights.”³⁸ Beyond the economic interests of their mining-based constituents, they were compelled to vote on racial lines more specific to the West. If the South had to share voting power with African Americans, then how long before the West had to give it to the Chinese or Native Americans living there?³⁹ The addition of Western states diluted the Northern progressive roots of the Republican Party; those ideals collapsed with the defeat of the Federal Elections Bill.

THE END OF REPUBLICAN IDEALISM & BEYOND RECONSTRUCTION

The Federal Elections Bill severed the Republican Party irreparably. Founded on principles which remain some of the most radical in U.S. History, the early Republican Party endorsed a platform centered on moral certainty and humanitarian progress. The Republican Party of Reconstruction was arguably the most audaciously progressive mainstream political power in the history of the nation. Their platform of federal protection of equal rights for citizens was still an anomaly at this phase in the nation’s history; their extreme platform of universal suffrage was a concoction of hope and incredible faith in the intent of the United States as it was meant to be [Fig. 6]. Six years after the defeat of the Federal Elections Bill, the national platform of the Republican Party no longer outlined direct demand for Black enfranchisement.⁴⁰

The 1890s was a decade which felled Black Americans on multiple fronts. The same year that Lodge and Hoar were desperately trying to secure the protection owed Black voters, Mississippi ratified a new state constitution which used education, criminal record, and tax history as barriers to vote - the document limited suffrage enough to essentially discount all Black voters from eligibility.⁴¹ Through the next decade, the rest of the South would be re-secured by “Redeemer” Democrats who had repealed anti-Klan laws and repopulated civic spaces by way of

³⁸ Kate Foote, “Our Washington Letter,” *The Independent*, January 8, 1891, 9.

³⁹ Cox Richardson, 101.

⁴⁰ Blackmon, 158.

⁴¹ Cox Richardson, 129.

the strangulation of the voting rights. The number of lynchings increased dramatically. In 1892 alone, the number recorded exceeded 250, more than any other year in the U.S.⁴² *Plessy v. Ferguson* enshrined “separate but equal” into the U.S. Constitution in 1896. Jim Crow laws took hold in the South and would not be threatened until after World War II. These events enabled and fostered a culture in the South which ensconced the Civil War as a battle over states’ rights and affirmed the condition of white supremacy as the correct one. The “Lost Cause” mythos took deep root in 1906 when Thomas Dixon published his *The Clansman: An Historical Romance of the Ku Klux Klan*, which would later serve as the source for D.W. Griffith’s 1916 blockbuster, *The Birth of a Nation*; the film’s popularity aided in the revival of the Klan, whose membership peaked to as many as six million by 1925.⁴³ Voting protection was still top of mind for this fresh breed of white supremacist; Dixon intoned, “So long as the Negro is here with a ballot in his hands he is a menace to civilisation [sic].”⁴⁴

It was not until 1965 for the proposition of federal protection of voting rights to finally make its way through Congress. The Voting Rights Act of 1965 was introduced, “To enforce the fifteenth amendment to the Constitution of the United States.”⁴⁵ The law specified within its language the protected guarantee to vote without regard to color or race; additionally, it eliminated poll taxes, literacy tests, and organized intent to deny the enfranchisement of citizens in federal, state, and local elections. The year prior, President Lyndon Johnson had signed into effect the Civil Rights Act of 1964, which resurrected the Civil Rights Act of 1875 from its death at the hands of the Supreme Court rulings of 1883. Among its sections was a prohibition on discrimination of

⁴² Blackmon, 106.

⁴³ Rory McVeigh, “Structural Incentives for Conservative Mobilization: Power Devaluation and the Rise of the Ku Klux Klan, 1915-1925,” *Social Forces*, Vol. 77, No. 4 (June 1999), 1463.

⁴⁴ From Gates, 106.

⁴⁵ *Voting Rights Act of 1965*, Public Law 89-110 [S. 1564].

voters in the registration process. Of these pieces of legislation, Johnson remarked, “Every American citizen must have an equal right to vote... There is no duty which weighs more heavily on us than the duty we have to ensure that right.”⁴⁶ This sentiment is the same expressed by the George Hoar on the floor of the Senate in 1890. The moral imperative in 1965 was no different than it was in 1890.

The moral imperative remains in 2021. On the heels of the election of 2020, there has been an onslaught of challenges to the legitimacy of the election process. A former president has refused to concede his election loss, mainstream media is serving as a platform to conspiracists, social media is propagating disinformation at an impossible rate - all unprecedented events which damage faith of voting in the U.S. Pieces of the Voting Rights Act of 1965 have since expired and are at risk of being lost forever without intervention; the John Lewis Voting Rights Act would restore them and reinstate a broader federal oversight, has (as of this writing) passed the House and is awaiting the Senate. The Freedom To Vote Act, which addresses reform needs in voting, redistricting, and campaign finance, is before the Senate. These measures are necessary to run counter to the 425 bills introduced in 49 states from January to October of 2021 which restrict voting access. These restrictions disproportionately impact vulnerable communities, most often those primarily populated by people of color.⁴⁷

It would be unfair to presume that passage of the Federal Elections Bill of 1890 would have wholly prevented the need for the Civil Rights Act of 1964 or Voting Rights Act of 1965; additionally, it is unwise to speculate on what today’s conversation centered on voting access would look like if Lodge and Hoar and their Reconstruction Republican cohorts had succeeded in

⁴⁶ “Lyndon Baines Johnson Quotes,” LBJ Museum San Marcos, www.lbjmuseum.com/lyndon-baines-johnson-quotes.

⁴⁷ “Voting Laws Roundup: October 2021,” Brennan Center For Justice, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-october-2021>.

1890. The tentacles which emerge from any one moment of history are too far-reaching to clearly define a single origin. The Federal Elections Bill has, however, been roused in contemporaneous discourse when voting rights have been at stake. Robert Welch's reevaluation of its failure, which has been cited multiple times in this paper, was composed in 1965, in the midst of the passage of the Voting Rights Act. In 2021, former U.S. Congressman Beto O'Rourke compared the For the People Act to the Federal Elections Bill as a cautionary tale for his Democratic compatriots.⁴⁸ Additionally in 2021, New York Times columnist Jamelle Bouie offered an analysis of the failure of the bill for his readers, concluding, "Americans today should take note."⁴⁹ Their message is clear, history does not predict, but it certainly can inform. If the decision had gone to Lodge and Hoar's re-ignition of the social contract in 1890, the Voting Rights Act of 1965 - if it had existed at all - would have looked very different.

CONCLUSION

The lofty, radical goals of the Republicans, who led Reconstruction, have succeeded and receded multiple times since it "ended" in 1877. The Second Reconstruction of the 1950s and 1960s breathed new life into the Fourteenth, and Fifteenth Amendments.⁵⁰ It has been suggested that we stand at the forefront of a Third Reconstruction, given the compelling push of progressive activism centered on racial equality in the last four years.⁵¹ The ideal of who or what the United States is has never stopped being explored in relation to how it values its most at-risk citizens. After his bill's defeat, George Hoar predicted that if the white majority did not fully commit to the liberties of Black Americans, the solution would ultimately, "be asserted through convulsion and

⁴⁸ Beto O'Rourke, "Texas Offers Americans a Stark History Lesson," *The Philadelphia Tribune*, August 3, 2021, 11A.

⁴⁹ Jamelle Bouie, "One Old Way of Keeping Black People From Voting Still Works," *The New York Times*, March 5, 2021.

⁵⁰ Foner, *Second Founding*, 169.

⁵¹ Serwer, 46.

blood.”⁵² All three Reconstructions the United States has engaged in have been marked by violence and tragedy, to Hoar’s point; however, each of these episodes have also included historical actors like Hoar himself, who engaged in good faith discourse and genuine investment of the humanity at stake.

The failure of the Federal Elections Bill of 1890 was, “not a necessary product of historical chronology but a failure of the national will.”⁵³ The choice was made by the Republican majority in 1890 to not do the work necessary to fulfill their promises made in 1865. The stakes were real and they were consequential, but they were ignored. It was easier for the dissenters to realign themselves into their comfortable space defined by their superiority (granted to them by virtue of their race). In 1890, the choice was made to prioritize free coinage of silver over the protection of American citizens. As DuBois wrote of the post-Reconstruction years, “While after long years the American world recovered in most matters, it has never yet quite understood why it could ever have thought that black men were altogether human.”⁵⁴ Without access to vote, Black citizens were denied the opportunity to map their future; they could not vote for leaders who would work in service to them and their new place in the structure of the U.S. Without the vote, they were at the mercy of those who, at best, actively worked to keep them divested of any and all civil rights and, at worst, did not care if they were kidnapped from their home, tortured, and lynched.

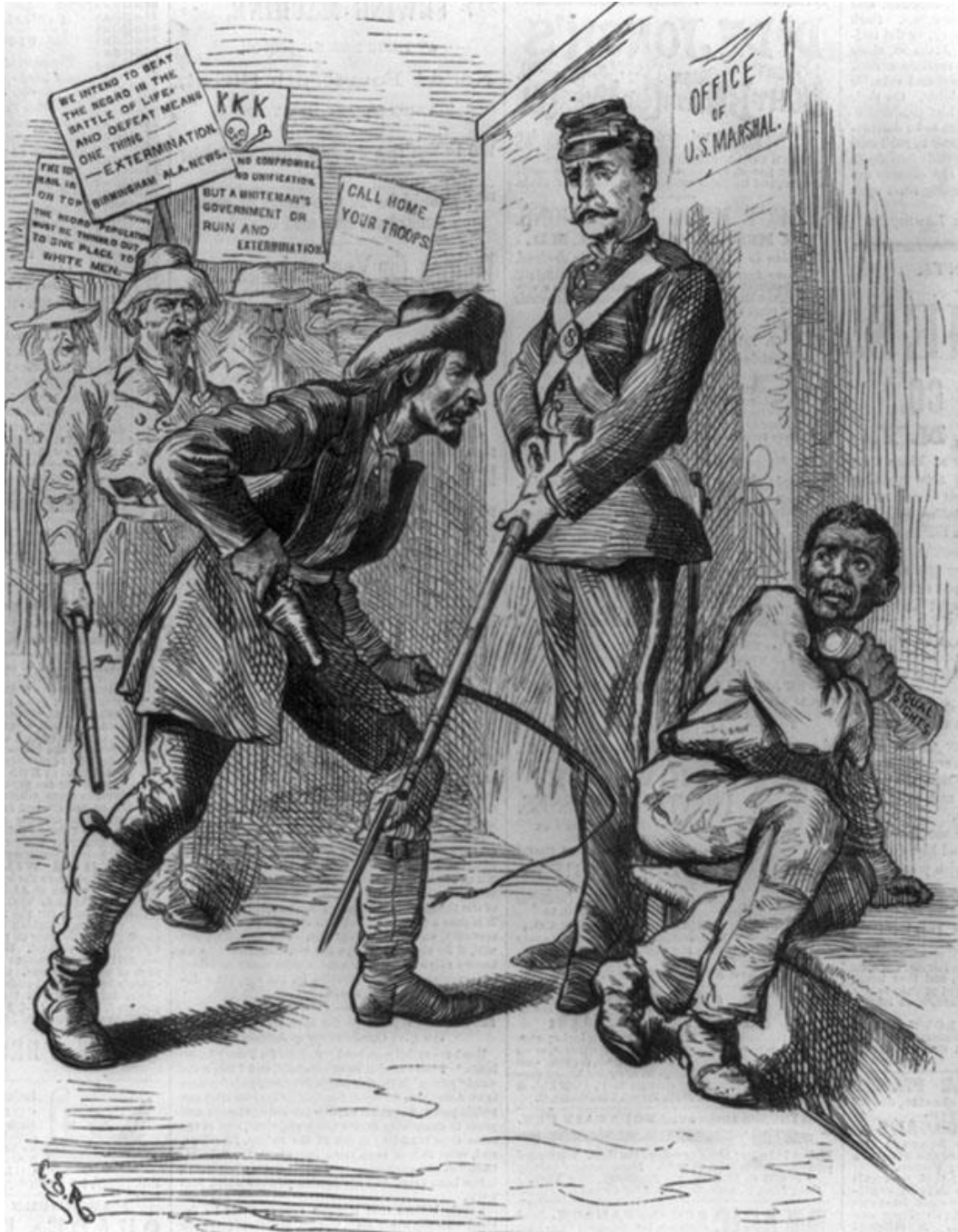
Reconstruction was a commitment by the Republican Party to uplift African Americans through education, housing, and acknowledgement of their humanity by way of federal legislation and protection. It is a historic period which is becoming less narrowly defined, but there is a transition in narrative which happens, though it is more gradual than the protracted 1877 date. The

⁵² From Welch, 526.

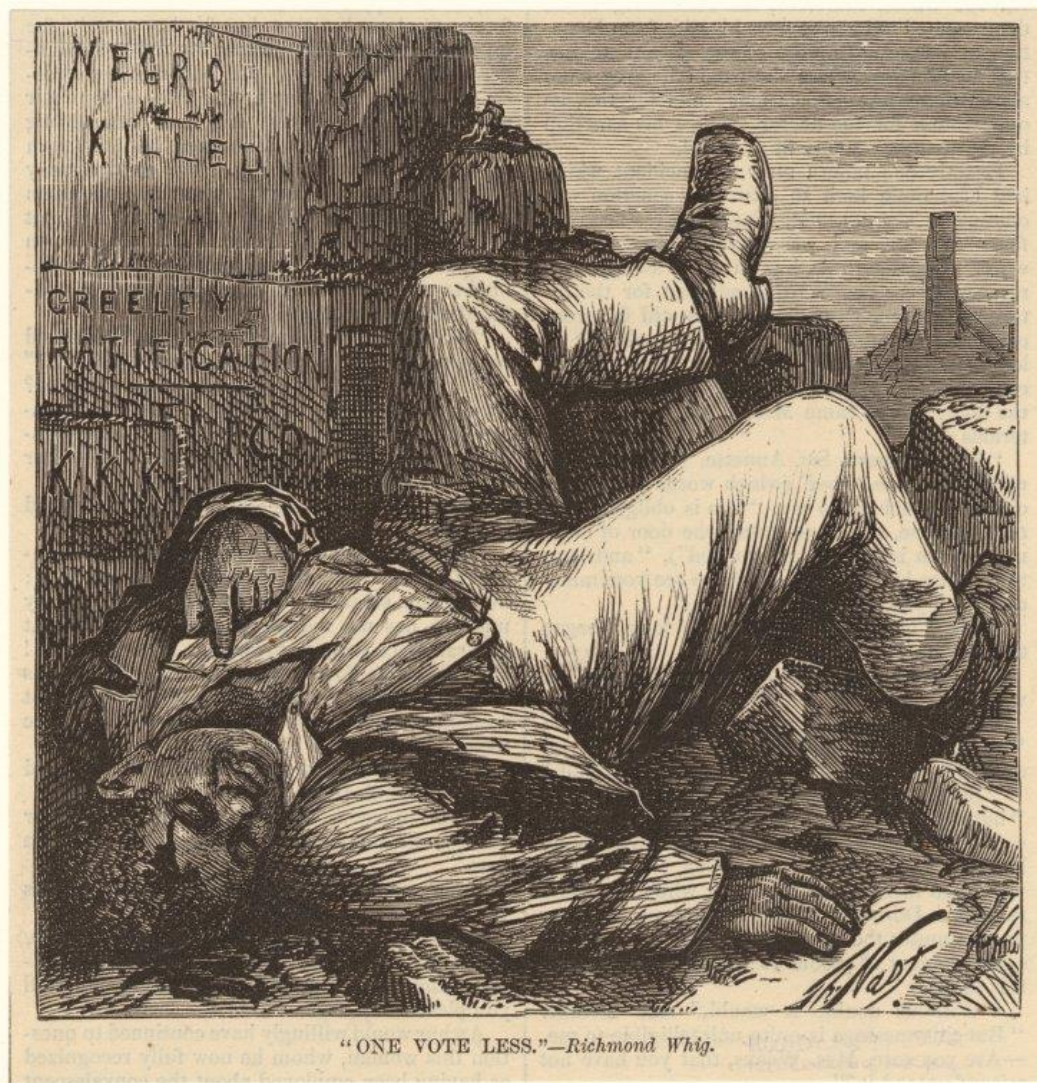
⁵³ Welch, 526.

⁵⁴ From Serwer, 45.

decline of rights afforded to those Republicans had promised to protect was, until 1890, at the hands of other players in the system, be they Democrats or Southerners or the Klan or any number of truly heinous Americans who were invested in dismantling any progress afforded to African Americans. In 1890, it was Republicans who perpetrated an act of legislative violence on those whom their party was platformed. This betrayal within the Reconstruction Party is the transition point in the narrative, where Reconstruction morphs into the Jim Crow Era. Without its passage, the former Confederacy was able to undo all of the work done by the Republicans during Reconstruction; this last chance to secure the legacy of their work was abandoned by their own. The defeat of the Federal Elections Bill of 1890 is the end of Reconstruction.



An 1875 political cartoon depicting a U.S. soldier standing between an African American man and a former Confederate soldier. This was published in response to calls for withdrawal of federal troops from the South. Fig. 1, Political Cartoon from *Harper's Weekly*, January 9, 1875.



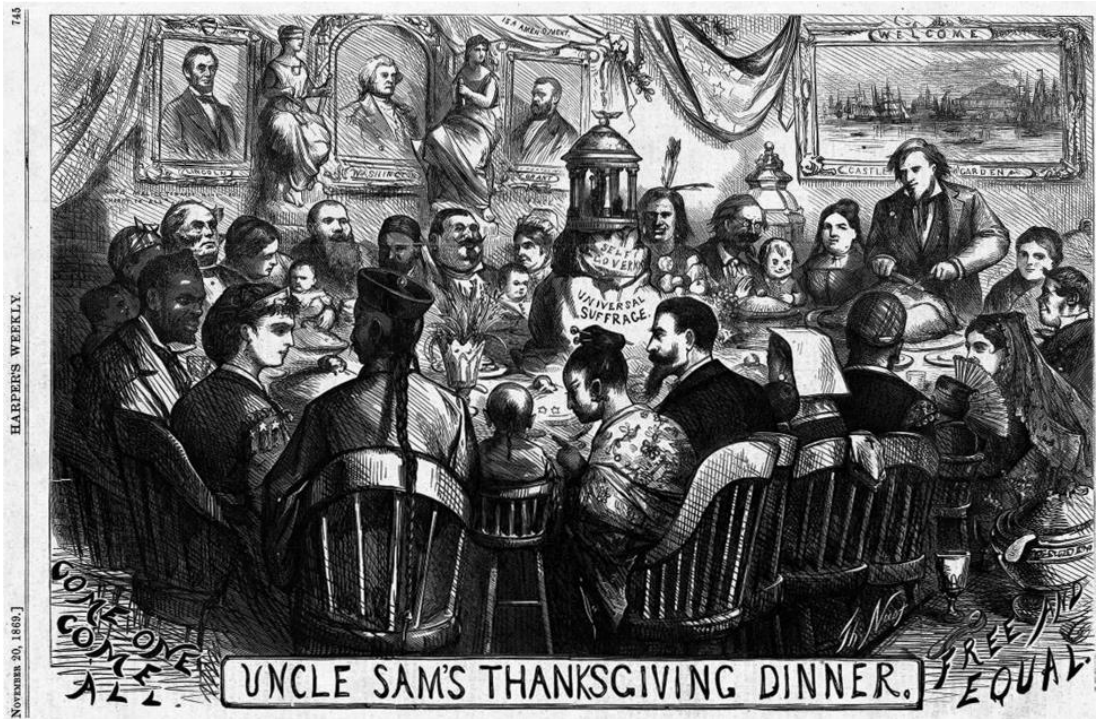
Published in 1872 in the *Richmond Whig*, this political cartoon by Thomas Nast illustrates the perception of progressives on the threat to Black voters. Fig. 2



“The Union As It Was” from Thomas Nast in 1874, depicting the Reconstruction threats to African Americans from white supremacists empowered by Southern governments. Fig 3



George Frisbee Hoar (1826-1904) served Massachusetts as a U.S. House Representative during Reconstruction and a Senator from 1877 until his death. His passion for the Radical Republican ideals drove his leadership during the attempt to pass the Federal Elections Bill of 1890. Fig.5



A November, 1869 cartoon from *Harper's Weekly* depicting the egalitarian fantasy held by the most radical of Republicans during this time - a unified, multiethnic country united by universal suffrage. Fig 6

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