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THOMAS BRACKETT REED

“Speaker Thomas Brackett Reed: American Statesman.”  
1896 photograph by Parker, Washington, D. C. published in Samuel W. McCall,  
*The Life of Thomas Brackett Reed*  
(Boston: Houghton Mifflin & Co., 1914), frontispiece.

# THOMAS BRACKETT REED, CIVIL RIGHTS, AND THE FIGHT FOR FAIR ELECTIONS

BY WENDY HAZARD

*Few causes in American history have proved more enduring than the effort to ensure all citizens the right to vote. From the enfranchising of African-Americans after the Civil War to the granting of women's suffrage and the passage of the Voting Rights Act in 1965, the country has struggled to live up to its image as the guardian of the ideal that every citizen has a guaranteed right to vote. The prolonged presidential election of 2000 and the vote-counting debacle in Florida once again focused national attention on the issue of enfranchisement. Democrats argued that the Florida election, whether by accident or design, was hopelessly flawed. The NAACP and other civil rights organizations produced evidence of confusing ballots, scrubbed voter lists, and lost registration forms, all of which, they believe, conspired to deny African-Americans and other minorities their voting rights. Calls for federal action and electoral reform have reverberated through the halls of Congress ever since.*

*The arguments of reformers today resonate with the language and concerns of an earlier time. In 1889-1890, advocates of electoral reform, most of whom were then Republicans, made a valiant, but ultimately abortive, effort to protect the voting rights of African-Americans in southern states. At a time when southern redeemers were seeking to obliterate the memory of Reconstruction and deny blacks any role in the political life of the South, the leadership of the Republican party was determined to strengthen the federal government's role in protecting the rights of its citizens.*

*Maine Congressman and Speaker of the House Thomas Brackett Reed presided over this burst of congressional energy for electoral reform and black suffrage. This paper traces Speaker Reed's commitment to that effort, and examines the formidable skills he brought to bear to win passage of a federal elections bill in the House of Representatives in 1890. The bill was ultimately defeated in the Senate—a watershed moment that signaled the end of the Republican party's and northern politicians' concern for issues that had dominated national politics since the end of the Civil War. It was to be the last sustained effort to protect African-Americans' voting rights until the Civil Rights movement in the 1960s, the march on Selma, and the*

*passage of the Voting Rights Act of 1965. Reed's efforts throughout the long and highly charged debate between 1889 and 1890 rank among the greatest of his long and extraordinary career.*

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WHEN THE Fifty-first Congress opened in December 1889, the Republican party was in a position for the first time in fourteen years to set the national agenda. When the votes of the election of November 1888 were counted, Republicans had won control of both the Congress and the presidency, and had broken a party deadlock that had stifled legislative action for years. But the margin of victory had been razor-thin. The new president, Benjamin Harrison, had lost the popular vote to Grover Cleveland, but won his election in the electoral college by a vote that hung on returns from his home state of Indiana. Republicans in the House held a slim eight-vote majority, barely enough to allow them to constitute a quorum.<sup>1</sup>

Republican leaders were understandably eager to use their advantage, slim as it was, to take firm control of the legislative process early in the session, and pass laws that would further their party's agenda and increase its strength in coming elections. They had campaigned for fiscal and tariff reforms, and were determined to enact legislation that they believed would strengthen the economy and protect the nation's industries and farms from foreign competition. Of equal importance to the party's leadership was the enactment of civil rights legislation to protect the rights of African-American voters and ensure fair elections in the South. These were moral concerns that had been at the heart of Republican politics since the party's inception. But by this time, they were political concerns as well. Republicans were convinced that violence, voter intimidation, and systematic fraud had been responsible for Republican losses in the deep South since the end of Reconstruction.

A Senate investigation of disturbances in the 1886 congressional elections in Washington County, Texas, revealed the lynching of blacks and the forced expulsion of three white Republicans from the state.<sup>2</sup> Elaborate extra-legal devices aimed at disenfranchising African-American voters loyal to the Republican party were also widespread. They included the stuffing of ballot boxes, tampering with returns, doctoring registration rolls, changing polling places without prior notification, and locating the polls miles from where African-Americans lived.<sup>3</sup> All these

methods had conspired successfully to consign a virtually solid South to the Democratic party. Republicans were determined to find the means to end these methods and to reassert their party's viability in the South.

President Harrison signaled his party's rekindled concern for fair elections and the rights of African-American voters in his inaugural address. "The freedom of the ballot is a condition of our national life, and no power invested in the Congress or in the Executive to secure or perpetuate it should remain unused upon occasion."<sup>4</sup> In his first annual message to Congress in 1899, Harrison spoke of the "disgrace" that sullied the reputation of the entire nation. "Colored people had by various devices been deprived of any effective exercise of their civil rights," he said. He called on Congress to enact "such measures within its well-defined constitutional powers as will secure to all people a free exercise of suffrage and every other civil right under the Constitution and laws of the United States."<sup>5</sup> Democrats had reason to be concerned. Republicans knew that the success of their legislative agenda in the Fifty-first Congress would depend on the firmness and determination of the new Speaker of the House. In Thomas Brackett Reed of Maine they had their man. A fiercely partisan Republican, a brilliant debater, and a man of formidable intellect, Reed had earned his colleagues' esteem for his mastery of legislative tactics and parliamentary procedure. The Republican caucus elected him Speaker when Congress opened in December, convinced that he would provide the party with strong leadership. "The danger in a free country," Reed told a Philadelphia audience shortly after his election, "is not that power will be exercised too freely, but that it will be exercised too sparingly."<sup>6</sup> He was clearly eager for the job, ready to tackle head-on any Democratic efforts to obstruct the Republican agenda, and confident that he could bring discipline to the legislative process.

In 1889, Reed was fifty years old. He had entered Congress in 1877, and since that time had perfected his knowledge of the intricacies of House procedure and parliamentary device. Henry Cabot Lodge, who served with Reed for seven years in the House, and who had campaigned for his election, said of him, "In my professional opinion, there has never been a more perfectly equipped leader in any parliamentary body at any time."<sup>7</sup> At 6 feet 3 inches tall, and nearly 300 pounds, Reed made an unforgettable visual impression that inspired both fear and respect in his fellow politicians. "A stupendous figure—indeed Brobdingnagian . . . and ambitious as Lucifer," said Champ Clark. A "human frigate among shallops," said another.<sup>8</sup> Reed's sarcastic wit was also legendary and he

was never reluctant to use it. Democrats were his favorite target. When one Democratic orator completed a particularly long-winded speech in which he grandly stated that he would rather be right than president, Reed retorted, "The gentleman need not be disturbed. He will never be either." Of another, he remarked, "The gentleman never rises to speak without subtracting from the total sum of human knowledge." The Democratic party, he said, was but a "hopeless assortment of discord and differences, as incapable of positive action as it is capable of infinite clamor." By contrast, the Republicans were poised to become the great party of the future. "Progress is the essence of Republicanism. To have met the great emergencies as they arose has been our history. To meet emergencies as they shall arise must be our daily walk and duty, or we shall cease to be."<sup>9</sup>

On a number of key issues, Reed was a down-the-line conservative New England Republican. He dismissed the Greenback, Populist, and Democratic planks on currency as dangerously inflationary. He supported high protective tariffs as the "solution to the ills of society," and the best way to protect American workers against foreign competition. And he embraced a laissez-faire attitude toward the trusts, assailing actions to curtail them as counterproductive, comparing them to "a bear who tried to kill a fly with a stone and ended up killing his friend instead."<sup>10</sup> Reed was also no friend of organized labor. Ralph Beaumont, chairman of the Congressional Legislative Committee of the Knights of Labor, who campaigned in Maine against Reed's reelection in 1886, said of Reed, "he is corporation every time . . . there isn't a man in the United States whose election would be so dangerous to the labor cause."<sup>11</sup>

### *Reed Champions Federal Control of Elections*

White southerners, wary of Republican talk of new laws that threatened federal oversight of their elections, hoped that Reed's ties to northern industrialists and his advocacy for a strong protective tariff would keep Reed from launching "a new crusade against the South." J. L. M. Curry of Alabama hoped that "the fact that Northern men, mainly Republicans, own our Railroads in the South and are largely invested in manufacturing and mining may save us from Negro rule. Their pecuniary interest may make them conservative."<sup>12</sup> Senator John Tyler Morgan of Alabama agreed with Curry and predicted that "we will get away without a fusillade on the Negro question. . . . [P]rotectionists want mar-

kets, and the silver men want free coinage, and these and other craving people want the help of the South against their own people, and they prefer to leave the Negro to work out his own salvation, rather than lose money. Money, my dear friend, is the real power in American politics at this day. I am glad to have its shelter, just now, when it is the most efficient barrier to a new descent upon the South.”<sup>13</sup>

Democrats had some reason to be hopeful that Reed would not disappoint them. Early in the campaign of 1888, he had joined with other leading Republicans in supporting a shift in traditional Republican campaign strategy for the South. The new strategy had sought to downplay the “bloody shirt” rhetoric of past campaigns that recalled Republican sacrifices for the Civil War, abolition, and racial justice, and emphasized instead the benefits of Republican tariff reform for southern businesses. White southern Republicans had argued that the earlier strategy had alienated white voters, and had been ably exploited by Democrats who fanned white fears of a return to Reconstruction and “Negro Rule” under Republican leadership. A strong tariff and the promise of economic development would, they argued, overcome the legacy of sectionalism and firmly unite businessmen in both the North and South for the first time since the Civil War. Reasoning that blacks would stay loyal to the party of Lincoln come what may, Reed, along with other prominent Republicans, had backed the candidacy of former Confederate general William Mahone for governor of Virginia.<sup>14</sup>

Mahone, a recent convert to the Republican party was eager to distance the party from its past and reconstitute it as one concerned solely with promoting the interests of southern industrialists and business owners. He had discouraged black candidates for political office, succeeded in removing a number of blacks from jobs inside the party’s organization, and promoted the Republican protectionist, pro-business platform for its appeal to southern merchants and factory owners who had nothing in common, he said, with the Bourbon planter elites who controlled the Democratic party. His supporters were enthusiastic about Mahone’s chances for victory.<sup>15</sup> Republican congressman Leonidas Houk of Tennessee said, “Mahone’s wonderful leadership in Virginia has brought 60,000 Confederate soldiers, men of character and intelligence, into the Republican ranks in that State. . . . With all the questions growing out of the war removed, three out of five Democrats are with us.” Despite the protests of African-Americans in Virginia, Reed had been sufficiently impressed by these arguments to travel to Virginia and support Mahone’s bid for the governorship.<sup>16</sup>

On election day, however, Mahone lost his race by over 40,000 votes.

It was a resounding defeat that sent shock waves through the Republican party. "We've been robbed," said one Virginia Republican. In letters to the party leadership, others described how Democratic registrars had stricken the names of approximately 20,000 registered voters on the Saturday before the election, and that an additional 25,000 Republican votes had not been counted.<sup>17</sup> To Reed and fellow Republicans, the message was clear. Free and fair elections were not possible under the current system. Virginia, it turned out, was not alone. Evidence of corruption, fraud, and physical intimidation in Arkansas, South Carolina, West Virginia, Florida, and Alabama surfaced. In December 1889, eight blacks were lynched in Barnwell County, South Carolina, and hundreds of others fled the state. In Florida, racial disturbances claimed the lives of several African-Americans and a federal marshal.<sup>18</sup>

Under the federal law, the governor of each state certified the winners of congressional elections, but defeated candidates had the right to appeal the governor's decision to the House of Representatives. Shortly after the elections, appeals began to flood the House. In one case from Arkansas, the committee on elections learned about a visiting Republican politician who had been attacked and killed by a mob before election day. On election day in the same state, in a county which had a majority of black voters, masked men had stolen ballot boxes and a Republican supervisor was shot. Despite the evidence of crime, the governor of Arkansas had certified the election of the Democratic candidate.<sup>19</sup> In South Carolina, the committee also looked into a case where state officials had gerrymandered a district that stretched 200 miles, and included parts of nine counties in which African-American voters outnumbered white voters five to one. The intention had clearly been to isolate large numbers of black voters in a single district so as to ensure the election of white Democrats in other counties. Reed commented bitterly, "When South Carolina, by a gerrymander which remains up to date the greatest spectacle that has ever been put on a map, and which to this day almost defies belief, put 31,000 colored people (voters) . . . in one district with only 6,000 whites, the framers of the act meant at least that that district should have the Representatives of its choice. But encouraged by the success of the Southern plan elsewhere, even that district has been taken away. It is well known that in the South itself, this was regarded as an outrage, but the voice of those so regarding it has fallen into the silence of consent."<sup>20</sup> He told a Pittsburgh audience the following April, "For the past eight years no man has heard me in the House or in the campaign discourse upon outrages or wrongs, murders,



or shootings or hangings. But in recent elections, while physical intimidation may have been less than in the days when the KKK freely rampaged through the South, ballot-box stuffing and cheating in the count have taken its place.”<sup>21</sup> Reed became convinced that the only remedy was a law that would provide federal control of the nation’s elections.

While Reed’s renewed commitment to the civil rights and voting rights of African-Americans may have been driven in part by partisan political concerns, it was consistent with ideas that had long distinguished him from many of his contemporaries. Reed was a firm believer that the Constitution guaranteed equal protection for all Americans, regardless of race and gender. In 1884, well ahead of most members of the Congress, and indeed of his generation, Reed had endorsed a Constitutional amendment to extend the suffrage to women. He ridiculed the arguments of opponents who pretended that by denying women the responsibilities of full citizenship they sought only to protect women from the harsh and ugly realities of political life. Reed sarcastically compared these pretenses to arguments that southerners had once made about the positive good of slavery. For these people, “the good of the African was always the main object of slavery . . . and it was their own good, not bad temper of their owners that was used to excuse severity of their treatment.” The political equality of women was opposed “by reasons drawn almost entirely from a tender consideration for their own good.” “This anxiety,” Reed said, “would be an honor to human nature were it not an historical fact that the same sweet solicitude has been put up as a barrier against every progress which women have made since civilization began . . . We can better leave the sphere of women to the future than confine it in the chains of the past. . . . Our government was founded on the rule of all, and all are invited to assist in governing.”<sup>22</sup> Four years later, Reed, offended by the racist ferment against Chinese immigrants, had broken ranks with the leadership of his own party and voted against the Chinese Exclusion Bill. In 1890, however, the protection of African-American voters was paramount and, signaling his intention to make election reform a legislative priority, Reed appointed Massachusetts congressman Henry Cabot Lodge to chair a special committee on elections. A friend of long standing, Lodge had campaigned hard for Reed’s election as Speaker. In turn, Reed entrusted Lodge with crafting a federal elections reform bill.

The Massachusetts Republican was keenly interested in the job. A member of Boston’s cultural-intellectual aristocracy, he could trace his family lineage four or five generations back to the founding of the Mass-

achusetts Bay Colony. Lodge was also proud of the leading role Massachusetts had played in the anti-slavery movement, and saw himself as a political descendent of John Quincy Adams and Charles Sumner. Like Reed, he was a party loyalist and fierce partisan, a believer in a strong national government, a protective tariff, and federal oversight of elections. "If it is important to protect American industries, it is vastly more important to protect American voters in their right to vote," Lodge insisted. The legitimacy of the American form of government was at stake. "It is an oft-repeated truism that the purity of the ballot lies at the very foundation of our government, but it is not equally well understood that popular confidence in the verdict of the ballot-box is quite as important as the honesty of the verdict itself. At the present time, it is believed, rightly or wrongly, by large masses of the American people that there is no such thing as a fair election in certain parts of the country." Congress, Lodge insisted, would be derelict in its duty if it failed to pass an effective election law.<sup>23</sup> With Reed's urging, and aware that there was competing legislation being crafted by other House members, Lodge set to work in early January.

At the same time, Reed was readying himself for what would be the most significant and ultimately most celebrated battle of his political career. Under the Constitution, the House of Representatives was required to act as the final tribunal for contested election cases. In January 1890, nine contested cases crowded the House's legislative docket. Reed knew that until they were cleared, the rest of the legislative agenda before the Fifty-first Congress would be stymied. The first case concerned election fraud and ballot box tampering in West Virginia and came from an African-American congressional candidate who had lost his election the previous November. Reed was well aware that Democrats would employ all means in their power to stall a final determination on this and other cases to prevent the certification and seating of Republican contestants. To do this, they would resort to a favorite and familiar tactic known as the "disappearing quorum" whereby the minority party could, under House rules, prevent any legislation it opposed from coming to a vote by demanding a roll call to determine if a quorum existed. When the roll was called, they would remain silent when their names were read. Since the rules required that a member's presence was determined by his voice vote, and since it required a majority of the whole to constitute a quorum, the silent filibuster could effectively paralyze the legislative process and prevent the House from enacting any business.<sup>24</sup> Reed acidly referred to the practice as "a system of metaphysics whereby a member

could be present and absent at the same moment.” He was determined to end it. If he failed, he knew that the Democrats would continue to use the disappearing quorum to obstruct any piece of legislation that the Republican majority proposed. Their own wafer-thin majority in the House, only three more than the number required to constitute quorum, made the Republicans especially vulnerable to what Reed called “the tyranny of the minority.” The fate of the Republican party’s legislative agenda for the Fifty-first Congress, including tariff revision and federal control of elections, hung in the balance.

To Reed, however, the stakes were even higher. At risk was the permanent crippling of the legislative process in the United States, and the survival of representative democracy. He reasoned that if the Democrats could block the legislation that Republicans, who by winning the election in 1888, could rightfully expect to enact, then they would effectively undermine the fundamental principles of a representative government.<sup>25</sup>

On January 29, 1890, the House took up the West Virginia case. The vote stood at 161 in favor of seating the Republican candidate, two opposed and 165 Democrats defiantly denying quorum by sitting silent and refusing to vote. Without flinching, Reed began reading into the record the name of every Democrat he could see. Republicans applauded, Democrats howled, and pandemonium ensued. Reed remained steadfast, naming and counting. When one member protested, “I deny your right, Mr. Speaker, to count me present!” Reed paused and calmly responded, “the Chair is making a statement of fact that the gentleman is present. Does he deny it?”<sup>26</sup> Democrats ran for the exits and hid under their desks. Reed ordered the doors locked and went on with his count. At the end, he announced, “the Chair rules that there is a quorum present within the meaning of the Constitution.”<sup>27</sup> The votes were recorded and counted and the Republicans had their victory. Shortly afterward, the House Rules Committee, chaired by the Speaker himself, reported out a new set of congressional rules. Known thereafter as “Reed’s Rules,” they provide that all members must vote; that one hundred shall constitute a quorum; that all present shall be counted; and that no dilatory motion shall be entertained. The definition of what was “dilatory” was to be left to the judgment of the Speaker.<sup>28</sup> The new rules enhanced the power of the Speaker to streamline consideration of issues on the floor, and to appoint all the chairs of the standing committees.

The Republican press cheered. “Republicans make no mistake when they declare that a filibustering minority shall not clog the wheels of leg-

isolation. This is the people's contest and Speaker Reed has the country behind him in his fearless stand for the right."<sup>29</sup>

Democrats, though, cried foul and denounced Speaker Reed as a "cannibal autocrat," "tyrant," and "dictator," who had flagrantly abused the powers of his office. Portland's *Daily Eastern Argus* railed, "Speaker Reed is playing the part of an enraged bull, madly rushing at the matador and trampling things generally underfoot as he goes. His arbitrary ruling that the Speaker has the power to count members as present, though they have not themselves voted on the roll-call is condemned by the highest parliamentary authorities . . . Dictator Reed's plan of counting in the opponents to carry legislative measures stands no chance of endorsement by the Supreme Court."<sup>30</sup> A few days later, it opined, "What is Reedism? It is the one man power. It has the touch and taste of despotism."<sup>31</sup>

"Czar Reed" was the epithet most Democrats and their presses preferred. Political cartoonists had a field day depicting Reed crowned and sitting on a throne with a scepter for a gavel clutched in his fist. But parliamentarians around the world applauded Reed for his courage, and a few months later the Supreme Court upheld his ruling. The rules, known thereafter as "Reed's Rules," were Reed's most lasting legacy. They have stood the test of time and remain in place today.

In 1890, the death of the "silent quorum" had immediate and practical consequences, for it cleared the way for orderly deliberations on the merits of the contested elections cases. Reed knew too that it also made likely the passage of much of the Republican agenda, including tariff reform, silver coinage, pensions for Civil War veterans, and, most important, a federal elections bill.

On February 3, the House took up the contested case from West Virginia and, after weighing the evidence, voted to seat Republican congressman Smith. On February 4, the Republican press in Maine declared, "Justice Done," and hailed the decision to seat the African-American congressman "legally elected by the people, whose election was stolen from him by the most bare-faced fraud." The *Bangor Whig and Courier* editorial gave full credit to Reed for the outcome. "It was against this case that the Democrats sought to filibuster. Thanks to the courageous action of the Speaker [the Democrats] efforts to prevent its consideration have been futile. . . . His demeanor under the impotent abuse of mouthing demagogues . . . has been superb throughout. He has made the whole country his debtor in striking at the very vitals of the dragon of filibustering that has wasted millions of public money and



REED AS THE CZAR, 1890

"Reed as the Czar, 1890," Published in *Judge*. Reed's political opponents decried his heavy-handed tactics. Political cartoonists often portrayed him as an overfed monarch quashing—or in this case "extinguishing"—dissent. Reprinted in William A. Robinson, *Thomas B. Reed: Parliamentarian* (New York: Dodd, Mead and Co., 1930), 160.

been the most formidable enemy to legislation for the public interests. No State has ever had greater reason to be proud than has Maine to be proud today of the indomitable and intellectual power of the Speaker of the Fifty-first Congress."<sup>32</sup> With Republicans riding high, the time had come for broad federal elections legislation.

Lodge, whose committee had gathered testimony from a number of black and white Republicans, was ready with his bill. Others, including Senate Republicans, were prepared with proposals of their own. The Lodge Bill, reported out of committee in March, provided that one hundred voters in a congressional district, or fifty in a county, could demand an investigation into alleged irregularities. It empowered federal courts to appoint bipartisan panels with two registrars and four inspectors, evenly divided between the two major parties. Federal judges were empowered to certify the winners of the elections.<sup>33</sup>

A much tougher bill, drafted by Albion Tourgee, a former federal judge, was introduced by Congressman Harrison Kelly of Kansas. It required that all congressional districts be nearly equal in population, and that district boundaries be drawn up by Congress rather than by the states. Finally, it required that the federal government supervise every aspect of the election process, from registration to certification.<sup>34</sup>

The Kelly-Tourgee Bill made the strongest initial impression on Reed. In a speech in April 1890, Reed reiterated several of its key points. "It seems to me that the only wise course is to take into Federal hands the Federal elections. Let us cut lose from the state elections, do our own registration, our own accounting and our own certification."<sup>35</sup> Although the speech startled many in his own party, it served as a clear warning that Reed intended to use his powers as Speaker to enact a strong election law. The *New York Tribune* editorialized, "It seems at the first glance an extreme statement, yet it is made by a political leader who has not been in the habit of denouncing election outrages in the South, nor of discussion of the race question in or out of season."<sup>36</sup>

Reed followed up on the points made in his Pittsburgh speech with an article for the influential *North American Review* that implied that the Lodge Bill did not go far enough to ensure free and fair elections. "The [Lodge] Supervisor Law is the subject of objection," he wrote, "because while it leaves the election in the hands of the States, it proposes to set watchers over the state officials, and to use a kind of dual control liable to all manner of friction." Reed warned that it might incite "the very violence which they are striving to avoid." And he warned, "It would be assuming a terrible responsibility to enact it." Instead, Reed concluded, "Let the country at once assume at least the count and the returns of its own elections."<sup>37</sup> In a letter to Albion Tourgee he wrote, "I am not at all sure that we can get through an election law as you and I desire but there has been much improvement in the feeling on the subject and better ground for hope."<sup>38</sup> Reed's colleague, Maine senator William Frye, used even stronger language. This elections bill, he declared, "is not one-tenth part stringent enough." Frye favored, if necessary, "putting a bayonet behind every ballot" to ensure that every man's vote was "counted as he casts it."<sup>39</sup>

The idea of federally controlled elections, however, made little headway, and was further damaged when a Republican senator from Massachusetts, George Frisbie Hoar, a leading advocate for election reform, submitted a bill to the Senate that called only for federal supervision, not control, of elections. Republican senator William Eaton Chandler from

Pennsylvania, wrote to Reed indicating that he did not see support in the Senate to pass a stronger law. "While my desires favor a much broader law, than the extension of the Supervisor's law, yet I come down to the latter as the one which we shall all be likely to concur in the last." Chandler did, however, encourage Reed, and his colleagues in the House, to pursue a more radical solution. "I do not see why the House may not, if Republicans therein see fit to do so, pass a more radical law."<sup>40</sup>

In early June, Lodge submitted a bill that reflected an effort at compromise. It created procedures to re-qualify voters who had arbitrarily been stricken from registration lists, and, unlike the earlier Lodge Bill, it authorized the appointment of three supervisors, no more than two of whom could come from either political party. In addition, it authorized the appointment in each state of three canvassers, not more than two of whom could come from either political party. Federal judges would appoint these canvassers directly.<sup>41</sup> Many Republicans sensed the limitations of the bill, not the least of which was the concern that in the coming elections, the reliance on federal judges appointed to office by the former Democratic President Grover Cleveland could compromise the bill's intent.

A number of southern white Republicans also opposed what they now called the "Force Bill," predicting that it would "intensify race prejudice and engender sectional hostility."<sup>42</sup> They were joined by Mugwumps, a group of mostly white, well-to-do Protestants in New England, Pennsylvania, and New York. Once members of the Republican party, these influential northeastern elites had bolted the party in protest over the corruption of party politics during Reconstruction, and the Republicans' reliance on "ignorant Negro voters" who they maintained were too easily manipulated by Southern elites at election time. By 1890, the Mugwumps were focused on civil service and tariff reform. They wanted nothing more to do with efforts to protect the voting rights of African-Americans and argued that the southern states should be allowed to run their own elections. The Mugwump-controlled press, including the *New York Times*, the *Nation*, and the *Boston Globe*, campaigned vigorously against the Lodge Bill. The *New York Times* dismissed the bill with a headline, "What the Republicans Will Do To Keep in Power." It predicted, "The Lodge Bill, if it was destined to become a law, would be a burden and an oppression. It would annoy the South, while it would make necessary an expenditure for which taxation would be imposed for party benefits. As there is little expectation that the bill will go further than the Senate, it may turn out to be merely a measure upon

which they can go to their constituents to prove that they were in favor of what they call, 'free and fair elections.'"<sup>43</sup> The *Boston Globe* called the bill a "conspiracy" by House Speaker Reed and Congressman Lodge "to stifle the minority and enforce Republican rule . . . . Never has legislation been carried on with such high-handed audacity" as it was in Congress under "dictator Reed."<sup>44</sup>

Even as the debate inside and outside Washington grew hotter, the House caucus reported the Lodge Bill out of committee by a one-vote majority. Using his newly acquired power as Speaker, Reed quickly reported the Lodge Bill to the full House and required that it come to a vote within a week. "To the applause of the colored delegation in the gallery," and over the objections of every Democrat, the House accepted Reed's stipulations.<sup>45</sup> The stage was set for debate on the most important civil rights legislation to come before Congress since the end of Reconstruction. It was to be unusually bitter.

Lodge opened the debate by asserting that his bill was not sectional or partisan in nature, and that its provisions would apply equally to all regions. He admitted that fraud still existed in Northern elections, but said that elections in the South presented a "far graver" problem. He had no desire, he said, "to indulge in recriminations about the race question in the South" because that issue was national, not sectional. "It is one in which we are all concerned and for the right solution of which we shall all be held responsible, whether we live in the North or the South . . . . The government which has made the black man a citizen of the United States is bound to protect him in all his rights as a citizen of the United States."<sup>46</sup>

John Hemphill from South Carolina made the first rebuttal with language replete with the racist fury of southern redeemers. The Lodge Bill, he said, "would destroy the tranquil nature of race relations in the South by putting the colored man again in control of the Southern States." Speaking on behalf of white southerners, he boldly proclaimed, "We know that we must either rule that country or leave it. Now, for myself, before the people of the United States, and before God . . . . I swear we will not leave it."<sup>47</sup> Hemphill sponsored an amendment to the Lodge Bill which would have kept the power to certify elections in the hands of state governors. Alexander Stuart of Virginia decried the Lodge Bill as "hideous" and "appalling." "Our government," he said, "is no longer a government of the people, through their representatives, but a corrupt oligarchy working through its hirelings. I regard this bill as treasonable."<sup>48</sup>



Even support within the Republican party was divided. James G. Blaine, the powerful and influential Maine Republican who was serving as Secretary of State in the Harrison Administration saw little value in the bill. To him, economic interests and tariff reform were paramount. The "Negro question," he said, was dead. He maintained that the only way for Republicans to build their strength was to forge ties with commercial interests in the South and the West. Any effort to stress other issues was political nonsense.<sup>49</sup> On the other hand, there were southern Republicans who advocated a tougher bill, or no bill at all. Congressman Ewart of North Carolina called the Lodge Bill as "lame and impotent an effort to patch up a system of double jurisdiction, a system of legislation that has always been a failure and always will be a failure." Any legislation, he said, should empower the federal government to "take entire control and supervision of national elections."<sup>50</sup> Others, however, including Congressman Harrison Kelly, whose own much tougher bill had been side-lined, decided to support the Lodge Bill as a first step to more meaningful reform, "a step, even though it be a blunder, that will finally bring the crisis that will surely bring the remedy."<sup>51</sup> In a fiery speech, Kelly challenged assertions that, if passed, the law would never be enforced and warned of dire consequences if it were resisted. Any attempt "to nullify this bill if it becomes a law . . . will surely bring on a conflict in this country." War was possible, and if it came, "blood would flow and flow freely, but better rivers of it should flow and liberty survive than that the conditions that have existed in many places in the South for a quarter of a century should remain."<sup>52</sup>

Reed agreed that the Lodge Bill would be hard to enforce in the South, and he worried that it did nothing to remedy corruption in state and local elections. But he concluded finally that it would be "very helpful" in states like Virginia and North Carolina in elections for national office. In his article in the *North American Review*, he made clear his belief that the elections bill was key to the success of the Republicans' larger agenda. White southerners, he wrote, "could control their state and municipal governments, for no power lodged in the federal government can prevent it. . . . All we ask is that in national matters the majority of voters in this country may rule."<sup>53</sup> By "national matters," Reed was referring to tariff legislation that he was keen to enact in the Fifty-first Congress and for which he needed a solid Republican majority. A sympathetic editorial in the *New York Herald* made this point emphatically. "Speaker Reed is right. Let the Southern Democrats carry out their theory of race domination if they will, in their own state and local politics,

but when Congressmen are elected to represent the Nation and to vote on questions affecting the industries and welfare of the American people, let there be a legal registry, honest counting of the ballots and a valid certification of the elections. It is simply intolerable that the economic policy of this Nation should be settled by members of Congress whose seats have been gained by systematic cheating conducted for the purpose of securing race domination in the South.”<sup>54</sup>

Democrats in the House submitted last-minute amendments and attempted a filibuster. But Reed enforced his rules against dilatory actions, and with his aid, Lodge marshaled the bill’s supporters. Shortly after 9:00 on the evening of July 2, the Federal Election Bill passed the House by strict party vote, 155-149, with twenty-four abstentions. Only two Republicans broke ranks to vote with the opposition, a remarkable testament to Reed’s engineering and skill. African-Americans who had crowded the House galleries to witness the vote were elated. “For the Negro in the United States, the year 1890 is destined to be the most important that elapsed since the Black man first touched . . . the ballot.”<sup>55</sup> Republicans, of course, cheered. The *Bangor Whig and Courier* hailed the vote as the climax of the most successful legislative season in decades. “The Republican House can point to a record of achievement, unsurpassed . . . having under the leadership of Speaker Reed overthrown the entrenched abuses of legislative obstruction and successfully dealt with the great questions of tariff, silver coinage, pensions . . . and the enactment, finally, of laws to protect the right of every American citizen to vote for the Representative of his choice.”<sup>56</sup>

Democrats and Mugwumps bristled. The *New York Evening Post* commented, “Speaker Reed has forced through the Federal Election Bill, as it has been expected that he would do ever since he had it made a caucus measure.” But, the editors claimed, “While Reed is the House of Representatives, happily, he is not yet the whole Congress.”<sup>57</sup> The battle was on to win the bill’s passage in the Senate, and Reed was determined to use his influence. He urged speedy action on the bill before the fall elections and before momentum was lost. He wrote one Senate colleague, “We must pass the bill in the Senate soon or our defeat is certain.” Republicans were hopeful. William McKinley wrote, “The Election Bill is now pending in the Senate, under which, when enacted, as it will be in the next session, every lawful citizen, rich or poor, native or foreign-born, white or black, will enjoy the right to cast one free ballot in public elections and to have that ballot duly counted.”<sup>58</sup> Looming over them was a special state constitutional convention convened in Mississippi in



REED AS MASTER OF CONGRESS

"Reed as Master of Congress" appeared in the Republican political humor magazine *Judge*. Reprinted in William A. Robinson, *Thomas B. Reed: Parliamentarian* (New York: Dodd, Mead and Co. 1930), 240.

August. The delegates to that convention, all but four of them white, had bluntly declared, "it was the purpose of the convention to restrict Negro suffrage." The Mississippi law that emerged clearly sought to disenfranchise poor, illiterate blacks and circumvent any federal protection of the Fifteenth Amendment. It required that every voter be able to read or interpret any section of the Mississippi Constitution in the presence of local authorities before being able to cast his ballot. It also required that voters pay a yearly two-dollar poll tax and provide receipts from the previous two years as evidence of payment.<sup>59</sup> For African-American voters in Mississippi, the message was clear. Race discrimination had the new patina of state law. For Republican advocates of federal elections control in Congress, it prompted a new sense of urgency.

Democrats in the Senate, however, were determined to kill the Federal Election Bill. Senate rules still allowed all the old tactics of filibuster and delay, and without the kind of determined leadership that Reed had exercised in the House, the Senate's business soon became bogged down in party bickering. Republicans, eager to pass both a tariff reform bill and the Federal Election Bill soon realized that they could not have both

before the fall elections. Senate Democrats, hoping to divide the Republican membership, indicated willingness to act on a tariff bill, if the Federal Election Bill was delayed until after the election. Southern newspapers meanwhile played to the fears of Northern industrial interests, calling for a boycott of Northern products if the Lodge Bill passed.<sup>60</sup> Their strategy worked. Despite last minute efforts by President Harrison to speed up consideration of the Federal Election Bill, Senate Republicans voted to take up the McKinley tariff bill and postpone consideration of the Lodge Bill until after the fall election. It was a fateful decision.

With the economy in a downward spiral, labor unrest escalating, and farmers in open revolt against the power of eastern monopolies, the 1890 elections were a disaster for the Republican party. Despite, or perhaps because of the Republican majority's activism and success in the Fifty-first Congress, Republican candidates were soundly defeated. Reed won reelection in Maine, but Republicans lost elections in New England, the Midwest, and on the Plains where they had traditionally been strong. When the votes were counted, Reed had lost his Republican majority and with it the speakership. Republicans held onto only eighty-eight seats to the Democrats 235, and the Farmers' Alliance Peoples' party four.

Democrats had successfully exploited southerners' fears of the "Force Bill" and inflated their usual majorities in the South. They had also campaigned hard against Reed, the "tyranny" of his rules, and the activism of the Fifty-first Congress. Reed was bitter—bitter about the outcome and bitter about the verdict that voters had delivered. "Human nature seems incapable of prolonged virtue," he said. "It is hard to keep people always up to the Republican program."<sup>61</sup>

The Federal Election Bill was not yet dead, however. President Harrison and Republican advocates still hoped the Senate would enact a strong law. But a reinvigorated Democratic party was prepared to do battle. When Congress reconvened in January, Massachusetts Senator George Frisbie Hoar moved to consider the Federal Election Bill. Democrats began to filibuster. When Republicans sought to close the debate, Senate Democrats used the tactic that Reed had so soundly destroyed in the House only months before. In the upper house, however, the Democrats were able to leave the Senate chamber, time and again, to prevent a quorum. Republican supporters of Hoar's bill tried repeatedly to bring it to a vote, but to no avail. African-Americans in Washington organized mass protests and lobbied Republican congressmen to keep up the fight. But as the days ticked by, interest waned and support in Re-

publican circles dwindled. When a vote was finally taken, Republican senators from Colorado and Nevada joined with Democrats to defeat the Hoar Bill.

The struggle was finally over. With it died any sustained effort on the part of the Congress to protect the voting rights or other civil rights of African-Americans for another seventy years. One after another, each of the southern states, certain they would not face federal government intervention, passed their own versions of the Mississippi law, and effectively disenfranchised millions of African-Americans. In the decade that followed, instead of improved race relations that southern whites had assured if the Federal Election Bill was not forced down their throats, there was dramatic deterioration in all departments. The color line was drawn and ferociously enforced. Laws segregating all public facilities were enacted in every southern state, and lynching took a savage toll on black lives. Racism and vicious stereotypes became part of the nation's popular culture. For African-Americans, most of whom lived in the South, the willingness of northern politicians to accept defeat on the elections bill sent a clear and painful message. Their one-time friends in the North had abandoned them and turned their attention elsewhere. Lodge never again expressed interest in African-American civil rights. Instead, he focused his attentions on foreign affairs, immigration, and military preparedness. When the Republicans won control of the House again in 1896, Reed was again elected Speaker. He soon found himself out of step with the leadership of his party. Lodge, now senator from Massachusetts had joined with other leading Republicans, including Republican president William McKinley and Navy secretary Theodore Roosevelt to press for a vigorous foreign policy that in 1898 took the nation to war against Spain and annexed Hawaii. Reed opposed the war, the annexation of Hawaii, and the militarization of American foreign policy. In an article for the *North American Review*, "Empire Can Wait," Reed decried the expansionists' rush to imitate European imperialists and exert America's control over people in distant lands. In making his argument, he invoked core principles that had motivated his support for the Federal Election Bill eight years earlier. To yield to the "earth-hunger" raging among Europeans would, he said, "be a complete departure from the maxims of the illustrious founders of the Republic."<sup>62</sup> Among those maxims, Reed declared, was the right of people to live under a government of their own choosing. It was the same right he had insisted on for African-Americans, and for American women as well, a right that was at the heart of American Constitution, and the es-

sential premise upon which the government was built. Reed resigned his office in 1899 rather than participate in the rush to empire and the conquest of the Philippines. He died three years later. Although he had lost some of the most important fights of his career, he was not a pessimistic man. He believed to the end that he had stood for progress and on the right side of history. In a speech at the Bowdoin centennial delivered not long before his death, Reed expressed what may be the most eloquent summary of his career.

“Justice, equality and the rights of man have an ever increasing sway. Whatever contribution any man makes to humanity and justice will not be lost, but will be gathered up and be among the treasures of the Almighty.”<sup>63</sup>

## NOTES

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