Black political participation and the remnants of interracial democracy in the South

did not disappear immediately after the “Redemption” campaign of violence restored

control of the former Confederate states to the Democratic Party. African Americans

continued to vote and hold office in Southern states for another decade or more. In the

wake of the Compromise of 1877, which awarded the presidency to Rutherford B. Hayes

in exchange for the removal of the few remaining federal soldiers from the South, some

Democratic leaders agreed to appoint African Americans to posts in Southern state

governments, even if they were usually positions of little power. Nevertheless, in the

1870s and 1880s the federal government continued to retrench policies that protected

the rights of freedpeople, and by the 1890s, many Southern states had devised legal

methods of disenfranchising blacks and legislating racial segregation.

As it became clear that paramilitary violence had succeeded in undermining Republican

rule in the South, the legal framework that buttressed the policies of Radical

Reconstruction was also weakened. Two Supreme Court decisions, in particular, diminished

the power of the federal government to protect the rights of black Southerners. In *United*

*States v. Cruikshank* in 1876, the court overturned the convictions of three perpetrators

of the Colfax massacre in 1873. In doing so, the court declared that, contrary to the

Enforcement Act and Ku Klux Klan Act of the early 1870s, only states could prosecute

individuals for crimes, not the federal government. Therefore, the federal government

became powerless to bring charges against perpetrators of violence against black

Southerners. Targets of violence could only turn to state governments, run by white

Democrats, for protection.

Seven years later, the Supreme Court invalidated the 1875 Civil Rights Act—which required

that citizens of all races be granted equal privileges with regard to inns, restaurants, public

facilities, and transportation—in a decision on what became known as the Civil Rights

Cases. In this decision, the court argued that the Fourteenth Amendment only prohibited

discrimination by the states and not by private individuals. Therefore, Congress could only

pass legislation that corrected state laws that conflicted with the Fourteenth Amendment—

and Congress would not have the will to do so for several decades.

*States Begin Segregation*

By 1890, many Southern states had begun to erect legal barriers to voting for African

Americans. They did so by creating requirements that were not expressly forbidden by

the Fifteenth Amendment. Historian Eric Foner explains:

Since the Fifteenth Amendment prohibited the use of race as a qualification

for suffrage, these new measures were ostensibly color-blind. The most

popular devices included poll taxes, without payment of which a voter lost the

franchise; literacy tests and requirements that a prospective voter demonstrate

an “understanding” of the state constitution; and stringent residency

requirements. . . . [T]he aim, as a Charleston, South Carolina, newspaper

declared, was to “reduce the colored vote to insignificance in every county in

the state” and to make clear that the white South “does not desire or intend

ever to include black men among its citizens.”1

Because such voting requirements did not explicitly target African Americans—they

prevented many poor whites from voting, as well—the Supreme Court upheld their

legality under the Fifteenth Amendment in 1898. As a result, not long after the turn of

the century, the black vote in the South was nearly eliminated entirely. In Louisiana, for

instance, the number of black voters was reduced from over 130,000 to about 1,000.

At the same time, Southern states began to pass an increasing number of laws separating

whites and blacks in schools, streetcars, restaurants, and other public accommodations.

When these segregation laws were challenged under the Fourteenth Amendment’s

equal protection clause in 1896, the Supreme Court issued its landmark decision in

*Plessy v. Ferguson*. In an 8–1 decision, the court declared that segregation was legal, as

long as the facilities provided to whites and blacks were “separate but equal.” The lone

dissenter, Justice John Marshall Harlan, argued that the purpose of segregation was not the dominance of the white race over the black race in the South. Therefore, according to

Harlan, segregation laws violated the principle of equality before the law.

Segregation, nevertheless, was a reality of life in the South shortly after the turn of the

twentieth century. African Americans’ survival in the South depended on their learning

to live by strict racial codes. Some blacks responded by moving north or west; a trickle

of migrants in the late nineteenth century would become a flood in the twentieth

century as more than six million blacks left the South in the Great Migration between

1915 and 1970. Some other African Americans sought to create Southern communities

that existed entirely apart from white society. These communities perhaps embodied

the preference expressed in 1865 by Garrison Frazier at the Savannah Colloquy when

he stated, “I would prefer to live by ourselves, for there is a prejudice against us in the

South that will take years to get over.”

Mound Bayou in Mississippi was one such community, founded by Isaiah Montgomery

in 1887 as a “paradise for black landowners.” An autonomous city of homes, streets,

and storefronts owned and governed entirely by African Americans, Mound Bayou was

a place where residents found themselves safe from the violence and intimidation of

white-supremacist groups. Representing the town, Montgomery was the only black

delegate to a state constitutional convention in 1890. At the convention, surprisingly,

he voted in favor of literacy tests as a requirement for voting, knowing that the measure

would disenfranchise most of the residents of Mound Bayou. His hope was that by

willingly removing himself and his constituents from the political process, he would

guarantee the safety of the residents of Mound Bayou and the community would thrive.

Indeed, the white citizens of Mississippi left the town alone. In the documentary *The*

*African Americans*, historian Thavolia Glymph wrestles with Montgomery’s calculation

that “by giving up some of your freedom, you could become free.”2 Students might also

wrestle with Montgomery’s compromise and reflect on the fragility of democracy when

the rights and safety of society’s “out” groups are not protected.

*Historian Eric Foner explains some of the changes that took place in the South after the Democratic Party took*

*control of state governments in all of the former Confederate states:*

For nearly a generation after the end of Reconstruction, despite fraud, violence, and redistricting,

most black southerners continued to cast ballots. Beginning in 1890, however, every southern state

enacted laws or constitutional provisions designed to eliminate the black vote entirely. Since the

Fifteenth Amendment prohibited the use of race as a qualification for suffrage, these new measures

were ostensibly color-blind. The most popular devices included poll taxes, without payment

of which a voter lost the franchise; literacy tests and requirements that a prospective voter

demonstrate an “understanding” of the state constitution; and stringent residency requirements . .

. [T]he aim, as a Charleston, South Carolina, newspaper declared, was to “reduce the colored vote to

insignificance in every county in the state” and to make clear that the white South “does not desire

or intend ever to include black men among its citizens.”

The result was the virtual elimination of black voting in the South. And although sympathetic

election officials often allowed whites who did not meet the new qualifications to register, the

number of eligible white voters declined as well. Louisiana, for example, reduced the number of

black voters from 130,000 to 1,000. But 80,000 white voters also lost the franchise . . .

Along with disenfranchisement, the 1890s saw the widespread imposition of racial segregation in

the South. Of course, . . . racial separation had existed in Reconstruction schools and many other

institutions, and among the first acts of the Redeemers had been to institutionalize in the law the

principle of separate schools for white and black students. But it was not until the 1890s that the

Supreme Court, in the landmark decision *Plessy v. Ferguson*, gave its approval to state laws requiring

separate facilities for blacks and whites. The case arose in Louisiana, where the legislature enacted

a law requiring railroad companies to maintain a separate car for black passengers . . . [Opponents

of the law argued that] the state’s requirement that blacks be separated from whites violated the

Fourteenth Amendment’s guarantee of equal protection before the law. But in an 8–1 decision, the

court upheld the law, arguing that separate facilities were not discriminatory so long as they were

“separate but equal” . . .

[T]he *Plessy* decision was quickly followed by state laws mandating racial segregation in every

aspect of life, from schools to hospitals, waiting rooms to toilets, drinking fountains to cemeteries.1