

CALIFORNIA RELUCTANTLY IMPLEMENTS THE FIFTEENTH AMENDMENT:
WHITE CALIFORNIANS RESPOND TO BLACK SUFFRAGE,

March - June, 1870

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INTRODUCTION

Ralph E. Shaffer and Sheila M. Skjeie

With adoption of the state constitution in 1849 the right of suffrage in California was limited to adult, white, male citizens. Denied the ballot, African Americans in the state were powerless to prevent legislative passage of discriminatory laws such as restrictions on their right to testify in civil and criminal cases involving whites. Consequently blacks saw their enfranchisement as a way to guarantee equal treatment under the law. But moving cautiously, California's blacks first worked to obtain testimony rights. Democrats dominated the legislature during the ten years before the Civil War, and they persistently rebuffed these efforts.¹

Despite the legislature's attitude, African Americans continued to fight, through conventions, newspapers, and petitions to the legislature, for equality regarding testimony in court. Their struggle ended successfully, in the midst of a Civil War that brought to power, both nationally and in California, a Republican Party that was more favorably inclined to an extension of black civil rights. In 1863, during Republican Governor Leland Stanford's term in office, the ban on black testimony in civil and criminal cases was repealed. Blacks avoided making common cause with the Chinese on this issue, however, and urged that they, being Christians and knowledgeable about oaths, should be able to testify, but not the Chinese or Native Americans. The legislature agreed, continuing the restriction against the other two minorities.²

Having achieved this victory, African Americans moved to gain the vote in California. Those attending the Colored Convention of October 1865 agreed to present a petition to the legislature urging an amendment to the state Constitution that would give blacks the ballot. The petitioners declared, "we are an industrious, moral and law-abiding class of citizens professing an average of education and general intelligence, born upon American soil, and paying taxes yearly upon several MILLION [*sic*] of dollars. . . ." Compared to African Americans in other American cities, San Francisco's blacks, although limited in job opportunities, did well economically in the 1850s and 1860s, years when labor was scarce in California. Nevertheless, when Republican Senator John E. Benton presented the petition and an amendment to the legislature, its members never discussed them; they were sent to the Judiciary Committee and not seen again.³

California was not alone in denying black suffrage. By 1860 only Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont had granted African Americans the right to vote. Furthermore, New York greatly limited black suffrage through property and tax qualifications. Northern anti-black feelings stretched across the southern two-thirds of Illinois, Indiana, and Ohio, much of Pennsylvania, most of New Jersey, the southern half of New York, and into Connecticut. In 1867 and 1868 state legislatures in Maryland and New Jersey turned down bills that would have put African American suffrage to a vote, while Kansas, Minnesota, and Ohio voters rejected impartial suffrage referenda.⁴

Despite this widespread aversion to expanding the vote, radical Republicans knew that blacks needed protection in the South after the Civil War. As part of that protection, and for partisan purposes, the Republican dominated Congress enacted two constitutional amendments freeing and conferring citizenship on blacks, and by legislation imposed black suffrage on Reconstruction governments in the Southern states. Loyal to the Union cause throughout the war, the California legislature approved the Thirteenth Amendment, which freed the slaves, but allowed the Fourteenth, which dealt with citizenship, to die in committee.⁵

At the same time, Radical Republicans acknowledged that imposing black suffrage only on Southern states left the party open to accusations of insincerity or worse. Republicans also recognized that their party would gain much-needed voters when African Americans in the North received the vote. In this case morality and political advantage coincided.⁶

In February 1869, after weeks of strenuous debate, Congress passed a third civil rights amendment, the Fifteenth, which, in its brief two sections, tried to guarantee impartial suffrage for all male citizens. Specifically, it was designed to enfranchise African Americans in the laggard Northern states and to prevent disfranchisement of Southern blacks when Democrats in the former Confederate states regained control of their governments:

Amendment Fifteen

Section 1. 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.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.⁷

As worded the amendment provided no safeguards against the poll taxes or literacy and property qualifications later used in Southern states to deny African Americans the vote. The amendment was the most conservative of several versions the Congress

considered. California's congressional representatives, and those from other Pacific Coast states, successfully resisted the Radical Republicans' attempts to enact a more effective proposal. Western senators and congressmen reflected the fears of their constituents—fears intensified by Democratic rhetoric—that if Congress changed the naturalization laws, the Fifteenth Amendment would give Asians the vote. But for the Pacific Coast Republicans' fear of Chinese suffrage and the moderate Republicans well-founded doubts about the popularity of black suffrage in the North, the Fifteenth Amendment might have been a stronger measure, with safeguards against the voting restrictions that deprived Southern blacks of the vote in the ensuing century.⁸

In California the vote on ratification of the Fifteenth Amendment took place in an Assembly and Senate dominated by Democrats. After the Civil War California's Democratic Party regained control of the state legislature and the governorship through emotional appeals to the voters' racial antipathy and economic fears. The elections of 1867 and 1869 brought triumph to the Democrats under the leadership of former Union-Republican Henry H. Haight. A shrewd choice, Haight was not tainted with secession and thus attracted other Unionists like himself who could not accept radical or even moderate Republicanism. Haight's Union Republican Party opponent, George C. Gorham, suffered from an affiliation with the Central Pacific Railroad and from the political manipulations that led to his nomination. He might have survived those handicaps if he had not been foolhardy or honest enough to say that he sympathized with the Chinese workers and favored dropping the word "white" from the naturalization law. A split between Republicans and former Democrats in the Union Party guaranteed the Democracy's return to power.⁹

California's 4,272 blacks, with only 1,731 males age 21 or older, were not the primary objects of prejudice or the main reason for the Democracy's success in recapturing the legislature. Instead the 49,310 Chinese immigrants in the state, among whom were 36,890 possible voters, provided the racial target that enabled the Democrats, heavily composed of Irish and German naturalized citizens, to overcome the stigma of disloyalty to the Union. Using the out-party's classic backlash tactic, in 1869 the Democrats took control of both houses of the legislature and put California's emphatic "seal of condemnation" on the Fifteenth Amendment.¹⁰

The economic and psychological conditions existing in California in the late 1860s influenced both the Democratic victories and popular attitudes regarding ratification of the Fifteenth Amendment. Widespread unemployment in the cities, especially during the winter months, aroused white anxiety and more resentment of the Chinese. A decline in mining, growing urban concentration, and increased white and Chinese immigration all contributed to the social and economic tensions afflicting Californians.¹¹

As a result of the transcontinental railroad's completion in May 1869, California no longer was an isolated frontier area, and an economic boom was expected. Instead, the completion of the railroad marked the start of keen competition with manufacturers in the East and a decade of general depression. Not only did the immigrants from Eastern and Southern states arrive in greater numbers than before, but the release of approximately 4,000 skilled Chinese railroad builders swelled the labor force as well. In addition, the opening of the Central Valley to agriculture stimulated a larger than normal immigration from China. For years Californians blamed the Chinese and the railroads for the state's economic troubles.^{[12](#)}

Like African Americans, the Chinese had been prevented from competing in many of the skilled trades in San Francisco, and the majority of the skilled white workers at this time did not actually compete with the Chinese; their fear was based on an anticipation of Chinese competition. The Chinese worker's adaptability, quickness to learn, and willingness to work hard were qualities that made him a powerful competitor. His characteristics as a worker, his racial and ethnic differences, and especially his acceptance of lower wages than whites received—the despised “cheap labor”—all made the Chinese laborer largely unacceptable to California's white trade unionists.^{[13](#)}

Thus Governor Haight transmitted the Fifteenth Amendment to the California legislature during a period of economic depression, unemployment, racial hatred, and fear of Chinese suffrage. Shortly after the legislative session opened, news came of China's ratification of the Burlingame Treaty with its new privileges (and by implication, status) for the Chinese in the United States. Overwhelmingly Democratic, few legislators favored the Fifteenth Amendment, and the governor indicated his disapproval of the measure in a lengthy special message to the legislature.^{[14](#)}

As a result, in January 1870, both the Assembly and Senate decisively rejected the Fifteenth Amendment. This stand against black suffrage echoed the “whites only” clause in the state's original constitution and repudiated the Radical Republican plan to require black suffrage in Union as well as in former Confederate states. Despite California's opposition, however, the necessary three-fourths of the state legislatures ratified the amendment in March 1870. Though Democrats questioned the validity of some of the state ratifications, the Fifteenth Amendment's implementation awaited only a formal proclamation from the administration of President Ulysses S. Grant.^{[15](#)}

^[1] California Constitution (1849), art. 2, sec. 1; California, *Statutes of California*, 1st Sess., 1850, 229-30, 2nd Sess., 1851, 113-114; *Proceedings of the first Convention of the Colored Citizens of the State of California, held at Sacramento Nov. 20th, 21st, and 22d, in the Colored Methodist Church*. Sacramento: Democratic State Journal Print, 1855 (Reprint: San Francisco: R & E Research Associates, 1969) 9, 10, 27; J.W. Ellison, *California and the Nation, 1850-1869; A Study of the Relations of a Frontier Community with the Federal Government* (Berkeley: University

of California Press, 1927), 179; James A. Fisher, "A Social History of California Negroes, 1850-1900," (M.A. thesis, California State University, Sacramento, 1966), 16-17.

[2] *Proceedings of the Second Annual Convention of the Colored Citizens of the State of California, held in the city of Sacramento, Dec. 9, 10th, 11th, and 12th*. San Francisco: J.H. Udell and W. Randall, Printers, 1856. (Reprint: San Francisco: R & E Research Associates, 1969), 36-37, 40-42; Mary Roberts Coolidge, *Chinese Immigration* (New York: Arno Press, 1969), 76; *San Francisco Pacific Appeal*, May 17, 1862, 2, col. 3; Fisher, "Social History," 29-30; Norman E. Tutorow, *Leland Stanford: Man of Many Careers* (Menlo Park, Calif.: Pacific Coast Publishers, 1971), 55; California. *Senate Journal*, 14th Sess., 1863, 131-32; California. *Assembly Journal*, 14th Sess., 1863, 311-13, 336.

[3] *Proceedings of the California State Convention of Colored Citizens held in Sacramento on the 25th, 27th, and 28th of October, 1865*. San Francisco: Printed at the Office of "The Elevator," corner of Sansome and Jackson Streets, 1865. (Reprint: San Francisco: R & E Research Associates, 1969), 87; Douglas Henry Daniels, *Pioneer Urbanites: A Social and Cultural History of Black San Francisco* (Philadelphia: Temple University Press, 1980), 15-17, 26-31; Fisher, "Social History," 87-88.

[4] Forrest G. Wood, *Black Scare: The Racist Response to Emancipation and Reconstruction* (Berkeley: University of California Press, 1968), 13-14, 85-87; Lawanda and John Cox, "Negro Suffrage and Republican Politics: The Problem of Motivation in Reconstruction Historiography," (Journal of Southern History, 33 (August 1967), 303; James M. McPherson, *The Struggle for Equality* (Princeton, N.J., Princeton University Press, 1964), 333-34.

[5] Eugene H. Berwanger, *The West and Reconstruction* (Urbana, Ill.: University of Illinois Press, 1981), 53-54, 120, 127-28; William Gillette, *Retreat from Reconstruction, 1869-1879* (Baton Rouge: Louisiana State University Press, 1979), 6-7; U.S. Constitution, amend.13, secs. 1 and 2; amend.14, sec. 1.

[6] McPherson, *Struggle for Equality*, 333; Gillette, *Retreat from Reconstruction*, 19.

[7] U.S. Constitution, amend. 15, secs. 1 and 2.

[8] McPherson, *Ordeal by Fire*, 545-46; Berwanger, *West and Reconstruction*, 173-74.

[9] Thomas E. Malone, "The Democratic Party in California, 1865-1868," (M.A. thesis, Stanford University, 1949), 111-112; Berwanger, *West and Reconstruction*, 107-108, 176, 202-205; George C. Gorham, Speech delivered at Platt's Hall, San Francisco, July 10, 1867, *California Speeches*, 4:13, (12 vols., n.p., n.d.), California State Library; George C. Gorham, Speech, Aug. 13, 1867, Broadside, California State Library.

[10] U.S., Census, *Ninth Census*, Vol. I, *The Statistics of the Population of the United States, embracing the tables of race, nationality, sex, selected, ages, and occupations*. (Washington: Government Printing Office, 1872), I: 15; Berwanger, *West and Reconstruction*, 175-77, 180.

[11] James J. Rawls and Walton Bean, *California: An Interpretive History* (New York: McGraw-Hill, Inc., 1993) 165, 169; Dr. Ping Chiu, personal interview by Sheila Skjeie, Dec. 9, 1971; Lucile Eaves, *A History of California Labor Legislation* (Berkeley: The University Press, 1910), 135; Kevin Starr, *Americans and the California Dream, 1850-1915* (Santa Barbara: Peregrine Smith, Inc. 1981) 136; Tutorow, *Leland Stanford*, 130.

[12] Rawls and Bean, *California*, 165, 169; Eaves, *Labor Legislation*, 135; Dr. Ping Chiu, personal interview by Sheila Skjeie, Dec. 9, 1971.

[13] Daniels, *Urban Pioneers*, 17, 30-35; Rawls and Bean, *California*, 177-79; Sucheng Chan, *This Bittersweet Soil: The Chinese in California Agriculture, 1860-1910* (Berkeley and Los Angeles, University of California Press, 1986), 30-31.

[14] California. *Assembly Journal*, 18th Sess., 1869-70, "Special Message of Governor Henry H. Haight on the Fifteenth Amendment," Jan. 15, 1870, 168; U.S. Congress, Senate, *Treaties, Conventions, International Acts*,

Protocols and Agreements between the United States of America and Other Powers, 1776-1909, Sen. Doc. 357, 61st Cong., 2d Sess., 1910 (2 vols. Washington: Government Printing Office, 1910) I: 234-236.

[15] Berwanger, *West and Reconstruction*, 180; Gillette, *Retreat from Reconstruction*, 22.

I

THE RATIFICATION CELEBRATIONS:

HAILING THE "SECOND EMANCIPATION PROCLAMATION" AMID THE FEAR OF SOCIAL EQUALITY

In separate proclamations on March 30, 1870, President Ulysses S. Grant and Secretary of State Hamilton Fish announced that the necessary 28 states had ratified the Fifteenth Amendment.¹ Joyously, African Americans and white Republicans throughout the nation made preparations to celebrate the event that one black California leader called "one of the grandest achievements of the nineteenth century."² The San Francisco *Bulletin* hailed Grant's announcement as "The Second Emancipation Proclamation."³ In California cities, large and small, celebrants turned out throughout April and early May to welcome the amendment and the black suffrage that would follow its addition to the Constitution.

Writing to its state and local affiliates, the Executive Committee established early in 1869 at the National Convention of the Colored People of the United States, headquartered in Washington, D. C., called for "the general assembling of the colored people of every State and Territory throughout the length and breadth of the land, whenever the said Fifteenth Amendment shall be officially announced as ratified."⁴ Individual cities scheduled festivities for locally appropriate dates, but, at the suggestion of the Executive Committee,⁵ April 5 was the day most frequently chosen. From early April through mid-May African Americans and supportive whites, primarily Republicans, but including some Democrats, gathered to commemorate "the righteous act of our fellow-countrymen, in constitutionally securing to us that which has always been our just due, but unjustly withheld."⁶

Elaborate ceremonies took place in Washington D. C., New York City, Boston, and Chicago. At the capital the Goddess of Liberty, who was also a fixture in several of the California celebrations, was represented in black.⁷ In what the *Savannah Republican* called the "spirit of harmony and good will," the Augusta, Georgia, celebration was postponed when the chosen day conflicted with the day traditionally set aside for decorating Confederate graves.⁸ At the Louisville procession the amendment was depicted as a locomotive, followed by 29 cars representing the

ratifying states. Several jackasses harnessed to the rear car symbolized those states opposed to ratification, "vainly trying to pull the train backward."⁹

The celebration in Baltimore eclipsed all others. Its importance was due in part to the close association with Baltimore of several black leaders, notably Frederick Douglass. That city also had the largest black population in the former slaveholding South, and the first election there after ratification would immediately demonstrate the political power of black voters.¹⁰ Not held until May 14, long after most other cities had honored the amendment with parades, speeches, fireworks and balls, the Baltimore festivities drew an estimated 10,000 marchers who paraded over a six and one-half mile route. One observer reported that the procession lasted five hours. Douglass, the nation's most prominent black abolitionist, was the principal orator, joined by numerous dignitaries from state and national government.¹¹

In the Far West, major celebrations took place in Portland, Oregon,¹² and in Virginia City and Elko, Nevada.¹³ At Elko the celebration became a vehicle for demanding that African American children be allowed to attend local public schools.¹⁴ Even Nevada mining communities with relatively small black populations, such as White Pine, held commemorative programs.¹⁵

With state government completely in the hands of Democrats and much of the press reflecting that party's dominance, controversy arose in California about the legitimacy of the Fifteenth Amendment and whether a reason for celebration actually existed. Democrats repeated the argument, raised earlier during the ratification debate, that the amendment was unconstitutional. To this they now added the charge that even if it had been a valid subject for amendment, ratification failed because the necessary 28 states had not voted to accept it.¹⁶

At issue was the questionable ratification by three states: New York, Indiana, and Georgia. Having first ratified the amendment while the Republicans were in power, the New York legislature rescinded this approval when the Democrats regained control of state government, creating a constitutional question about the right of a state to reverse a previous act of ratification. Indiana's endorsement, obtained after enough Democrats had walked out of the session to prevent the presence of a quorum, raised yet another reason for doubt about the legitimacy of ratification. Democrats also questioned Georgia's coerced approval, required by Radical Republicans as a newly added condition for regaining that state's seats in Congress.¹⁷

Despite the controversy, the official proclamations from Washington created euphoria among those Californians who supported black suffrage. Local *ad hoc* celebration committees emerged in more than a dozen cities and towns, primarily in the central portion of the state. California's speedy response was due to the telegraph. A decade

earlier, Californians would have waited for days for word of a President's action. But in 1870 a major announcement such as this was known in any western city with a telegraph operator as quickly as it was known on the east coast. Consequently, Californians were among the first to formally celebrate the addition of the Fifteenth Amendment to the Constitution. While others prepared to celebrate, the Democratic editor of the *Santa Clara Argus* declared that whites could find no joy in commemorating ratification of the amendment.¹⁸

While Nevada City blacks chose to wait for a copy of the President's proclamation before celebrating,¹⁹ African Americans in both San Francisco and Sacramento had begun planning local celebrations in mid-February after Georgia became the 28th state to approve the amendment.²⁰ San Francisco County, with an African American population of 1,330, held about one-third of the blacks in the state.²¹ It was the center of black intellectual and political activity, and the home of the *Elevator*, at that time the state's only black newspaper.²² Sacramento County, with 475 blacks, ranked second.²³ And it was in Sacramento, before any of the formal celebrations could take place or in most cases were even scheduled, that the first observances in the state occurred.

The nature of Sacramento's two impromptu celebrations hinted at a lingering racial prejudice held by some white supporters of the amendment. The first observance took place at noon on Thursday, March 31, the day following the announcement of ratification. In a brief ceremony, Sacramento's "colored citizens" gave a one hundred gun salute.²⁴ On Saturday, April 2, Sacramento's "Union Boy" squad, a white militia company, met at noon and fired thirty guns to salute each of the ratifying states. That evening they assembled and again fired guns in honor of ratification.²⁵ Initial press reports gave no indication of underlying friction among the celebrants, but in their Monday editions two Sacramento newspapers explained that the Saturday salute was on behalf of certain Republicans and "had nothing to do with the colored celebration of the ratification."²⁶

A) PETALUMA

But despite the advance planning in Sacramento and San Francisco, the first formal celebration held in California took place at Hinshaw's Hall in Petaluma on Friday, April 1, a day after the President's proclamation first appeared in the state's newspapers. Perhaps the early nature of the Petaluma celebration resulted from the premature announcement in the *Journal & Argus*, a local Republican weekly, that the President had already signed the proclamation. That notice ran on Saturday, March 26.²⁷

While the *Journal & Argus* was unable to give more than a brief report in its issue on Saturday, April 2, because the paper went to press on Friday afternoon, the following week's edition contained a lengthy report of the festivities. Calling the President's proclamation of the Fifteenth Amendment "The grandest triumph in the history of our free institutions,"²⁸ the paper reported in detail the "general jollification" by "the colored people of this city." Following a salute to the nation at noon in the plaza, flags waved throughout Petaluma. That evening, Rev. J. W. Johnson of the First Baptist Church prayed that they would use their newly acquired political power "to the glory and advancement of the whole country." Marshal of the Day George Miller read the amendment and a statement of principles, followed by Prof. Edward S. Lippitt, speaker of the evening and a white who would soon become editor of the *Journal and Argus*.

In his oration, Lippitt went to great lengths to distinguish between political and social rights, noting that "the mere exercise of the ballot was not a key to society, and no matter how far the freedom of the polls might be extended, yet individuality and social relations were not in the least compromised thereby." That had been a Republican theme throughout the battle to enfranchise blacks, with many Republicans denying that extension of the franchise either conferred or advanced social equality. Lippitt furthered the point, made by Rev. Johnson, that "the colored people" should educate their race up to the requirements of their new responsibilities, a theme that was expressed in editorials and speeches elsewhere during the next few weeks.²⁹

B) SACRAMENTO

The formal celebration by Sacramento's "colored citizens," on Tuesday, April 5,³⁰ included a late morning parade consisting of eighty carriages, the Goddess of Liberty, a score of horsemen, bands, school children, Sunday school groups, military units and numerous other marchers. The procession ended at the African Methodist Episcopal (A. M. E.) church where the group heard numerous orators, the ceremonies ending with a grand ball that night.³¹ In introducing the speakers, chairman Aaron Jackson concentrated on emancipation rather than extension of the franchise. Having noted that slavery was "a curse as great upon him who inflicted as upon him who suffered," Jackson rhetorically called upon Barclay "Brad-awl Henley," the Democratic assemblyman who had suggested that black voters might be dealt with by the use of a brad-awl, to rejoice with them in celebration of the amendment.³²

Following reading of the amendment and recitation of a poem written for the occasion by Anne Dyer, San Mateo Republican Assemblyman Seldon Finney and former assemblyman John G. McCallum, among the several whites in attendance, addressed the assemblage.³³ The principal speech of the day was made by Rev. Joshua B. Handy, but the content was not reported by any of the papers. While the *Bee*, a

Republican paper, noted that "the day's festivities reflected credit on the colored folks, and they have no reason to feel otherwise than proud," it devoted but a single paragraph to a review of the program. The most extensive review came over a period of two weeks in the *Elevator*.³⁴

On the other hand, the *State Capital Reporter*, a Democratic organ edited by the not-yet-famous Henry George, set aside almost an entire column for a detailed but sarcastically humorous commentary on the day's activities, in contrast to the unbiased announcement of the upcoming festivities that had appeared in that paper the day of the celebration.³⁵ The *Reporter* pounced on shouts of "Hang him" which came from the audience in response to the rhetorical question, raised by McCallum and Handy, of what to do when an African American voted for a Democrat, repeating that audience response several times during the critique of the oratory. George's daily also took occasion to belittle Miss Dyer's poetry ("Space forbids giving the verses on 'Victory' by the poetess, though we have read many worse"), the Goddess of Liberty ("a bright mulatto with long streaming locks of raven curls") and virtually every speaker, including Finney and McCallum.³⁶

In rebuttal, the Sacramento *Record* claimed that Miss Huston, the young woman who portrayed the Goddess of Liberty, was an orphan who had been brought to California by friends after her father died in the New York mob riots of 1863.³⁷ The *Reporter's* account of the proceedings prompted "Truth" to write to the *Bee* wondering if "the necessities of political party strife demand the utter disregard of truth which is so often manifested by ... editors." "Truth" charged that the *Reporter* "willfully misrepresented" speeches by Finney and McCallum. He noted that after shouts from the audience indicated that some present were willing to deny the ballot to those who might cast a vote for the other party, Finney replied: "Would you then practice upon your fellow citizens that despotism from which you have just escaped--that tyranny to which you have been subjected for these two hundred years?" To which, wrote "Truth," the immediate response was "No, no, no."³⁸

C) SAN FRANCISCO

While Sacramentans commemorated ratification, they were joined that same day by celebrants in many cities across the nation. In San Francisco a procession estimated at upwards of 2,000 men, women and children marched through the city.³⁹ Erroneously anticipating an earlier signing of the Presidential proclamation, editor Philip Bell of the *Elevator* had initially written that the city's festivities would take place on March 22.⁴⁰ Instead, the President's delay in announcing ratification postponed the celebration until April 5.

Following a salute from one hundred guns on Russian Hill at noon, the procession moved down Powell Street through the main part of town, passing the tomb of Thomas Starr King and the statue of Abraham Lincoln, and ending at Pacific Hall in the California Theater. Prominent in the march were several black "militias," including the Brannan Guard. As in processions elsewhere, participants carried banners representing the ratifying states, and separately those of the non-ratifiers. The Goddess of Liberty, school children, bands, benevolent societies and numerous citizens in carriages followed.⁴¹

The San Francisco *Call* remarked that one company in the procession consisted of about fifty handsomely dressed boys, well behaved, and not

a full-blooded negro among them. Many of them were very light-skinned, with light-colored hair, regular features, and possessing generally the ordinary features of the Anglo-Saxon type. It is safe to say that in that whole squad of boys there was more of the blood of the white race than the black. A similar fact was evident in the van containing girls representing the different States of the Union. In some respects the "war of the races" of which so much has been written and said, does not seem to exist.⁴²

The *Bulletin* noted the historic nature of the occasion:

There was a volume of history in the pageant, and few could mistake the import. It signified more than a simple holiday display could exhibit. It celebrated the overthrow of oppression and enlargement of rights, privileges, duties and obligations to a class from whom all rights and duties, except those of slaves, had been withheld.⁴³

The procession was largely without incident, with

not one intoxicated or disorderly man in the procession, not one disturbance during the whole day in which a colored man was the aggressor, or in fault, ... notwithstanding occasional vexatious delays and malicious provocations...⁴⁴

But there were delays and provocations.⁴⁵ In addition to several minor disturbances, one serious altercation took place as the procession was forming on Powell. A man

mounted on a wagon tried to force his way through the marchers, only to be dragged from his vehicle by onlookers as he whipped his animals forward at full speed toward a vehicle filled with little girls. Police intervened when it appeared an angry crowd was about to beat him.⁴⁶

As the procession neared Lincoln School on Fifth Street, George Harrison and Edward Jenkins, assigned to place a floral wreath on the Lincoln statue, approached school principal Bernhard Marks, viewing the procession from the school steps, and asked for permission. Marks reportedly denied their request: "I won't allow it without an order from the Superintendent." By the time Marks relented the procession had largely passed.⁴⁷

In a letter to the Marysville *Appeal*, that Republican paper's "special female correspondent" in San Francisco, Laura D. Wakelee, described the wagon altercation but considered the Lincoln School incident the most troubling one along the march. In her version Marks finally allowed placement of the wreath, but before all of the procession had passed the school he ordered the janitor to remove it.⁴⁸ In the *Chronicle* report, the wreath was never placed on the Lincoln statue inasmuch as the procession had nearly passed that point. The *Bulletin* said the wreath was only on the statue briefly before the janitor, at Marks' order, threw it into the street, where a storekeeper rescued it and placed it on display in his shop.⁴⁹ The *Alta* ignored the Lincoln Statue incident, reporting only that a wreath was placed on it as the assemblage cheered.⁵⁰ School board minutes in the weeks immediately following the celebration indicate no reference to the Lincoln School incident. Instead of a reprimand, Marks was given a new buggy a month later by his friends.⁵¹

To Wakelee, the celebration was the principal event of the week. The proceedings were "very impressive and worked with a modest good taste and perfect order." She observed that such a procession a few years earlier would have not been permitted without much objection, perhaps even bloodshed and violence. The general passive acceptance by the city's residents of the march she attributed to the fact that the amendment had given the city's "colored people" the ballot, increasing the electorate by about 1,500 votes. While she exaggerated the size of San Francisco's adult black male population, Wakelee was correct in her assumption that both political parties now recognized the value of that vote in closely contested races.⁵²

Following the procession the oratorical portion of the day took place at Pacific Hall. After an invocation by Rev. Thomas M. D. Ward, who asked for a divine blessing on Grant and on Senators Charles Sumner, Benjamin Butler and "on that colored Senator (Hiram Revels, Mississippi Republican)," William H. Hillery gave the oration of the day. The only record of his speech, which the *Chronicle* called "one of the most

eloquent and effective speeches we have ever heard, from black or white," is in the contemporary press reports.⁵³

In the course of the next hour, he recounted such events as the Missouri Compromise, the Kansas-Nebraska Act, the Fugitive Slave Act and Judge Roger Taney's Dred Scott decision. The cornerstone of human rights was laid with the Declaration of Independence, Hillery said, but over the years the extension of slavery became the leading passion of the country. He then paid homage to the abolitionists, whose efforts led to Lincoln's Emancipation Proclamation.

Hillery read the list of states that had ratified the amendment and "commented with severity on the political complexion of the Legislature."

By this amendment colored men were endowed with the rights of citizenship, and he wished to say there, deliberately and in behalf of the black men of the Nation, from Maine to Georgia, that they would assert and exercise those rights and in the State--a Democratic Legislature and Brad-awl Henley to the contrary notwithstanding--they would vote at the next election, or die in the attempt. (Enthusiastic cheering.)⁵⁴

Hillery handled the Chinese question by evading it, with a humorous remark:

If the colored people and poor whites can manage to keep out of John Chinaman's way, he will take care of himself and perhaps of them, too.

Regarding female suffrage, Hillery argued that if woman was

fit to walk by his side in the field of carnage, bearing soothing cordials for his wounds, she was fit to walk side by side with him to the ballot-box.⁵⁵

He concluded by referring to African Americans who held seats in the House of Representatives and in the judicial system, urging his audience to make "Excelsior" their motto--onward and upward--until a black president presided over the nation.⁵⁶

Rev. John R. V. Morgan, in brief remarks that recognized the divisive issue of social equality, denied that African Americans sought that. Up to now, he said, they had been opposed to amalgamation.⁵⁷

The closing speech came from Peter Anderson, one of the major black leaders in the city and former editor of the then defunct *Pacific Appeal*. He emphasized the loyalty of blacks to the Republican party, provided "it continues with its progressive ideas."

No colored man can consistently vote the Democratic ticket, with the present National and State platform, every plank of which is vehemently opposed to negro suffrage....⁵⁸

When Anderson began to speak a large part of the audience left. In light of the political animosity between Anderson, one-time editorial associate of, but more recently journalistic rival of, Philip Bell and the *Elevator*, their departure may well have been an indication of factionalism within the black community.⁵⁹

The evening closed with two balls, one at Pacific Hall and the other at Mercantile Library Hall. In contrast to other such ratification balls, there was no editorial comment about the ethnic makeup of those in attendance.

D) THE SPECTER OF SOCIAL EQUALITY: LOS ANGELES

Although the celebrations in Sacramento and San Francisco exceeded in scope the one that took place in Los Angeles, the event there far overshadowed the others in terms of press coverage. The importance of the Los Angeles celebration cannot be measured by the size of its African American population. With only 134 black residents in the county in 1870, Los Angeles ranked seventh in the state, behind San Francisco, Sacramento, San Joaquin, Santa Clara, Nevada and Yuba, and only barely ahead of El Dorado's 132. A dozen other counties had at least sixty each.⁶⁰

What made the Los Angeles commemoration more noteworthy than the celebration of any other California city was the role of a prominent Democratic politician in the festivities. His appearance, comments and conduct at the evening ball that concluded the ceremony kept editors throughout the state busy for the next month.⁶¹

The festivities began at 4 a.m. on Tuesday, April 12, with a salute from what the press described as "artillery-anvil." Despite the unusually early hour, fifty persons were present at the ceremony, conducted on a hillside lot recently purchased by the city's A.M.E. church. While there was no parade, an evening "Ratification Ball," which drew one hundred invited guests and an untold number of others, was followed by a

midnight supper provided primarily by Winnie Owens,⁶² the widow of Robert Owens, who had been one of the leading African Americans in the city.⁶³

Among those in attendance were at least forty white men, including local politicians who, according to the press, were cultivating an anticipated fifty black voters,⁶⁴ an estimate that would prove to be overly generous. Present at the ball was one of Southern California's leading Democrats, Col. Edward J. C. Kewen. A "forty-niner" who left a successful Missouri law practice to join the gold rush, the youthful Kewen's oratorical ability established him as a prominent figure among California's Whigs. In 1850 the first state legislature selected the twenty-four-year old to be attorney general. The following year, as candidate for Congress, he lost a close election to the Democratic nominee. After a brief interlude as an official with William Walker's filibustering expedition in Nicaragua in the mid-1850s where he adopted the self-imposed title of "Colonel," Kewen returned to California, settling in Los Angeles. Now a Democrat, he briefly headed the local school system before his election as district attorney in 1859. A pro-Southern, Breckinridge Democrat in 1860, Kewen was enormously popular in a city with an overwhelmingly pro-secessionist electorate. His outspoken opposition to the Lincoln administration's handling of the Civil War won Kewen an assembly seat in 1862 - and led to his arrest for treason. He was held in Fort Alcatraz for two weeks in 1862, while an assemblyman-elect, and was released upon posting bond and signing a loyalty oath. Demonstrating the pro-southern feeling in Los Angeles, his constituents re-elected him to the assembly in 1863.⁶⁵

According to the *Star*, the more moderate of the city's two Democratic papers in 1870, Kewen put his oratorical skill to work at the Fifteenth Amendment celebration:

[Kewen] addressed the assemblage, assuring his colored fellow citizens, that, whereas he was heretofore opposed to the great change which had been effected in their condition, now that it had become law and a fixed fact, he accepted the situation, and cordially clasped hands with them on their elevation to the rights secured for them under the Constitution.⁶⁶

The *Weekly Republican*, the city's only paper of that persuasion, related a different version of the role of white politicians, especially Kewen, at the celebration, and gave a much fuller account of his remarks:

The supper was about midnight, but for two or three hours previous dancing was going on. At least forty white gentlemen were present, the most prominent being several leading Democratic politicians, among them the President of the City Council,

and a member of the Board of Supervisors, a candidate for the State Senate last year, a candidate for County Assessor, etc.⁶⁷

Some of these were quite active in playing the agreeable, and danced frequently with the wives and sisters of their "colored brethren," and promenading the hall with a dusky belle on each arm, or clinging fondly to some sweet dark one in the embraces of the waltz, were ready to vow it was the proudest and happiest moment of their lives. The Democrats, who were so active in paying honors to their newly enfranchised "colored brethren" may have thought that by promptly according social equality they could bring themselves to a level with the Republicans who had accorded political equality, and have an even start in the next political race. Or, perhaps, they have been smitten with remorse because of the injustice of their past course toward the American citizens of African descent, and having seen the error of their ways at the eleventh hour, their affectionate earnestness of last Tuesday night may be explained by remembering the zeal which always characterizes new converts.

In the course of the evening Col. E. J. C. Kewen addressed "his colored brethren, ladies and gentlemen," saying that he and his friend Oscar Smith, colored, were born in the same State, and had always been friends,⁶⁸ that he had opposed the Fourteenth and Fifteenth Amendments, and had opposed Emancipation, but he bowed to destiny and accepted the situation. As the latter part of his speech was reported to us its effect was that he had loved the negroes as slaves and hoped that they would love him now that they were free. He spoke about twenty minutes. At the conclusion of his remarks, the colored lecturer, Rev. J. E. M. Gilliard,⁶⁹ rose and replied, extending his forgiveness to the frank and manly Colonel for his past offences, and the two eloquent orators clasped hands in presence of the delighted audience, who perhaps regarded the union as symbolical of the speedy marriage of the negro race to the Democratic party; and indeed it seems as though the coy Democracy is about to cease her struggles with modesty and yield herself to the embraces and direction of the negro. The scene was quite touching, and might have brought tears to the eyes of some of the Colonel's partisans, but we regret to say that some of the profane have since swore about it.⁷⁰

The *Independent* concluded the article with the following paragraph, apparently also taken from the *Republican* but omitted in the *Elevator's* reprint:

No white ladies were present, and uncomplimentary as it is to say it, we fear that they were not missed, for we have heard young gentlemen noted for their gallantry confess that they had not had so pleasant a time at a ball for years. By

all accounts it was an unusually happy occasion, and indicates that reconstruction is now complete; but it has called forth the remark that "the Democrats seem to think more of a nigger than a white man does."

The Associated Press dispatch described the celebration this way:

The colored people of the city have had three days' celebration of the Fifteenth Amendment. At sunrise on the 12th, 140 guns were fired. On that day their places of business were closed. At the grand ball and collation, the Democracy were present in force and joined in the dance with the dusky beauties. Galliard, the colored orator, delivered an address. Col. E. J. C Kewen made a short speech, which was well received. The early Democratic bid for negro votes occasions much amusing comment. No applications have yet been made for registration; but it is understood that there will soon be a general move in this direction by the colored citizens. Good order was preserved throughout.⁷¹

For those readers unfamiliar with Kewen, the *Bee* made this identification:

This Colonel Kewen was an early resident of Sacramento, practiced law here, was a Whig candidate for Congress at one time, and intends to be the Democratic candidate for Congress in the First District at the next Congressional election. [State Assemblyman Joseph?] Naphtaly says there are 2,500 negro voters there, and Colonel Kewen and his dancing friends have evidently entered upon the work of capturing them.⁷²

The *Daily News*, the other Democratic paper in Los Angeles and one that continued to denounce the Reconstruction Amendments as illegally adopted, promptly denied that the Democrats had anything to do with the celebration. "[A]ny part Col. Kewen may have taken therein, was entirely disconnected with the Democracy or any other party."⁷³

The strongly pro-Republican Marysville *Appeal* reported that Col. Kewen's speech "was well received, and no doubt quite amusing to those anxious to hear his say."⁷⁴ In response to the *Daily News*' disclaimer and the criticism from the Marysville *Appeal*, Kewen published a letter to the editor:

The Merry-Andrews⁷⁵ of the Radical press have been galvanized into mirth over the trivial circumstance of the presence of a Democrat at the recent festival of Freedmen at Los Angeles. In the terse language of Victor Hugo, they have exhibited an "indescribable epilepsy of exhilaration [sic]." The Los Angeles News seems morbidly sensitive to the hilarious jests of these Merry-Andrews. While holding myself entirely independent of the love or hatred of the Radical [Republican] party, I own I am not insensible to the claims which Democracy has upon my unfaltering allegiance. My political faith is founded in the immediacy of patriotic principle and is as unmovable as the unquarried granite. If my whim or inclination should prompt me to proclaim to the "dusky" citizens the ----- [ILLEGIBLE] persistence with which I combatted every step in their paths of progress to political advancement, and assure them that I "accepted the situation," as I would the Providential affliction of the cholera or small-pox, for the reason that it was unavoidable, I cannot see that Radicalism has been afforded any occasion for mirth, or Democracy for regret. If, in the instincts of a liberal partisanship I should counsel the newly-fledged citizen to the exercise of becoming meekness and humility in his new sphere, and impress upon him the necessity of educating himself into a proper appreciation of his obligations to government and country, there is nothing in this that should be provocative of inimical satire, or suggestive of a wound upon friendly sensibilities. I have yet to learn that it is incompatible with Democracy to observe towards the humblest class of citizens a decent and respectful civility. That the negro has been elevated into citizenship is a fault not imputable to any co-operation of mine. The government, if not the law, has proclaimed his status, and my opposition in the future, as it has been in the past, shall be characterized by no affected contempt for or disobedience to existing authority. I am content to war within the limits of the Constitution, to effect the overthrow of obnoxious legislation or usurped power, and in the meantime cannot admit any justifiable reflection either upon my political integrity or my character as a citizen, in the fact of being courteous to my enemies. For my participation in the "jubilee," as a man, I have no compunction, as a Democrat, no contrition.

E. J. C. KEWEN⁷⁶

The *Weekly Republican's* response:

Col. Kewen, last Friday, published a communication rebuking the Los Angeles News for seeming morbidly sensitive to the hilarious jests of radical Merry-Andrews, over the presence of a Democrat at the 15th Amendment Festival here. The Col. is right. An old maxim says that there is no disputing about tastes. If the Colonel's whim prompts him to seek his amusement waltzing with the wives, daughters, or mothers of his colored fellow citizens, and the radicals, on the other hand, find their sport in looking on and laughing at the spectacle, it is, in either case, entirely a matter of taste, which a newspaper favoring social independence should leave every man to determine for himself. The Col. does not see that the Democracy should regret that he went right where the 15th Amendment was thickest, to tell the darkies that he "accepted the situation as he would the Providential affliction of the cholera or smallpox, for the reason that it was unavoidable." The former reports of his speech did not contain this passage, so uncomplimentary to the dusky nuisance. Can anyone imagine the Colonel sauntering through the Pest House, shaking hands with the small pox patients, and telling them that he "accepted the situation?"⁷⁷

Commenting on Kewen's letter to the *Daily News*, the Marysville *Appeal* wondered:

Was it to counsel "becoming meekness and humility," or was it to educate them to "the necessity of the obligations to government and country" that he whirled the colored damsels in the giddy mazes of the dance?⁷⁸

The Republican Oakland *Evening Termini* challenged the *Daily News*' assertion that the Democrats were not in attendance at the ball and that paper's claim that Kewen did not represent that party:

Colonel J.E.C.V.Q. Kewen has written a letter defending the part he took in this dance, saying he has nothing to take back or be ashamed of, but does not deny being there. We think the News man does not constitute the Democracy of Los Angeles, and if he was absent on the night in question at his usual game of "poker," it does not follow that Kewen and his crowd were not there.⁷⁹

The *Daily News* replied:

The *News* does not claim to be the Democracy of Los Angeles; it does claim, however, to know that the Democracy were not present upon the occasion alluded to, nor is the party responsible for the acts of Col. Kewen, or any one else who took part in the ball referred to. Of the number of white men who took part in the Ball, only three were Democrats, and if they chose to merry make with Republicans and negroes they did so on their own responsibility and not that of the Democracy. As well might [Frank] Pixley,⁸⁰ in his late anti-Chinese speech be considered as representing the Radicals, as Kewen be considered representing the democracy while attending a negro ball. The editor of the *News* does not play poker or other games of cards, but he had fully as soon risk his chances at poker as with the Radicals and negroes.⁸¹

While the effort by Los Angeles Democrats to woo black voters was the main concern of Republican editors, the frequent and seemingly shocked manner in which they referred to Kewen and his fellow Democrats dancing with African American women - and the terms they used to describe those women - indicate a Republican unwillingness to welcome blacks as equal members of society instead of as simply new members of the electorate. Republican editors and politicians generally stressed their concern for the right of African Americans to a limited form of political equality (the right to vote, if not to hold office), but not the social equality that Kewen seemed to offer when he extended his arm to black women in an invitation to dance. Whether white Republicans at the ball participated in the dancing was never mentioned, although the final paragraph of the *Weekly Republican's* description of the affair, as quoted by the *Independent*, implies that "young gentlemen" in attendance apparently took part with great enjoyment. If there were forty whites present, of whom only three were Democrats, it is likely that Kewen and his fellow Democrats were not alone in dancing with African American women.

The issue of social equality was one that aroused passion throughout the nation. The Pennsylvania Democratic State Central Committee in 1865 warned that "Give the black man equal political rights in our country and you give him equal social rights."⁸² New York Republican Senator James Brooks predicted that social equality would lead to "mongrel schools and school-houses, to mongrel cars, to mongrel taverns, and to a complete mongrel social existence from the cradle to the grave."⁸³

In California, reaction to Kewen's choice of dancing partners was widespread in the days immediately after the celebration. The *Petaluma Journal and Argus*, in a sarcastic comment entitled "On with the Dance!", cited Kewen as an example of Democrats who, unable to find a Constitutional way to bar black suffrage, had "gone over to the blacks with a loving embrace that is refreshing... join[ing] their sable brothers and sisters in the mazy dance."⁸⁴

From the San Francisco *Chronicle*, a conservative Republican daily:

The lion and the lamb fraternized most lovingly at Los Angeles, at the recent celebration. "The Democracy danced with the dusky beauties," says the [Associated Press] dispatch. Colonel E. J. C. Kewen, the old Secesh war-horse, addressed the colored people in terms that won their applause. He is proud to appear on the stand beside his brilliant brother orator, the dark-skinned Gilliard, and publicly recognize the negro as his equal. We can no longer doubt the sincerity of the Democracy, when they declared that social equality would follow political equality, for here we have a practical demonstration of their earnestness; and how cheerfully they accept the situation! Political equality being established by the Fifteenth Amendment, they manifestly surrender themselves to the arms of the "dusky beauties" in the mazy waltz, and wonder, aye, forget, that they have been so long estranged. How it must have revived in their memory the happy days of their youth, spent upon the old plantations of the South!⁸⁵

The Los Angeles ratification ball found its way into comments on other events related to black suffrage. When the *Reporter* chidingly suggested that Democrats would gladly contribute to a fund to bring Mississippi's African American Sen. Hiram Revels, whom they despised and whose oratory they considered to be an embarrassment to the Republicans, to California during the next campaign, the *Bee* wondered: "Do you - a la Kewen - desire to dance with the dusky Senator?"⁸⁶

In an editorial about Democratic support for African American William Bird, candidate for mayor of Virginia City, the Marysville *Appeal* reiterated that it had for some time asserted that as soon as the Negro received the ballot "the Democracy would immediately begin to figure for his vote." Thus, with the amendment approved "immediately we find Col. Kewen dancing with the colored maidens in Los Angeles, in celebration of the event...."⁸⁷

As the *Bee* predicted, Kewen sought a congressional seat in 1872. Coming as he did from a region that had been strongly Democratic from the beginning of statehood, even during the Civil War, his victory was virtually assured. But Kewen irritated much of Southern California when he supported federal aid for a port at San Diego and deplored the waste of federal money on improvements at San Pedro. That was enough to turn Los Angeles voters against him and give the victory to his Republican opponent.⁸⁸

E) THE SPECTER OF SOCIAL EQUALITY: SAN JOSE AND ELSEWHERE

While criticism of the Los Angeles interracial ball overshadowed abhorrence of such conduct at other celebrations, editors denounced instances of unacceptable racial mixing elsewhere. The San Jose celebration, which took place several days earlier than the Los Angeles affair, was criticized although less severely on much the same grounds as the one in Los Angeles. Following religious services at the Zion Church on April 7, San Jose's African Americans paraded to the Pleasure Gardens to hear orations by local black activist and barber Zebediah J. Purnell and two whites, San Jose *Mercury* editor James J. Owen and Superintendent of Schools Charles Silent, who served later as a county clerk and became a prominent judge. The ceremonies ended with a grand ball that night at the Phoenixonian Hall.⁸⁹ It was the *Mercury's* account of the parade that irritated A. M. Morse, editor of the Nevada City *Daily National Gazette*. Owen had written:

There were carriage loads of as beautiful, intelligent, and well dressed women and children as we ever saw in any "white" procession.

After claiming that the *Mercury* editor advocated the break down of all social distinctions between whites and blacks, Morse replied:

This self-stultifying statement of the San Jose man shows to what degrading depths of falsehood and blindness a man may be brought to by Radicalism. This poor Mercury editor asserts that he never saw any white woman who was more "beautiful and intelligent," than the negresses in the procession of which he speaks. We pity him.⁹⁰

The even more rabidly anti-black editor of the *Sonoma Democrat*, Robert Ferral, wrote:

In San Jose the friends of "God and morality" gave a miscegenation ball, participated in by whites and blacks of both sexes. This is the "higher civilization" of the Shoo fly era.⁹¹

In a less pointed manner George's *Reporter*, seemingly without casting criticism, noted that at the San Jose ball

quite a number of white persons were present. The daughter and son of the editor of one of the daily local journals were present and danced with partners of the opposite sex and color.⁹²

That the shock of social equality transcended party was evident in the report by the conservative Republican San Francisco *Chronicle's* report of the San Jose ball. While the description apparently approved of the interracial nature of the celebration, it was written in a manner that must have raised eyebrows.

No distinction as to color was made--colored gentlemen inviting white ladies, and white gentlemen inviting colored ladies to dance, each inviting and accepting with the most harmonious *sang froid*. The entire affair passed off with the most harmonious decorum and sociability.⁹³

Two other incidents of what some editors considered questionable racial mixing occurred in connection with Fifteenth Amendment celebrations. The Republican Red Bluff *Independent*, reporting the festivities in Tehama County, noted that

As we write the Fifteenth Amendment citizens of this County are having a jollification out on Oat Creek. Several of our Democratic citizens have gone out--whether to participate or not, we are not advised! Shoo, Fly! Don't bodder dem! Dey're a'ter de niggah vote!⁹⁴

The *Vallejo Chronicle* recorded a similar occurrence:

We have it on good authority that a Democratic editor and a Democratic member of the Legislature, were present on the occasion of the evening festivities of the colored people in a neighboring town, and joined in the dancing with dusky partners hanging on their arms. Shoo fly, don't bodder me!"⁹⁵

"Shoo Fly" had been a favorite of black troops during the conflict. In their version its words were written in black dialect and referred specifically to African Americans. In 1870 the phrase "Shoo Fly! Don't Bodder Me!" was frequently used by Republican editors when attacking Democratic efforts to defeat the amendment or frustrate its

operation once ratified, or to deride Democratic efforts to lure African American voters to their party. Conversely, Democratic editors used the phrase to ridicule what they saw as the Republicans fawning appeal to African Americans.

California editors expressed concern about racial mixing at the Fifteenth Amendment celebrations throughout the nation as well as in their own state. Editor Ferral, of the *Sonoma Democrat*, denounced an interracial dinner in Washington hosted by John W. Forney, Radical Republican editor of the Washington *Chronicle*,

at which whites and blacks mingled lovingly together. The President of the United States, the Ethiopian Senator from Mississippi [Revels], and a host of other public founs, enjoyed themselves in the Shoo fly fashion, without regard to race or color.⁹⁶

Both the San Francisco *Chronicle* and the Nevada City *Daily National Gazette* printed the telegraphic dispatch from Bloomington, Illinois, of a "wealthy German radical" who "promenaded the streets arm in arm with a young colored woman." Wrote editor Morse in response:

Promenading the streets, arm in arm with a negress, preceded by a band of music! A fit celebration of the Fifteenth Amendment, and a characteristic Radical idea.⁹⁷

F) NEVADA COUNTY

While the Democratic editor of Nevada City's *Daily National Gazette* was uncompromising in his criticism of editor Owen's praise for the San Jose celebration, he reported the celebration in his own city in a slightly more positive, though brief, fashion: "On the whole, the procession was quite creditable for the numbers engaged in it."⁹⁸ Large advertisements in the Grass Valley *Daily Union* and the Nevada City *Transcript* detailed the "order of exercises" for the ceremony,⁹⁹ which was postponed from Tues., April 5, until Tuesday, April 12, while they awaited official word of the proclamation. There was, of course, no "official word," so in the end the celebration took place without it.¹⁰⁰

As planned by the Lincoln Club, a Nevada City black organization,¹⁰¹ a local delegation walked to the edge of town to greet a contingent of blacks from Grass Valley who had marched four miles to participate in the festivities.¹⁰² The ceremony

began with morning services at the Congregational church¹⁰³ where Rev. Alexander Parker, a white minister, delivered a timely message based on Acts 22:36: "Take heed what thou doest; this man is a Roman,"¹⁰⁴ Comparing citizenship and the right of suffrage granted to blacks by the Fourteenth and Fifteenth Amendments to the benefits that were Paul's once he established his right as a Roman citizen, thus claiming an end to the persecution he had suffered while considered an alien, Parker noted the events that elevated America's freedmen to a similar position:

The political changes which has [sic] been going on in our country for the past ten years have been of the most marvelous kind. For thirty years previously a contest had been going on in the nation between the North and the South. The cause of the struggle was a race of human beings, born in the country, but denied every right of manhood, bought and sold like cattle, purposely kept in the most abject ignorance, except so far as their knowledge would accrue to the benefit of their masters. They might be whipped for any trifling or imaginary offense, and shot dead if they manifested any signs of resentment; to whom justice was a mockery, and respecting whom the highest legal authority in the land declared that they *had no rights* that a *white man* was bound to respect....

Five years of war left us practically a free nation. The colored man was free. No man could call him a chattel. Yet that was not enough. He had yet to demand full justice, by the obliteration of all discriminating laws. He was an American without the rights of the citizen, and anything short of political equality would be a mockery and a perpetuation, though in a milder form, of the curse which had forced the war upon us....

Henceforth the colored man can say "I am an American citizen, and the flag that waves over me is my guarantee of protection in any part of the country or of the world."¹⁰⁵

Following Parker's speech, blacks and whites numbering perhaps 150 ignored the inclement weather and marched down Main street, preceded by the all-black Carter's Brass Band, to the Nevada Theater where Rev. James H. Hubbard of Grass Valley was orator of the day.¹⁰⁶ The festivities concluded with a ball at Temperance Hall, an "exceedingly pleasant affair" attended by "a good many white persons."¹⁰⁷ This interracial ball, moreover, drew no hostile comment.

While no Democrats were reported to have marched in the parade, there was a Democratic presence in an unusual form. Grand Marshal Joseph Thomas of Grass Valley rode a \$1000 horse loaned for that purpose by Thomas Findley, a local banker, Democrat and former state treasurer. That prompted the *Transcript* editor to wonder if this was a Democratic effort to "ride in on the Fifteenth Amendment?"¹⁰⁸ In response, the Grass Valley *Daily Union* explained that

No, the Fifteenth Amendment rode the horse. The Grand Marshal spoken of has been, for a long time, a faithful attache at Findley's bank and the loan of the horse has been promised for the occasion for many months.¹⁰⁹

Rev. Hubbard, pastor of the Grass Valley A. M. E. Church, was the principal speaker at Nevada City and at Grass Valley, where he repeated his speech that evening. He had also been the orator at Marysville (April 7) and delivered the same speech again at Red Bluff (April 28).¹¹⁰ Both the Nevada City *Transcript* and the Red Bluff *Independent* reprinted large portions of his speech verbatim - apparently from a copy given to them by Hubbard.¹¹¹ The complete text of his ratification speech was reproduced in an anthology of Hubbard's orations, in which he confirmed that he had delivered the same Fifteenth Amendment speech in all four cities.¹¹²

Hubbard came west at age 17 from his birthplace in Baltimore in 1855. While in Nevada he became a Christian and chose to make the church his career. Shortly thereafter he joined the African Methodist Episcopal church in Sacramento, where the pastor was Thomas M.D. Ward, the same minister who offered the invocation at the San Francisco celebration in 1870. Licensed to preach in 1860, Hubbard was one of three deacons ordained at the creation of the California Conference of the A.M.E. in 1865. Following his designation as an elder in 1869, he held pastorships in San Francisco, Sacramento and Nevada County before moving on to Colorado.¹¹³

Hubbard's speech, an hour in length and delivered in the rhetorical style common to that day, recounted the tribulations of slavery, the rise of abolitionism, the coming of the Civil War and the exhilaration emanating from emancipation, citizenship and suffrage. His oration was filled with poetry, Biblical references, literary allusions and, above all, a biting refutation of the arguments used by Democrats to justify their opposition to African Americans. In the last half of his remarks Hubbard took note of several Democrats who opposed ratification in the legislature, noting particularly Assemblyman Barclay "brad-awl" Henley of Sonoma County.

In arguing against black suffrage on grounds of the incompetency of blacks, Henley had said that "The negro of ten years ago is the negro of to-day,"¹¹⁴ to which Hubbard responded:

Mr. Henley is a truthful man, and Democrats are all truthful men. In 1860 the negro was a slave. Mr. Henley says he was the same in 1870. In 1860 the American negro had no record as a soldier that white men were bound to respect. But several years before 1870 his valor had been tested on many a well-fought field, among which Port Hudson, Milliken's Bend, Fort Wagner, and Olustee, stand out in bold relief. Henley says, in substance, he has no such record. In 1860 the negro, as a slave, was denied the benefit of mental culture; but, in 1868, they were supporting 555 schools; and, in South Carolina, 25,000 men and women were able to read, who, the year before, did not know their alphabet! And even at the time the truth-telling Henley was making his famous speech the negroes were attending the day and night schools by the thousands.... Henley says they are as ignorant now as in 1860. But again: Ten years ago these four millions of negroes were the property of Democratic slaveholders; but before brad-awl Henley taxed his brain in preparing that suicidal attack on the negro, those hitherto slaves were free and owned themselves, wives and children; possessed their dwellings, school-houses, churches, orchards, fields of waving grain, horses, cattle, and hundreds of thousands of dollars in bank. In the face of all this our Democratic exponent says that ten years have produced no change in the negro. But he, you know, is a truthful man, and those Democrats are all truthful men. We give Mr. Henley the benefit of believing conscientiously what he has said, and accordingly pronounce him a fit subject for the Stockton Insane Asylum.¹¹⁵

The Nevada City *Transcript*, which regularly devoted the entire first page to advertisements, on this occasion turned over all of page one to Hubbard's celebratory oration. Page two quoted extensively from Rev. Alexander Parker, the other orator.¹¹⁶ The Grass Valley *Daily Union*, commenting on the initial review of Hubbard's speech in the *Transcript*,¹¹⁷ said the paper praised Hubbard in a manner that indicated the editor didn't expect much from his speech. "We knew that he could talk well."¹¹⁸

The Marysville *Appeal*, reviewing the speech as delivered in that city, remarked that Hubbard

delivered one of the most eloquent and learned addresses it has been our pleasure to hear in this State. During an hour the speaker held his audience in listful attention, which was only broken by rapturous applause.¹¹⁹

In announcing that Hubbard would repeat his oration in Grass Valley on April 12, that city's paper noted that "it was spoken of in the highest terms by the critical editors of the Appeal."¹²⁰

G) CELEBRATIONS ELSEWHERE IN CALIFORNIA

Nevada City was but one of several smaller California communities, particularly in the central part of the state, that conducted formal ceremonies to commemorate ratification. While their numbers were relatively few, African Americans in Red Bluff, Chico, Marysville, Grass Valley, Placerville, Stockton, Santa Rosa, Napa, Santa Cruz and Watsonville celebrated in April.¹²¹

Where the black community was too small to conduct its own celebration, delegations attended festivities nearby. A Solano County delegation journeyed to the San Francisco program while those from Oroville went to Marysville, Grass Valley residents marched to Nevada City, and African Americans from Castroville and Salinas attended the Watsonville celebration.¹²²

Although with the exception of San Francisco these observances generally were carried off without disturbance, the colored ball at Watsonville was disrupted by "certain contemptible specimens of the caucasian race" who scattered cayenne pepper on the dance hall floor "and annoyed those present by hooting and other disagreeable noises."¹²³ But normally the processions, speeches and balls took place without incident. The Stockton *Independent*, a Republican paper, said of the celebration in that city:

The manner in which the colored citizens of Stockton, yesterday, celebrated the adoption of the Fifteenth Amendment of the Constitution of the United States, was highly creditable to their intelligence. A more orderly procession never moved in the streets of Stockton. The celebration opened with religious exercises at the church on Washington street; and after the procession, general exercises appropriate to the occasion were had at Hickman's Hall. Rev. S. E. Reid, President, made an eloquent opening address; and Rev. S. B. Serrington read the proclamation in capital style. The oration, delivered by Rev. J. B. Sanderson, was an able production, and was listened to with profound attention by a large assembly, both white and colored. The hall was crowded. As the

procession passed the *Herald* and **INDEPENDENT** offices, loud cheers were given for these papers. In the evening, interesting exercises were had in Hickman's Hall, and were enthusiastically kept up until half-past ten o'clock. A more orderly, circumspect and well conducted celebration never took place in the city.¹²⁴

The format for the celebrations varied from place to place depending upon the size of the community. In San Francisco, Sacramento and Stockton celebrants formally paraded through town, with the marchers organized into various divisions. Businesses operated by African Americans were often closed during the ceremonies. At Stockton, Jeremiah B. Sanderson, teacher at the segregated African American school, won approval from the local board of education to close the school during the festivities.¹²⁵ Smaller communities held no parades, but conducted ceremonies in a hall, as at Marysville, or, as at Red Bluff, on a farm or other suitable open area.

The Marysville *Appeal*, a Republican paper, wrote of that city's April 7 celebration at city hall, featuring Hubbard's oration:¹²⁶

All ... who witnessed the celebration yesterday were fully satisfied that two-thirds [sic] of the States have ratified the Amendment, and that the colored citizen is enfranchised. This fact was announced early and late yesterday by the booming cannon, the loud sounding church bells, and by the voice of an eloquent orator at the City Hall.... The white citizens of America have celebrated their independence for nearly a century--our colored citizens have just obtained their majority, and celebrated their annual anniversary yesterday.¹²⁷

The Red Bluff program, held outdoors on April 28 at a ranch several miles out of town, typified festivities in many small places. Local exercises usually opened with a prayer by the chaplain, followed by music sung by the children (in Red Bluff they sang "Marching Thro' Georgia," as they did in San Francisco), reading of the presidential proclamation, reading of the amendment (although, surprisingly, that was not on the Red Bluff agenda), a discourse by the orator of the day, more music and a concluding benediction.¹²⁸

African American clergymen provided orators for celebrations in several California cities. The Reverends Hubbard, Hillery and Gilliard were joined by Sanderson (the schoolmaster was also an A.M.E. minister) and S. E. Reid, both of whom spoke in Stockton, Rev. J. B. Handy, principal orator at Sacramento, and Rev. S. B. Serrington

at Sonora.¹²⁹ But not all scheduled orators were ministers. Sacramentans were disappointed by the failure of Marysville barber Edward P. Duplex to appear as scheduled, but it was assumed that he was busy with celebrations elsewhere. Duplex, a very successful businessman and in the 1890s the first black mayor of a California city (Wheatland), was Marysville's African American leader.¹³⁰

Whites also participated in various roles, most notably as speakers, such as Petaluma editor and educator Edward S. Lippitt, Republican Assemblyman Finney at Sacramento and Democrat Kewen in Los Angeles. In honor of his contribution to the suffrage movement, Lippitt was awarded a set of silver tablespoons, engraved with the Goddess of Liberty on one side and his initials on the other.¹³¹ Former Marysville city alderman P. W. Winkley, a white who was designated to lead the celebration in that city, was similarly honored by African Americans there, who presented him with a watch and gold chain.¹³²

Other whites served on committees planning the celebrations. At Nevada City, editor Morse of the Democratic *Daily National Gazette* charged that white Republicans generally held minor roles:

One of the most noticeable features about the celebration yesterday, was that all the white men connected with the affair occupied inferior positions. Republicans had to do the "subbing," the colored citizens bossing the job.¹³³

Morse ignored Rev. Parker's role as orator at the opening service. Among those occupying "inferior positions" at Nevada City was Felix Gillett, a French immigrant, abolitionist, and prominent California nurseryman who served on the organizing committee for the celebration.

The celebrations demonstrated that African Americans did not have to rely on their white sympathizers for leadership, although Morse implied that this was sham leadership, obtained because the white Republicans chose to stand aside and allow the blacks to lead temporarily.¹³⁴ While the transitory nature of ministerial appointments meant that clergymen such as Hubbard, Ward and Gilliard would move on to churches in other states, black educators, editors and businessmen were established in their communities and provided an enduring influence in directing the local African American movement.

The reaction of the state's press to the celebrations usually reflected the party alignment of the local editor. Republican papers were for the most part enthusiastic and, in several instances, devoted great amounts of space to record the speeches

delivered by the principal orators of the day. Even Democratic papers accorded local celebrations in their towns the courtesy of brief, although sometimes biting, accounts. When the final celebration in California took place on May 4 at Sonora¹³⁵ it was favorably reported in the local Democratic paper, the Sonora *Union Democrat*, which observed that there was "a large audience of whites as well as sables."

The speaker [Rev. S. B. Serrington] appeared to give general satisfaction, telling truths regarding miscegenation that were no more flattering to the white than his own race. He advised the newly made citizens to pay attention to educating their children, and to use all means to elevate themselves above the menial positions they have heretofore occupied. That they now fill a different place in the political world, that there is now some incentive for them to improve themselves. That they should branch out in the different vocations, try and accumulate means, which with education will enable them in the future to compete with the white race. He made some good hits against the Democratic party, and on closing advised all his race to vote the Republican ticket. The demonstration considering the number of colored persons in the county was all that could be expected, and was well conducted throughout.¹³⁶

The *Reporter's* caustic remarks about the celebration, and particularly the oratory, in Sacramento were atypical. Since there was no celebration in Santa Rosa, the *Sonoma Democrat's* hometown, editor Robert Ferral had no opportunity to comment on local festivities, but he made clear his position on celebration orators in general:

The negroes throughout the State generally celebrated on the strength of Hiram's [Revels] proclamation of the adoption of the Fifteenth Amendment.... The "culled" orators could not hold themselves, and so they soared aloft on wings of eloquence, and were lavish in their praises of Old Abe, and the murderer John Brown, who paid the penalty his crime deserved upon a scaffold. Some few Radicals, like Finney, of San Mateo, who have "axes to grind" in the future, also orated. Perhaps, Finney wants something higher than an Assemblyman's position, and therefore the necessity of being on the *strong* side. "Shoo fly, don't bodder me!"¹³⁷

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During early April, as the first celebrations took place, African American euphoria over the apparent attainment of suffrage was tempered by a growing anxiety as county

clerks from Los Angeles to the northern end of the state, pressured by the state attorney general, either refused to enroll blacks on their *Great Registers* or did so with great hesitancy. The struggle for the right to vote was not yet won.

NOTES

[1] For Grant's proclamation see San Francisco *Bulletin*, April 6, 1870, p. 2; hereafter cited as *Bulletin*; San Francisco *Alta California*, April 7, 1870, p. 1; hereafter cited as *Alta*.

[2] James H. Hubbard, *Orations Delivered on the Proclamation of Emancipation and the Fifteenth Amendment* (San Francisco: Cuddy and Hughes, 1873), p. 48.

[3] *Bulletin*, April 5, 1870, p. 2.

[4] San Francisco *Elevator*, March 11, 1870, p. 2; hereafter cited as *Elevator*. San Francisco *Chronicle*, April 5, 1870, p. 2; hereafter cited as *Chronicle*. The Washington, D. C., *New Era*, March 17, 1870, p. 3, referred to the founding meeting as the National Convention of the Colored People of the Nation. The title of the convention's printed record is *Proceedings of the National Convention of the Colored Men of America*.

[5] Nevada City *Daily Transcript*, April 5, 1870, p. 3; hereafter cited as *Transcript*.

[6] National Executive Committee, as quoted in *Elevator*, March 11, 1870, p. 2. The *Chronicle*, April 5, 1870, p. 2, called it the National Executive Committee of Colored Men; the Grass Valley *Daily Union*, May 1, 1870, p. 2, referred to the National Executive Committee of Colored People. See Elmer R. Rusco, "Good Time Coming?" (Westport, Conn.: Greenwood Press, 1975), pp. 110-111.

[7] Sacramento *State Capital Reporter*, May 4, 1870, p. 2; hereafter cited as *Reporter*. For its principal speaker, New York City invited Mississippi's Hiram Revels, who became the first black U. S. Senator when he took Jefferson Davis' former seat in Feb., 1870. Forrest Wood, *Black Scare: The Racist Response to Emancipation* (Berkeley: University of California Press, 1968), p. 90; Stockton *Independent*, April 6, 1870, p. 2; Marysville *Appeal*, April 13, 1870, p. 2; hereafter cited as *Appeal*; *Bulletin*, April 18, 1870, p. 2; *Alta*, April 2, 1870, p. 1; April 10, 1870, p. 4; April 11, 1870, p. 1.

[8] Stockton *Independent*, May 13, 1870, p. 1.

[9] Sacramento *Bee*, May 20, 1870, p. 1; hereafter cited as *Bee*. For other celebrations outside the west, see *Chronicle*, April 2, 1870, p. 3; April 5, 1870, p. 2; *Bulletin*, April 1, 1870, pp. 1, 2; San Francisco *Call*, April 2, 1870, p. 1; April 13, 1870, p. 1; hereafter cited as *Call*; *Elevator*, April 22, 1870, p. 1; Sacramento *Union*, April 27,

1870, p. 1; hereafter cited as *Union*. Even the *Lassen Sage Brush* carried the Louisville item, albeit belatedly, on June 8, 1870, p. 2, as did the *Shasta Courier*, May 21, 1870, p. 2.

[10] Maryland Archives web site: David Troy, "Celebrating Rights and Responsibilities: Baltimore and the Fifteenth amendment, May 19, 1870" at www.toad.net/~dave/project/story.html#polit.

[11] William Gillette, *The Right to Vote* (Baltimore: The Johns Hopkins Press, 1965), p. 12; Maryland Archives web site.

[12] *Bulletin*, April 5, 1870, p. 3; *Elevator*, April 22, 1870, p. 1; *Stockton Independent*, April 6, 1870, p. 3.

[13] *Chronicle*, April 8, 1870, p. 3; *Appeal*, April 8, 1870, p. 3; *Reporter*, April 2, 1870, p. 3; April 14, 1870, p. 3; *Bulletin*, April 8, 1870, p. 3; *Stockton Independent*, April 2, 1870, p. 2; April 8, 1870, p. 2.

[14] *Chronicle*, April 14, 1870, p. 2; *Reporter*, April 14, 1870, p. 3.

[15] *Elevator*, April 15, 1870, p. 4.

[16] *Bee*, April 5, 1870, p. 2.

[17] Gillette, *Right to Vote*, p. 115 (for New York), pp. 131-139 (for Indiana); William Gillette, *Retreat from Reconstruction: 1869-1879* (Baton Rouge: Louisiana State University Press, 1979), p. 88 (for Georgia); *Reporter*, April 1, 1870, p. 2; *Los Angeles Weekly Star*, April 2, 1870, p. 4.

[18] In 1861 Californians were unaware of the fighting in Charleston harbor until several days after the opening battle of the Civil War. The importance of the telegraph in conveying news of the amendment's ratification to California was emphasized by Aaron L. Jackson, president of the Sacramento celebration, when he said: "We have learned to-day, by the dottings of the electric wire that stretches across the continent, that the last great battle of our political enthralment has been fought...." *Elevator*, April 15, 1870, p. 3. Still, as noted below in the chapter on elections, the telegraph was not as informative as it might have been. *Santa Clara Argus*, April 2, 1870, p. 4.

[19] *Grass Valley Daily Union*, April 6, 1870, p. 3; ; *Transcript*, April 5, 1870, p. 3.

[20] *Elevator*, March 11, 1870, p. 2; March 18, 1870, p. 2; March 25, 1870, p. 2. Nebraska and Texas also ratified before the end of February, accounting for the salute of thirty guns in some celebrations. No other states ratified before the President's proclamation. Gillette, *Right to Vote*, pp. 84-85.

[21] *Ninth Census - Vol. I, The Statistics of the Population of the United States* (Washington, D. C.: Government Printing Office, 1872), p. 25.

[22] Its competition, the San Francisco *Pacific Appeal*, suspended publication from Sept., 1868, until Sept., 1870.

[23] *Ninth Census - Vol. I*, p. 15.

[24] *Union*, April 1, 1870, p. 3.

[25] *Bee*, April 2, 1870, p. 4; *Reporter*, April 2, 1870, p. 3; April 4, 1870, p. 3; *Bulletin*, April 4, 1870, p. 3. Newspaper coverage varied regarding the location of the "Union Boy" noontime salute, which may have taken place at the Capitol, on the levee, or possibly on a boat in the river.

[26] *Bee*, April 4, 1870, p. 3; *Union*, April 4, 1870, p. 3.

[27] *Petaluma Journal & Argus*, March 26, 1870, p. 2; hereafter cited as *Journal*.

[28] *Ibid.*, April 2, 1870, p. 2.

[29] *Ibid.*, April 9, 1870, p. 3. The Petaluma statement of principles was not published in any mainstream newspapers. While it might have been carried by the *Elevator*, copies of that paper for April 1 and 8, 1870, are missing.

[30] *Union*, April 2, 1870, p. 5; announced by an ad in the *Bee*, April 4, 1870, p. 2.

[31] *Elevator*, April 22, 1870, p. 3; *Union*, April 5, 1870, p. 3; *Bulletin*, April 6, 1870, p. 3.

[32] *Elevator*, April 15, 1870, p. 3. A brad-awl is a small, chisel-edged tool used for punching holes.

[33] *Ibid.*, April 22, 1870, p. 2; *Reporter*, April 5, 1870, p. 3; April 6, 1870, p. 3.

[34] *Elevator*, April 15, 1870, p. 3; April 22, 1870, p. 3; *Bee*, April 6, 1870, p. 3. See also *Union*, April 6, 1870, p. 3.

[35] This paper changed its name in April, becoming simply the *Reporter*. It is referred to by that name in the text hereafter.

[36] *Reporter*, April 5, 1870, p. 3; April 6, 1870, p. 3.

[37] *Sacramento Record*, cited in the *Bulletin*, April 11, 1870, p. 1.

[38] *Bee*, April 6, 1870, p. 2.

[39] *Bulletin*, April 5, 1870, p. 2; *Chronicle*, April 6, 1870, p. 2. See detailed ad for the San Francisco celebration, listing participants and line of march, in *Chronicle*, April 5, 1870, p. 3. The *Alta*, April 6, 1870, p. 1, placed the number of marchers at 1,500.

[40] *Elevator*, March 11, 1870, p. 2.

[41] *Bulletin*, April 5, 1870, p. 3; April 6, 1870, p. 3; *Chronicle*, April 6, 1870, p. 3; Santa Cruz *Sentinel*, April 9, 1870, p. 3; Grass Valley *Daily Union*, April 10, 1870, p. 2; and *Reporter*, April 6, 1870, p. 3, also noted the San Francisco celebration. The *Daily Union*, April 10, 1870, p. 2: "Our lady correspondent" [Edith Arnold] reported on the San Francisco celebration with a favorable review of the oratory and procession, predicting from 1,000 to 1,200 black voters would register, nearly all voting Republican." The *Bee* noted that the *Bulletin* referred to the commemoration as "a splendid display," to which the *Bee* replied that that was also true of the Sacramento celebration. *Bee*, April 6, 1870, p. 2.

[42] *Call*, quoted in Red Bluff *Independent*, April 14, 1870, p. 2.

[43] *Bulletin*, April 5, 1870, p. 3.

[44] *Chronicle*, April 6, 1870, p. 3.

[45] *Call*, April 7, 1870, p. 2, noted that among the onlookers "a very few Northern men ... gave expression to sentiments not at all to their credit...."

[46] *Chronicle*, April 6, 1870, p. 3. The *Chronicle* also reported an incident on Mission street while the *Bulletin* reported one on Stockton street. *Bulletin*, April 5, 1870, p. 3.

[47] *Chronicle*, April 6, 1870, p. 3. The *Chronicle* reporter claimed it was his intervention that caused Marks to finally give permission.

[48] *Appeal*, April 10, 1870, p. 2.

[49] *Bulletin*, April 7, 1870, p. 3.

[50] *Alta*, April 6, 1870, p. 1.

[51] *Bulletin*, April 6, 1870, p. 3; April 13, 1870, p. 1; May 28, 1870, p. 3.

[52] *Appeal*, April 10, 1870, p. 2. William Gillette demonstrated that the effective voting strength of African American adult males elsewhere was roughly one-fifth of the total black population. Applying that rule to San Francisco, the amendment would have increased the electorate by no more than 300 votes, a figure that fell far short of most contemporary estimates and below the number reported in the Press. Gillette, *Right to Vote*, p. 105; *Reporter*, June 1, 1870, p. 2.

[53] *Chronicle*, April 6, 1870, p. 3; *Bulletin*, April 6, 1870, p. 3. Hillery also was principal speaker at the Napa celebration on April 12. *Chronicle*, April 12, 1870, p. 1; *Bulletin*, April 12, 1870, p. 3. The *Elevator*, April 15, 1870, p. 2, contains half of Hillery's speech.

[54] *Bulletin*, April 6, 1870, p. 3.

[55] Both quotations are from the *Chronicle*, April 6, 1870, p. 3.

[56] *Ibid.*

[57] *Ibid.* The *Bulletin*, April 6, 1870, p. 3, did not refer to Morgan's comments on social equality or amalgamation.

[58] *Bulletin*, April 6, 1870, p. 3. The *Alta*, April 6, 1870, p. 1, offered an extensive and favorable review of Anderson's speech.

[59] *Chronicle*, April 6, 1870, p. 3.

[60] *Compendium of the Eleventh Census: 1890, Pt. I - Population* (Washington, D. C.: Government Printing Office, 1892), p. 477.

[61] The principal report of the Los Angeles celebration ran in the Los Angeles *Weekly Republican* on April 14. No copy of that paper is extant today, but several papers in other parts of the state clipped the article and ran it in their columns. The Stockton *Independent*, April 21, 1870, p. 1, is the source used here. The *Elevator*, April 22, 1870, p. 3, carried an almost identical reprint but omitted a paragraph that the editor might have considered offensive and/or irrelevant.

[62] Los Angeles *Weekly Star*, April 16, 1870, p. 3; *Elevator*, April 22, 1870, p. 3.

[63] Robert Owens, who came to California in 1853, died in 1865. In 1856 his son Charles P. Owens, married Ellen Mason, the daughter of the city's most prominent and financially successful black woman, Biddy Mason. Charles Owens, who would be one of the first blacks to register in Los Angeles, died in 1882. Delilah Beasley, *The Negro Trail Blazers of California* (Los Angeles: Times Mirror Press, 1919), p. 110.

[64] James Abajian and John H. Dorsey, "Days of Celebration," in *California History Series*, Monograph No. 1 (September, 1965), p. 2.

[65] John W. Robinson, "Colonel Edward J. C. Kewen," *Dogtown Territorial Quarterly* (Summer, 1999), pp. 46-59; W. W. Robinson, *Lawyers of Los Angeles* (Los Angeles: Los Angeles Bar Association, 1959), p. 47.

[66] Los Angeles *Weekly Star*, April 16, 1870, p. 3.

[67] Los Angeles *Weekly Republican*, April 14, 1870, as quoted in the Stockton *Independent*, April 21, 1870, p. 1. In its next issue the *Weekly Republican* hastened to add that the candidate for state senate referred to above was Kewen, who withdrew from the campaign before the Democratic party's nominating convention. *Weekly Republican*, April 21, 1870, p. 3. None of the other Democrats present were ever identified by name.

[68] Smith would be among the first Los Angeles blacks to register.

[69] Gilliard was briefly prominent in 1870 as a popular lecturer who was in demand throughout the state. San Diego *Bulletin*, March 26, 1870, p. 3; *Elevator*, April 22, 1870, p. 2; May 5, 1870, p. 3; *Bee*, April 27, 1870, p. 2; San Jose *Daily Independent*, May 25, 1870, p. 4; May 27, 1870, p. 2. He has been overlooked by nearly all historians who have written about the California Afro-American community of the 1870s. Several papers incorrectly spelled his name Galliard, apparently adopting the misspelling that they found in the Associated Press dispatch recounting the celebration. His first name was rarely, if ever, given in the press. San Francisco County's *Great Register*, 1872, printed his first name, James, as required by state law.

[70] Los Angeles *Weekly Republican*, April 14, 1870, as reprinted in the *Elevator*, April 22, 1870, p. 3; Stockton *Independent*, April 21, 1870, p. 1.

[71] *Bee*, April 19, 1870, p. 2; *Bulletin*, April 18, 1870, p. 3; *Call*, April 19, 1870, p. 3; Stockton *Independent*, April 19, 1870, p. 3.

[72] *Bee*, April 19, 1870, p. 2. Inasmuch as black registration in the entire state barely reached 1,000, the vote in the First District could not have exceeded a few hundred.

[73] Los Angeles *Daily News*, April 27, 1870, p. 2; hereafter cited as *Daily News*.

[74] *Appeal*, April 28, 1870, p. 2; reprinted in *Daily News*, April 27, 1870, p. 2 and *Elevator*, May 27, 1870, p. 4.

[75] A term once used to mean clown or buffoon.

[76] *Daily News*, April 29, 1870, p. 2.

[77] Los Angeles *Weekly Republican*, May 5, 1870, p. 2.

[78] *Appeal*, May 5, 1870, p. 2.

[79] *Daily News*, May 24, 1870, p. 3.

[80] A telegraphic dispatch printed in the Sacramento *Union* noted that the Republican San Francisco journalist "Frank Pixley's anti-Chinese and anti-negro splurge last night was even more violent than was reported, and has disgusted all the Republicans without apparently capturing the Democracy...." *Union*, May 16, 1870, p. 2. Pixley was usually more anti-Chinese than anti-Negro in his comments. See Gerald Stanley, "Frank Pixley and the Heathen Chinese," *Phylon*, vol. XI, No. 3 (1979), pp. 224-228

[81] *Daily News*, May 24, 1870, p. 3.

[82] Wood, *Black Scare*, p. 83.

[83] *Ibid.*, p. 134.

[84] *Journal*, April 14, 1870, p. 2.

[85] *Chronicle*, April 20, 1870, p. 2; also reprinted in *Bee*, April 21, 1870, p. 1.

[86] *Bee*, April 27, 1870, p. 2; *Reporter*, April 27, 1870, p. 2. The *Reporter* had quoted the Radical Republican Philadelphia *Morning Post* to the effect that Revels was "not impressive," lacked elegance, possessed none of the charms of elocution, and "his emphasis, by misdirection, destroys the effect of his sentences." *Reporter*, April 25, 1870, p. 3.

[87] *Appeal*, May 6, 1870, p. 2.

[88] John Robinson, "Kewen," pp. 56-57.

[89] *Call*, April 8, 1870, p. 1.

[90] Nevada City *Daily National Gazette*, April 11, 1870, p. 2; hereafter cited as *National Gazette*. Also condemning the social equality displayed at the San Jose celebration was the Democratic *Santa Clara Argus* in a series of articles: April 9, 1870, p. 2; April 16, 1870, p. 2.

[91] *Sonoma Democrat*, May 7, 1870, p. 4. "Shoo Fly, Don't Bodder Me!," used by the editor above, was a catch phrase of the era frequently associated with the movement to ratify the amendment. *Harper's Weekly*, March 12, 1870, featured a cartoon entitled "XV Amendment" carrying the caption "Shoo Fly! Don't Bodder Me!" The cartoon depicted a black man casting his ballot while a swarm of flies, representing a handful of states that had either rejected the amendment or had rescinded ratification, buzzed around the voter's head. One of the "flies" was labeled "California." A popular song, probably of Pennsylvania Dutch origin, "Shoo Fly" swept the country after the Civil War.

[92] *Reporter*, April 13, 1870, p. 3. The reference was to the J. J. Owen family.

[93] *Chronicle*, April 9, 1870, p. 3.

[94] Red Bluff *Independent*, April 28, 1870, p. 3. The Chico *Northern Enterprise*, May 14, 1870, p. 1, also reported the Tehama celebration.

[95] *Vallejo Chronicle*, quoted in *Daily News*, April 30, 1870, p. 2. The *Daily News* wondered why the paper chose not to name the Democrats who participated. The "neighboring town" was not identified, but the *Alta*, May 6, 1870, p. 2, reported that Napa had a racially-mixed ball.

[96] *Sonoma Democrat*, May 7, 1870, p. 4.

[97] *National Gazette*, April 5, 1870, p. 2. See also *Chronicle*, April 5, 1870, p. 2; *Alta*, April 3, 1870, p. 1; San Luis Obispo *Tribune*, April 23, 1870, p. 2. These last three were Republican papers.

[98] *National Gazette*, April 12, 1870, p. 3.

[99] Grass Valley *Daily Union*, April 5, 1870, p. 2; *Transcript*, April 3, 1870, p. 2.

[100] Grass Valley *Daily Union*, April 6, 1870, p. 3; April 7, 1870, p. 3. Those county clerks who were reluctant to register African Americans would cite this lack of official notice as their excuse for non-registration.

[101] *Transcript*, April 13, 1870, p. 3.

[102] Grass Valley *Daily Union*, April 13, 1870, p. 3; *National Gazette*, April 12, 1870, p. 3.

[103] *Transcript*, April 3, 1870, p. 2.

[104] *Ibid.*, April 13, 1870, p. 3.

[105] *Ibid.*, May 11, 1870, p. 2.

[106] *Ibid.*, April 7, 1870, p. 3; April 12, 1870, p. 3; April 13, 1870, p. 3.

[107] *Ibid.*, April 14, 1870, p. 3.

[108] *Ibid.*, April 13, 1870, p. 3; reprinted in *Appeal*, April 14, 1870, p. 2.

[109] Grass Valley *Daily Union*, April 14, 1870, p. 3.

[110] *Ibid.*, April 10, 1870, p. 3; *Appeal*, April 8, 1870, p. 3; *Transcript*, April 13, 1870, p. 3; May 11, 1870, p. 1; Red Bluff *Independent*, May 5, 1870, p. 3. The *Call* lauded "the Rev. J. H. Hubbard (colored)" for his "very eloquent address" at Marysville but noted the audience was mostly white. *Call*, April 8, 1870, p. 4.

[111] *Transcript*, May 11, 1870, p. 1; Red Bluff *Independent*, May 5, 1870, p. 3.

[112] Hubbard, *Orations*, pp. 35-45. Hubbard also spoke at an African American picnic in Oroville on May 12. *Oroville Weekly Butte Record*, May 14, 1870, p. 3. While most papers identified Hubbard only by his initials, the *Appeal*, April 10, 1870, p. 3, printed his first name, James.

[113] Horace Talbert, *The Sons of Allen* (Xenia, Ohio: Aldine Press, 1906), pp. 144-145, electronic edition: <http://docsouth.unc.edu/church/talbert/menu.html>; Richard R. Wright, *Centennial Encyclopaedia of the American Methodist Episcopal Church* (Chapel Hill, N.C.: University of North Carolina, 2001), p. 10, electronic edition: <http://docsouth.unc.edu/church/wright/menu.html>.

[114] Henley made his speech in the Assembly, Jan. 18, 1870. For a verbatim copy, see *Reporter*, Jan 25, 1870, p. 1.

[115] Hubbard, *Orations*, pp. 40-41; *Transcript*, May 11, 1870, pp. 1, 4, for the speech as given in Nevada City. Despite the great amount of criticism bestowed on Henley, primarily because of his reference to the brad-awl, his political career continued and in 1884 he won election to Congress, the only California Democrat in the Congressional delegation. R. Hal Williams, *The Democratic Party and California Politics: 1880-1896* (Stanford, Calif.: Stanford University Press, 1973), pp. 55-56.

[116] The full text of the speeches was not printed immediately, but was delayed for nearly a month. *Transcript*, May 7, 1870, pp. 1, 2, 4.

[117] *Grass Valley Daily Union*, April 13, 1870, p. 3.

[118] *Ibid.*, April 14, 1870, p. 3.

[119] *Appeal*, April 8, 1870, p. 3.

[120] *Grass Valley Daily Union*, April 12, 1870, p. 3.

[121] *Appeal*, April 3, 1870, p. 3; April 6, 1870, p. 3; April 10, 1870, p. 3; *Bulletin*, April 6, 1870, p. 3; April 8, 1870, p. 3; April 11, 1870, pp. 1, 3; *Call*, April 3, 1870, p. 3; April 6, 1870, p. 3; April 12, 1870, p. 3; April 15, 1870, p. 3; *Oroville Weekly Butte Record*, April 9, 1870, p. 3; *Union*, April 6, 1870, p. 2; April 15, 1870, p. 2; *Chronicle*, April 12, 1870, p. 1; *Reporter*, April 6, 1870, p. 3; April 15, 1870, p. 3; *Journal*, April 2, 1870, p. 3. The *Elevator*, April 22, 1870, p. 2, published reports of numerous celebrations in various California cities. *Colusa Sun*, April 23, 1870, p. 2, reprinted an article from the *Santa Clara Argus* regarding the San Jose celebration.

[122] *Oroville Weekly Butte Record*, April 8, 1870, p. 3; *Appeal*, April 10, 1870, p. 3; *Bulletin*, April 5, 1870, p. 3; April 6, 1870, p. 3.

[123] *Bulletin*, April 11, 1870, p. 1, citing the *Santa Cruz Times*.

[124] *Stockton Independent*, April 15, 1870, p. 3. Sanderson was a prominent black educator.

[125] *Ibid.*, April 9, 1870, p. 3.

[126] *Bulletin*, April 8, 1870, p. 3; *Call*, April 10, 1870, p. 3; *Grass Valley Daily Union*, April 7, 1870, p. 2.

[127] *Appeal*, April 8, 1870, p. 3. Ratification required approval by three-fourths, not two-thirds, of the states.

[128] *Red Bluff Independent*, May 5, 1870, p. 3.

[129] *Stockton Independent*, April 13, 1870, p. 3; *Bee*, April 6, 1870, p. 3; *Sonora Union Democrat*, May 7, 1870, p. 2; *Call*, April 15, 1870, p. 3.

[130] *Reporter*, April 5, 1870, p. 3; *Appeal*, April 8, 1870, p. 3.

[131] *Journal*, June 25, 1870, p. 3.

[132] *Appeal*, April 7, 1870, p. 3; April 9, 1870, p. 2; *Bulletin*, April 9, 1870, p. 5; *Call*, April 10, 1870, p. 3.

[133] *National Gazette*, April 13, 1870, p. 3. "Subbing" meant that one held a subordinate, or inferior, position.

[134] *Ibid.*, April 13, 1870, p. 3.

[135] *Stockton Independent*, April 28, 1870, p. 1, announced the forthcoming celebration.

[136] *Sonora Union Democrat*, May 7, 1870, p. 2.

[137] *Sonoma Democrat*, April 16, 1870, p. 5.

II

DEMOCRATS OBSTRUCT REGISTRATION, APRIL-JUNE, 1870

On March 31, 1870, the day after Grant and Fish issued their proclamations, Thomas Peterson-Mundy, an African American living in Perth Amboy, New Jersey, cast his

ballot in a municipal charter election. New Jersey law not only confined suffrage to white adult males, but that state also joined California and a handful of other northern states in refusing to ratify the Fifteenth Amendment. Despite violating New Jersey law, Peterson-Mundy's vote went unchallenged, in part because a Democratic white city official encouraged him to exercise his constitutional right. He thus became the first African American anywhere in the nation to cast a vote under the new amendment.¹

Black suffrage came less swiftly in California. Article II, Sec. 1 of the state constitution still limited registration to adult, white, male citizens. The legislature indirectly incorporated those restrictions into the Registry Act, requiring that each voter meet the qualifications prescribed by the constitution and register with the clerk in the county of his residence. The clerk would then add the voter's name to the county's *Great Register*.² Officials in New Jersey might overlook a "whites only" clause, but several California clerks proved to be less accommodating.

In addition, many Democratic editors and legislators continued to argue on several grounds that the "so-called Fifteenth Amendment" was not an amendment. They claimed that the subject matter - suffrage - was not within the authority of the national government, even by amendment.³ They charged that some of the southern states counted among the ratifiers were not recognized as states when they ratified.⁴ They argued that the southern legislatures that ratified the amendment did not represent the white people of those states.⁵ They challenged the ratification process, claiming that it took place "at bayonet point" in some southern states as a condition for restoring their seats in Congress.⁶ They pointed out that New York had rescinded its ratification and that the Indiana legislature lacked a legitimate quorum when it ratified.⁷ Even when they conceded the amendment's constitutionality, they reasoned that it needed "appropriate legislation" to become effective and a more official notice than a printed announcement in a newspaper.⁸

Shortly after the official proclamation of ratification, California State Attorney General Joseph [Jo] Hamilton, a Democrat, urged the state's fifty county clerks to defer black registration until adoption of the "appropriate legislation" referred to in the amendment's second section.⁹ In essence, Hamilton ignored the arguments used most frequently by Governor Haight, other Democratic politicians, and some newspaper editors: that it was unconstitutional to impose national standards for suffrage upon a state through an amendment and that the ratification process was illegal.¹⁰

County clerks were unsure of their obligation regarding registration. Faced, on the one hand, with what seemed to be a national government mandate for black registration in the form of the Fifteenth Amendment, and on the other with a state attorney general and state constitution solidly supporting a "whites only" voter policy, the clerks

followed different paths. Some sought the advice of the state attorney general. Others turned to the federal government for direction. In San Jose, Stockton, Sacramento, Nevada City, San Francisco and Los Angeles African Americans met notable resistance from reluctant or hostile county clerks.

A) SANTA CLARA COUNTY

Hamilton's opposition to implementation of the amendment received its initial challenge in Santa Clara County, the earliest registration battleground. On April 1 Peter W. Casey and a companion, described in the Republican press as "two intelligent colored men" living in San Jose, appeared at the clerk's office and attempted to register. Rebuffed by a deputy clerk who claimed he had no authority to register them, they appealed to County Clerk John Littlefield. He refused to reverse his deputy's decision, but agreed to take the matter under advisement.¹¹

To determine his course of action, Littlefield telegraphed Secretary of State Hamilton Fish for instructions:

San Jose, April 4, 1870, 1:15 p.m....

Has the Fifteenth Amendment been officially declared part of the Constitution of the United States? Please answer.

John M. Littlefield

County Clerk

Fish replied:

Washington, April 5, 10 a.m.

To J. M. Littlefield: The Fifteenth Amendment has been officially proclaimed as a part of the Constitution.

Hamilton Fish¹²

Littlefield deemed this sufficient and began to add the names of African American citizens to the *Great Register*, from which they would be transferred to the poll lists of their respective wards.¹³ The San Jose *Patriot*, convinced the reply from Fish settled the question, offered Littlefield the thanks of the public and especially "of the colored citizens, for he has obtained the official information required, at an expense to him in telegraphing of about sixteen dollars."¹⁴

On the afternoon of April 7 at least twenty "colored men" registered in San Jose. Peter Wagner won the honor of being the first black man registered in the state under the Fifteenth Amendment. A deputy county clerk spotted Wagner walking along the street and invited him to register. The forty-six year old Kentuckian was followed in registration by the others, described as mostly "full-blooded Africans, and laborers."¹⁵

The San Francisco *Call*, before knowing that Littlefield had registered anyone, offered the following advice:

Now, the easiest course for the San Jose officers--and for election officers everywhere--to take, when a negro, otherwise qualified, offers to vote, is to receive his ballot, as they did in New Jersey, the other day, a State whose laws do not allow negro suffrage.¹⁶

While Littlefield's action breached Hamilton's hoped-for solid front of opposition to registration, for the moment Santa Clara stood alone in its acquiescence to the amendment. Other challenges soon followed.

B) SAN JOAQUIN COUNTY

On April 6, after rejecting two African Americans who sought to have their names placed on the *Great Register*, San Joaquin County Clerk August Munter appealed to Hamilton, in seeming desperation:¹⁷

Negroes are applying to the County Clerk and demanding to be registered. Let us know how to act; whether to register them or not.

Hamilton responded tersely on April 7:

I don't think [italics added for emphasis] in the absence of appropriate legislation, that negroes are entitled to register. I have advised that their applications be refused.¹⁸

When a large number of blacks attempted to register on April 7, Munter, following the advice of Hamilton, denied them that right. In response, African Americans met later that day in a local church to plan a course of action.¹⁹

Munter was severely criticized for his decision, which, the *San Francisco Bulletin* scoffed, "savors of insanity."²⁰ But most editorial outrage was directed toward Hamilton.

How easy it is to be Attorney General of California? 'I don't think' is [explanation] enough.... [That] is the legal lamp by which official footsteps are to be guided, and by that glimmer are they to grope their official way through all the mazes of public station while attempting to do right on a delicate subject!²¹

Attorney-General Hamilton must have lost his usual good sense as a lawyer when he advised the refusal of registry to colored citizens.... He might as well say that no slave is free under the Thirteenth Amendment until State laws are changed; or that no civil rights are obtained under the Fourteenth Amendment, without action of the State Legislature. It is preposterous to claim that any legislation, either State or Federal, is requisite to give effect to a Constitutional provision which is itself supreme over and a guide to such legislation.²²

After reconsideration, Munter decided to register African Americans, and early on April 8 County Assessor C. H. Covell (assessors were authorized to register voters) began to enroll blacks on the *Great Register*. Between the two of them, Covell and Munter registered 49 African Americans.²³ The Marysville *Appeal* added that there were 133 "colored men" in Stockton, the county seat, entitled to vote.²⁴ White voters in the county, however, numbered 5,259.²⁵ Hamilton had now lost two significant counties to the registration movement.

C) SACRAMENTO COUNTY

Initially Sacramento County Clerk William B. C. Brown also refused to register African Americans. The Republican Sacramento *Union*, presumably unaware that

clerks in Santa Clara and San Joaquin counties now supported black registration, charged that

this was part of an organized resistance determined upon by the Democratic leaders here at the close of the session of the Legislature. The County Clerks of Sacramento and San Joaquin have both taken the cue from this organization, and unite with him of Santa Clara in refusing to register colored citizens. This appears to have been dictated by J. W. Mandeville and Thomas N. Wand, Senators, respectively from Tuolumne and San Francisco, and by L. P. Hall, late a secession editor in Tulare, D. E. Callahan, proprietor of the Golden Eagle Hotel in this city, and a few others of less prominence in the party.²⁶

Brown's action had first become public on April 7 when nearly sixty Democrats, led by the men mentioned in the *Union*, published a letter applauding Brown for his stand:

W. B. C. Brown, Clerk of County Court of Sacramento County:

We have just learned that, in the exercise of your official duties, you have proven faithful to the oath which you took to respect the Constitution of the State of California, which limits suffrage to "*white*" men by refusing to register the names of *black* men as voters on the Great Register. As the right to prescribe the qualifications of voters has been exercised by the States, each in its sovereign capacity, since the formation of the Government, it is clear that the power is not one that has yet been "delegated," and since this State has refused, in the most emphatic manner, to assent to the Fifteenth (so-called) Amendment, it is equally clear that your refusal to register as voters the names of *black* men is in strict accord with the Constitution of the United States, as all men can satisfy themselves by reading the Tenth Amendment thereto.

For your fidelity to your sworn duty, and for your manliness in this time, marked by the degeneracy of so great a portion of the American people, we, whose names are hereunto subscribed, agree to support you with all the moral, and if need be, all the physical force God has given us.²⁷

State Senator James W. Mandeville of Tuolumne County initiated the letter, and the many signers included Lovick P. Hall, Thomas N. Wand and Thomas Laspeyre. Mandeville, considered a likely candidate to succeed Governor Haight at the next election, first held a seat in the assembly, then in the senate, in the early 1850s. He served as U. S. surveyor-general for California later in that decade, accounting for occasional references to "General" Mandeville. After the Civil War he returned to the legislature.²⁸

While the letter, subsequently referred to as the "Mandeville Manifesto," drew more immediate condemnation than support, editor Henry George of the Sacramento *State Capital Reporter* read the manifesto as an indication of growing hostility to the amendment and predicted that "The refusal to register negroes in this State... will probably be nearly general" and would throw the matter into the courts.²⁹

The closing lines of the manifesto, in which the signers pledged "to support [Brown] with all the moral, and if need be, all the physical force God has given us," aroused particular scorn:

The folly of this pledge of physical resistance to the Constitution of the United States is only equaled by its wickedness.³⁰

...Gen. Mandeville, Senator Wand and Long Primer Hall declared war upon the United States the other day, by pledging to the Sacramento County Clerk all the moral and physical force which God had given them, to resist the enforcement of the Fifteenth Amendment...³¹

James McClatchy, editor of the Sacramento *Bee*, denounced the manifesto as

a declaration of war promulgated by a few old fossils [that] has been laughed out of existence, and while every considerate man blushed with shame when he saw it, the signers are now more ashamed than anybody else, for they have been laughed at in every direction.³²

Others treated the manifesto with the derisive humor McClatchy noted:

It is now definitely ascertained that the "last ditch" is located in some of the sloughs about Sacramento, and that Mandeville, Wand, Callahan and Co., who swear to preserve the polls inviolate from negroes with all their "mental and physical strength," have located a cemetery, intending to die and be buried therein--the eleventh hour heroes and martyrs of the "Lost Cause."³³

It is believed the army under command of General Mandeville will be disbanded without even taking Mare Island or Alcatraz.³⁴

Within a week this backlash against the manifesto resulted in "explanations" by some of the signers. Thomas Laspeyre, in a lengthy letter, explained that he was stopped on the way to his room in the Golden Eagle Hotel in Sacramento about 10 p.m. on April 6, was asked to sign a letter endorsing the action of Brown in refusing to register blacks, and, "without scrutinizing the paper, supposing it was only intended to indorse an officer in what I conceived to be a faithful discharge of his duties, I signed the document referred to."

Lespeyre acknowledged that printing the manifesto, especially the concluding paragraph, in the *Reporter* created "considerable sensation and caused much comment ... from a large portion of the public press of the State." But Lespeyre insisted that by endorsing Brown's action "I meant nothing which could imply a resistance to any constitutional amendment, or law of any character." He still maintained that in the absence of any Congressional or legislative act to implement the Fifteenth the clerk acted correctly in his refusal to register blacks and merited the support of "all true men irrespective of their party proclivities."³⁵

He continued to challenge the legality of the amendment:

Although every reasoning mind must admit that the Fifteenth Amendment is neither legal, just nor equitable; that it was conceived in fraud and iniquity by an iniquitous, corrupt and infamous Congress; that States have been by fraudulent and coercive measures forced to yield their acquiescence to its arbitrary and tyrannical provisions, still the stubborn fact stares us in the face that to all intents and purposes it is now the law of the land. We... cannot evade its provisions or avoid its enforcement. I am not in favor of a forcible resistance to any law.... The idea of using physical resistance in this State to the Fifteenth Amendment, or to an Act of Congress, is simply an absurdity.³⁶

Lespeyre concluded with the prediction that the Democratic party would soon be strong enough

to hurl the present corrupt and dominant party from power, and wipe out this obnoxious Fifteenth Amendment, and hundred[s] of other kindred and illegal acts which now disgrace this age of political corruption and intolerance.³⁷

The following day Hall offered his explanation, noting that the signers "have been unsparingly criticized by the Republican press of the State." Unlike Lespeyre, Hall had "no regrets to express... for my action in this matter. I indorse every word and sentence contained in the card...." Arguing that an "amendment" dealing with suffrage was not an amendment to the existing constitution but the creation of a new power, Hall charged that California had never delegated control of suffrage to the federal government, which therefore had no right, even by amendment, to assert this authority.³⁸

... in the name of all that is just and sensible, with what reason can a man be censured for pledging his "moral and physical force" to support a public officer in the faithful discharge of his *sworn duty* equally to his State as well as the United States?... I hold that the obligation to obey the Constitution and laws of one's State is paramount to the obligation to obey those of the United States, because it is the State which protects his "life, liberty and property."³⁹

Hall, along with several other Democrats and newspapers, incorrectly argued that the Registry Act allowed only the registration of white men. In fact, the act as passed at the legislature's 1865-66 session and amended in 1868 made no reference to color, requiring only that the registrant meet the "qualifications prescribed by the [State] Constitution."⁴⁰

Wand, too, felt it necessary to explain his signature on the now infamous manifesto.

...I cannot refrain from giving you privately a history of the whole affair. I know that I thoughtlessly got myself into a ridiculous scrape, and many--I may almost say hundreds--of my friends here urged me strongly to publish an explanatory card; but looking upon it as one of those d--d foolish things which the most sensible men sometimes do, and which it is better to say as little about as possible, I declined. My connection with the affair is as follows: About

eleven o'clock on the night of the 6th instant, I went into the office of the Golden Eagle Hotel, on my way to bed, and on approaching the office counter was asked to sign a paper. On asking what it was, I was told by a dozen or more acquaintances that Brown had refused to register the negroes, and that it was simply to indorse his action until further instructions were received from Washington. So I signed without reading; never expecting to hear of it again. But imagine my astonishment to find from the papers the next day that I had declared war against the United States Government! I was, of course, badly sold, and somewhat to my mortification, but it was too late to get out in any other way than to preserve a dogged silence. Thus much have I offended against common sense, and no more.

T. N. Wand.⁴¹

Prior to publication of the explanations, County Clerk Brown had already reversed his position and enrolled blacks on the *Great Register*. On Saturday, April 9, Henry Yantes and Robert Christopher appeared before Brown and registered. Brown told the press that he had no personal knowledge of the manifesto addressed to him by Mandeville and the others.⁴²

When no popular uprising in opposition to registration took place, editor Charles De Young of the San Francisco *Chronicle* could not resist a final jab at the instigators:

ALL QUIET ON THE POTOMAC.

The Sacramento Anti-Negro Register Rebellion is over. General Mandeville has marched his troops into Winter quarters. The South would not respond with men, arms, and money. They intimated that the thing had been settled, the books balanced and closed out, the firm dissolved, and the entire business suspended, with great loss to the original projectors some five years ago. Generals Mandeville, Wand and Callahan, on hearing this, remarked: "Oh! Ah! Hum! Indeed!" and then proceeded to investigate the orifices from which they had issued.⁴³

Over the next few weeks the number of registrants in Sacramento grew significantly, reaching 160 out of a newspaper estimate of 553 potential black voters in the county

by the end of April.⁴⁴ In late June eleven African Americans came down from Folsom to add their names to the *Great Register*.⁴⁵

D) NEVADA COUNTY

In contrast to the policy of clerks in Santa Clara, San Joaquin and Sacramento, Nevada County Clerk J. J. Rogers had initially registered the first blacks to appear before him. On April 8 a twenty-year resident of Nevada City, bearing the appropriate name of John Adams, registered and within an hour another 14 more added their names.⁴⁶ Then County Clerk Rogers,

having consulted counsel and been advised in regard to the matter,...
determined against the further registration of colored voters, until he can hear
from the Attorney General of the State, in regard to the matter.

The Republican Nevada City *Daily Transcript*, in reporting this change of mind by Rogers, predicted that the effort by some county clerks to defeat the amendment by simply refusing to register blacks would prove "utterly futile."⁴⁷

In contrast to the terse reply he sent the San Joaquin clerk earlier, on April 11 Hamilton presented a much more detailed response to the brief telegram he received from Rogers:

Shall I register colored persons? What would you advise?⁴⁸

Hamilton replied this time with "I think," a phrase that also drew fire from his many critics.⁴⁹

I think, as the Supreme Court is now in session, that a test case could and ought to be made up and presented, so that all might act intelligibly upon so important a matter.⁵⁰

While his statement is unclear, Hamilton probably referred to the California court, not the United States court.

Hamilton recognized that men whose opinions he respected stood on either side of the issue. He had urged those who believed that blacks were now entitled to vote to prepare a test case that would settle the controversy. The failure to arrange for a test case rested on those who supported black suffrage, suggesting that they lacked confidence in the legality of their position. Until such a judicial decision was reached, Hamilton advised against the registration of negroes.

If it be the law that they are entitled to register, I for one will not only obey the law myself, however distasteful it may be, but I shall do all within my power to have the law faithfully obeyed by others.⁵¹

Hamilton believed it the duty of the clerks, sworn to execute and obey the laws and Constitution of the state, to register no one but adult white males. The Fifteenth Amendment could override this only if it were self-operating, a phrase frequently used in the debate. "Self-operating" meant that the amendment's provisions became effective upon ratification, and enforcement required no additional congressional or state legislation. If not self-operating, ratification by the necessary number of states did not *per se* make it the paramount law of the land, overriding state laws. In that case it would require further legislation to make it effective.⁵²

Why was the article not self-executing upon ratification? By the second section of the amendment, Hamilton argued, its framers conceded that it was not intended to be self-operative since it empowered Congress to pass "appropriate legislation" as required to make the amendment effective. The President's proclamation failed to qualify as additional legislation.⁵³

Hamilton continued:

[W]hen your duty as an officer is plain under the Constitution and laws of your State upon the one side, and when you are to guess at the intention of conflicting laws, unfixed, uncertain and ambiguous, on the other, [we have a right to expect] that you do obey that law and that Constitution by which and from which you are created, until at least the other path of duty be less dim and uncertain, and until the Federal Government... makes such appropriate legislation [and] sets in motion such machinery as renders it our duty to disobey the Constitution and laws of our own State.⁵⁴

I apprehend it will not be contended that any power other than the State can alter, change or amend the Constitution of a State. Coercion may be applied, but the change must in any event voluntarily or involuntarily come from the State and its people.⁵⁵

Therefore, while our Constitution and statutes remain as they are; while this so-called amendment to the Federal Constitution stands as it does, until there be such appropriate legislation as seems to have been and still is contemplated, I am of opinion that negroes are not entitled to registration in this State, and that it is not only not the duty of County Clerks to place their names upon the Great Register, but it is their duty *not* to do it.⁵⁶

Hamilton's position found little support, even among Democratic papers. Despite the fact Governor Haight had named the *Sacramento Reporter* the official state newspaper, and that Henry George owed his appointment as editor to his close friendship with Haight, the paper stood in editorial opposition to both the governor and the attorney general regarding obedience to the Fifteenth. Still, the paper conceded that there was "no more acute and cautious constitutional lawyer in the State" than Hamilton.⁵⁷ George argued that the Fourteenth Amendment conferred the right of citizenship upon blacks, the Fifteenth prohibited state denial of suffrage to any citizen on account of color, the state constitution conferred suffrage upon every male citizen possessing the prescribed qualifications (of which white was no longer one in light of the amendment), and the Registry Act required the clerk to register all otherwise qualified persons upon application. Acknowledging that many Democratic clerks were registering blacks, the *Reporter* applauded them for enforcing a law "that is opposed to their preconceived ideas of right."⁵⁸

The Sonora *Union Democrat's* Charles Randall agreed:

However distasteful [the Fifteenth Amendment] may be, all must respect it as the supreme rule of action governing and controlling the elective franchise throughout the land, until it is changed in a legal manner. The fact of its ratification having been forced by Congress upon some of the States, or the question whether New York and Indiana did ratify it or not, has nothing to do with the enforcement of the new state of things. The government proclaims that it is the law, and having the power will enforce it. Such being the fact the sooner all of the people accommodate themselves to the situation the better it will be for the country.⁵⁹

The weekly *Sonoma Democrat*, edited without doubt by the most unreconstructed states rights Democrat holding an editorial position in California, challenged Hamilton's belief that implementation required "appropriate legislation." While willing to let the courts decide the question of whether the state constitution or the federal constitution was paramount in a matter involving suffrage, editor Robert Ferral refused to accept "appropriate legislation" as a means of resolving the dispute:

We do not believe in recognizing the legality of the so-called Fifteenth amendment, but deem it to be the duty of our State and county officials to see to it that in no instance is our State constitution violated by the receiving of any other than *white* votes.⁶⁰

In a scathing denunciation of Grant's proclamation - entitled "Grant's Latest Lie" - Ferral charged that:

The *Great Reticent* [Grant], who established for himself, under the Johnson Administration, the name of being a most infamous liar and who has since earned the not much less dishonorable name of the "National Gift Receiver and Distributor of Appointment," has recently committed another escapade and published to the world his infamy [the proclamation]....

He was not satisfied with simply declaring it ratified. He ... speaks of "that revered constitution." With just as much propriety could the devil talk about the beauty and loveliness of heaven as can Grant, or any radical satrap or centralizing despot, speak of *any* revered instrument....

The people are never justified in submitting to the perpetration of wrong and injustice, let it come from whatsoever source it may. Resistance must be made to every movement having for its object the enslavement of a free and enlightened people. It is our bounden duty to resist and oppose tyranny and oppression; to protect and defend our rights, and our liberties, and our honor.

What resistance can we make to the enforcement of this odious measure? It is contrary to the recognized rights of the several States--rights never surrendered to the General Government. It takes from the State the power to regulate the question of suffrage, and puts it in the hands of a few at Washington. Our State Constitution provides that none but *white* men shall vote, and according to the Great Registry *white* men only can be registered.... This matter can only be settled properly by referring the whole

matter to the Courts, and until this be done the officers of the State, and of the several counties of the state, should comply with the law of the State.⁶¹

The Democratic weekly in Auburn, the *Placer Herald*, was one of the few papers supporting Hamilton's theory that the amendment needed additional legislation to activate it, asking how a county clerk could be punished for failing to register blacks when the amendment provided no penalties. Since no punishment existed for violation of the suffrage amendment, it was not self-executing. Still, the *Placer Herald* continued to use the argument, which Hamilton chose to ignore, that the amendment was not legally a part of the United States Constitution.⁶²

In a letter to George's *Reporter*, Charles T. Botts argued that the amendment was not self-executing since it provided no standards for suffrage. Botts' opinion was especially important because, as a delegate to the 1849 state constitutional convention, he successfully argued for enfranchising only whites so that the "objectionable races" - Indians and blacks - could not vote.⁶³ Botts, who also served as a district court judge in 1850,⁶⁴ now argued that the amendment voided all voting qualifications in California. In his view, the courts had ruled that when one part of a law is declared unconstitutional the rest of it may stand only if the parts are not mutually connected with and dependent upon each other. To Botts, the three voting qualifications included in the state constitution - white, male, citizen - "form one whole and constitute a voter." Omission of the word "white" rejected the legislative will as expressed by the other two words. Thus, the amendment struck down the entire Registry Act until the legislature rewrote suffrage qualifications. On that ground, clerks correctly denied the registration of blacks because the amendment was not self-operating.⁶⁵ In response, George argued that only the word white was stricken from the state constitution, leaving the rest of the suffrage requirement in effect since the other two provisions - citizen and male - were unaffected by the amendment.⁶⁶

The San Francisco *Examiner*, recognized as the leading Democratic journal in the state,⁶⁷ joined George in challenging Hamilton's belief that the amendment remained inoperative until the enactment of "appropriate legislation." Bowing to the inevitable fact of black registration although still hinting at the unconstitutionality of the amendment, editor Benjamin F. Washington held that no state should delay registration until forced to register blacks or suffer Congressional penalties:

As we said Saturday, it is now all folly to resist Negro suffrage. It is upon us. It exists in three-fourths of the States without the Amendment, and will be enforced in the rest if necessary.... The law of the Constitution is the supreme

law of the land, and the Fifteenth Amendment, recognized as such by the Departments of Government, must be taken, for the time being, at least, as part of the same.... Let the Negro then be registered, for it is of the inevitable.⁶⁸

For taking this position, some of the state's Democratic press condemned the *Examiner*:

The *Examiner* would have Democratic officers, as well as Republican, violate their oaths and disobey the Constitution and laws of the State, and the party sustain them in these illegal acts, simply because it believes, as we do, that Congress will at some future time pass laws compelling them to do so.⁶⁹

Republican papers pounced on Hamilton's letter to the Nevada county clerk:

Attorney-General Hamilton has written a long letter to sustain his "don't think" that registry should be allowed colored citizens.... [T]he Attorney-General makes the astonishing declaration that "it will not be contended that any power other than the State can alter, change or amend the Constitution of a State."... Now, if the amendment does not "change or alter" the State Constitution, how can the "appropriate legislation" have the effect the Attorney-General concedes to it? He denied that an amendment or anything else but State action can change the obligation of the State Constitution, yet he admits that a little Congressional legislation will remove the difficulty!

This reasoning will not hold water. Better at once indorse L. P. Hall's doctrine: "I hold that the obligation to obey the Constitution and laws of one's State is paramount to the obligation to obey those of the United States."⁷⁰

Under the heading "Curious Legal Assertion," James McClatchy also singled out Hamilton's claim that only the state could alter or amend the California constitution. Citing the clause in the federal constitution that "This Constitution and the laws" made under it "shall be the Supreme law of the land," to which all state judges were bound, the *Bee* insisted that California's constitutional prohibition against registering any but white adult males was a "dead letter... altered by a power outside of and beyond and above the people of California."⁷¹

Charles De Young's *Chronicle*, despite its conservative Republican position, insisted that the amendment was self-executing. De Young argued that an amendment was part of the United States Constitution and as such was binding on any state without additional legislation. In case of conflict, state constitutions and laws gave way to the amendment. The Thirteenth Amendment freed slaves in the Confederate states whether or not those states passed "appropriate legislation." By virtue of the Fourteenth Amendment, blacks born in the United States became citizens without state action. So it was with the Fifteenth.⁷²

Because of its location at the county seat, the Nevada City *Daily Transcript* devoted considerable space to the theory Hamilton outlined in his letter to Rogers. The Republican paper editorialized that all state constitutions and local statutes gave way before the amendment since the right to vote existed even if these constitutions or laws remained unchanged. The amendment nullified the word "white" in every state constitution, insofar as it restricted the right to vote. Responding to the widespread fear that the amendment would enfranchise Chinese immigrants, the *Transcript* assured its readers that the amendment only applied to citizens, and so long as the naturalization laws remained unmodified, the Chinese in the country were not granted suffrage.⁷³

Suggesting that a conspiracy existed "to prevent as long as possible the enrollment of colored men upon the Great Register," the *Transcript* had previously condemned the action of the Sacramento county clerk, who at that time still refused to register blacks:

Those officers who absolutely refuse to register this class of citizens, must certainly have forgotten that their oaths bound them to obey, first, the Constitution of the United States, and afterwards, the Constitution of California; and that in case of conflict between these instruments the State law is void....

These men are bound to vote, and it is simply madness to try to prevent them by State authority. In New Jersey and other States, they have already voted by virtue of the Amendment, and the former State has a local law of the same nature as California.⁷⁴

In fact, New Jersey Attorney General Robert Gilchrist, who firmly believed that Congress used unconstitutional force to obtain ratification of the amendment, nonetheless held that the Fifteenth voided state voting restrictions based on color, such as those in New Jersey and California.⁷⁵

To those who had objected that an official proclamation was required before the amendment became effective, the *Transcript* added: "The publication of that document (Grant's proclamation) will satisfy all such, and entitle black men to registration." But anticipating further resistance, the editor prophetically added: "If they are refused, an application for a writ of mandamus will soon settle the matter, and give them the rights to which they are entitled."⁷⁶

The following day, however, the *Transcript* dismissed the idea of a law suit, replacing it with reliance on a "force bill" then pending in Congress. "This [suit] would cost money and would not, probably, secure the right before the bill we have alluded to, becomes a law." Anticipating rapid adoption, the editor, still unaware that the Sacramento clerk had begun to register blacks, wrote:

Mr. 'Alphabetical' Brown, County Clerk of Sacramento, and other officers will be compelled speedily to draw in their horns, accept the situation and enroll the colored men.... [W]hen Mr. Brown sees the United States Marshal come into his office, he will wish Mandeville and all other men who patted him on the back, in *hades*, and himself back at his business of collecting tolls or driving bull teams.⁷⁷

Many clerks, wrote the *Transcript*, await "official notice before they are bound to obey" the amendment. Citing current examples of newly passed laws that local authorities implemented without formal notification from Sacramento or Washington, the editor argued that it "is the duty of every officer to know the law, and he is not excused from its requirements until the Secretary of State... chooses officially to inform him." Furthermore, reliance upon the state attorney general was of no force when applied to national law. Instead of writing to Hamilton for guidance, "the proper source of information would be the Secretary of State or the Attorney General of the United States." The *Daily Transcript* concluded that "the officers of this State are only seeking pretexts for delay and to evade the law."⁷⁸

Amid all the fuss arising from Hamilton's answer to Nevada County Clerk Rogers, the latter quickly reversed his position and on April 12 reopened the register to blacks. By April 14, 52 African Americans were on the county's *Great Register*. More than three-fourths were born in slave states, although the register did not record whether they were born free or slave. One-third listed their occupation as "laborer," and "miner" appeared frequently. But "musician," "teacher," and "restauranter" were also listed, along with the expected "barber," "bootblack," and "cook." Most African American registrants were in their thirties or forties; the youngest was 23, the oldest 68.⁷⁹

Once their names were on the register, an additional delaying tactic emerged. With rumors circulating that black candidates intended to run, African Americans were especially anxious to vote in municipal elections set for early May in Grass Valley and Nevada City.⁸⁰ When one registrant requested that the Grass Valley Election Board place his name on the poll list, the local body refused until advised by the state board.⁸¹ Eventually the town board offered to register colored voters if they produced certificates from the county clerk. Isaac Sanks, one of Grass Valley's most prominent African Americans, went to Nevada City to obtain the certificates so that prospective black voters could present them to the board and have their names enrolled on the polling list.⁸² On April 29, the last day to add names before the election, the board appended the names of the 15 black voters living in Grass Valley to the list.⁸³

E) SAN FRANCISCO⁸⁴

San Francisco, containing nearly one-third of the state's African American population, also harbored a hesitant clerk. On April 7 Thomas Hyer, "a colored citizen," stopped by the office of County Clerk John J. Hanna, intending to register. Although agreeing that enrollment was justified, Hanna politely denied the request, stating that he wanted instructions from the attorney general. Hyer then withdrew, willing to wait until the following week when he planned to call again.⁸⁵

Two days later, eight other blacks also applied in San Francisco, but Hanna, a Republican who would soon be reappointed as an advisor to Attorney General Hamilton,⁸⁶ refused to accept their applications "as he had no official notice of the adoption of the Fifteenth Amendment." He intended to wait for a certified copy of Grant's proclamation in order to avoid any question as to the legality of their registration.⁸⁷ The San Francisco *Chronicle* regretted that a Republican "has taken the same unwise course in the matter as the Democratic officials, and refused to register negroes as voters."⁸⁸

In mid-April, as one reluctant clerk after another bowed to the inevitability of registration, Hanna relented. April 14 was designated as registration day in San Francisco. At an early hour that morning "a number of colored men was seen in front of the County Clerk's office waiting for the appointed time to become registered on the grand Register." Enrollment began at 10 a.m., with Edwin White Robinson the first.⁸⁹ Editor Philip Bell, in his *Elevator*, noted some concern about the "scanty number" who appeared for registration, but explained it away by citing confusion over the exact time of registration, the fact that not all knew about registration day, and the distance involved for some registrants. But Bell, whose *Elevator* was San Francisco's only black paper during the registration controversy, expressed hope that in a few days "or less" every colored American would register "insomuch as to prove himself the man and privileged citizen, and to push forward with his might--use every nerve,

raze every obstacle and assist triumphantly to secure the progress and power of the Republican party."⁹⁰

While Bell expressed disappointment over the pace of registration, the number enrolled was actually quite remarkable. By 2 p.m. 75 had registered.⁹¹ At the end of the day the number of applicants reached one hundred, of whom 99 were accepted. Among them was 99-year-old James W. Dennison, a native of Massachusetts.⁹² By the third day about two hundred had registered.⁹³ The number, while large, did not meet expectations and fell far short of the fifteen hundred that the *Marysville Appeal's* San Francisco correspondent Laura Wakelee had unrealistically predicted a few days earlier.⁹⁴

F) OTHER COUNTIES

Elsewhere the first African Americans began to register. On April 12 Frederick A. Sparrow became the first black to register in Napa.⁹⁵ Within a week Napa's registrants numbered forty.⁹⁶ On April 13 R. E. Gardiner, Tuolumne county clerk, registered the first Fifteenth Amendment voter there. He was reportedly

a secesh Democrat from Louisiana, who stole a march on the more loyal colored gentlemen somewhat to their disgust. Some of them having been on the watch for the clerks [sic] intention a few days were extremely mortified to have their list headed by a Democrat.⁹⁷

Quipped the *Chronicle's* De Young: "We congratulate General Mandeville on his black ally."⁹⁸

Shasta County's clerk, unwilling to wait for special legislation, opened the rolls to blacks by mid-April, registering all who appeared.⁹⁹ At the same time the Solano County clerk began black registration.¹⁰⁰

The *Mariposa Gazette*, on April 22, noted:

Several colored citizens during the past week have placed their names on the Great Register of Mariposa county, L. A. Monroe, an old resident of this place, being the first to enter his name. Our County Clerk will place the names of all colored men, entitled to vote, on the Register when they present themselves for that purpose at his office.¹⁰¹

After the ratification celebration in Watsonville, all ten men eligible to register went to Santa Cruz, the county seat, where they enrolled without opposition.¹⁰² By mid-month twenty blacks had registered in Santa Cruz County.¹⁰³

On April 17 the Marysville *Appeal* published a list of 37 "Colored Voters" who had registered with Yuba County Clerk Bernard (Barney) Eilerman. Fifteen of them were Virginians by birth; only five were born in free states. They ranged in age from 23 to 73, with slightly more than half in their forties and fifties.¹⁰⁴ By early July registration reached 43.¹⁰⁵

After mid-April Contra Costa¹⁰⁶ and Alameda¹⁰⁷ counties recorded their first black registrants. The Tehama County clerk acquiesced as well, registering nine African Americans. In addition, the assessor took several names for enrollment "in due time." The Red Bluff *Independent* estimated the potential number of Tehama registrants at thirty.¹⁰⁸ Sierra County reported nine blacks on the *Great Register* in early May.¹⁰⁹

By early June only two African Americans were on the *Great Register* in Sutter County.¹¹⁰ His registration went unnoticed by the major papers, but when J. Lewis served as a juror on May 23 San Mateo County's sole black voter was touted as "the first colored juror in California."¹¹¹ While it is unclear whether he actually registered, the lone African American residing in Alpine County was expected to increase the Republican count by one.¹¹² If blacks had registered elsewhere, the major papers of the state failed to report it.¹¹³

To the joy of Republicans, the process of registration spread gradually throughout the state, but editor Ferral of the *Sonoma Democrat* could not restrain himself from pointing out the hypocrisy:

As name after name of the sun-burnt freemen goes on the Great Registry, our radical friends rub their hands, indulge a quiet chuckle, and piously say "amen." The mongrel press, particularly that portion of it called independent, is exultant over this accession to our voting population. Yet there are few among them who do not stultify themselves in this groveling exultation over the prostitution of the ballot. But a few years ago they were indignant on being charged with favoring negro suffrage in the North, and took every occasion to brand it as a slander. Now the same men rub their hands in glee and chuckle over what they professed to abhor. Hypocrisy, so far as the darkey is concerned, is no longer necessary, even in California. So the mask is thrown aside, the negro unblushingly welcomed to the polls, and clothed with the highest privileges of American citizenship. The car of mongrelization rolls on. Let its drivers beware, lest they get crushed beneath its wheels.¹¹⁴

But resistance continued in some counties. The Butte clerk still refused to register blacks in mid-April. When J. C. Jenkins tried to register in Oroville that month the clerk insisted that there would be no registration until Governor Haight ordered it. George Crosette, editor of the weekly published at the county seat, endorsed the clerk's action, arguing that no black registration should take place until Congress enacted the legislation authorized by the amendment's second section and the state legislature altered California law to conform to the amendment.¹¹⁵

Sonoma County Clerk William Morris won praise from Ferral for his anti-registration stand.¹¹⁶ Whether or not any of the following factors motivated Morris, Ferral attributed them to him:

He can't see any change in the Constitution and laws of this State, which he has sworn to support, and under which he holds office. He doesn't see that the terrible word "white" has been stricken out, nor has he any knowledge of Congress providing "appropriate legislation" for carrying the so-called Fifteenth Amendment into effect. But he does see that it is no amendment at all--that it is an outrage on free government--that it has never been voluntarily adopted by the requisite number of States--and that no official notice of that kind has reached him as yet. We are proud of you, friend Morris. Stand to your post, and do you[r] duty as a free-born white man and a true Democrat. The Constitution and laws of the State, the Attorney-General, and the sentiments of your fellow-citizens, are all with you. Let it be understood, far and wide, that negroes are not permitted to register as voters in Sonoma county.¹¹⁷

Despite the refusal of the Sonoma clerk to accept non-white registrants, African Americans voted on April 18 in Petaluma in that county. Since it was not necessary to be placed on the *Great Register* to vote in municipal elections and, according to Ferral, since Republicans controlled the local election board, "of course the darkey was as good a voter as `any other man.'"¹¹⁸

G) LOS ANGELES

Little was heard from the southern end of the state where, except for Los Angeles, the black population was negligible. The only existing counties in 1870 south of Kern and San Luis Obispo were San Diego (15 blacks), San Bernardino (8), Los Angeles (134) and Santa Barbara (38).¹¹⁹

By April 16 the first black Angeleno attempted to register, but Los Angeles County Clerk Thomas D. Mott refused Louis G. Green's registration, opting instead for a test case in which the courts could determine the clerk's responsibility.¹²⁰ Mott, one of the leading Democratic figures in Southern California, came to the state from his native New York in 1849, settling in Los Angeles three years later. Despite his part in the registration controversy, in 1871 Mott won a seat in the state assembly.¹²¹

Mott's reason for rejecting Green's registration concurred with that used by other clerks. The Los Angeles *Daily News*, in reporting the attempted registration, noted that:

The County Clerk of Los Angeles, as is well known, declined to register negroes until officially informed by the proper authorities that it was his duty to do so.¹²²

Whether acting on his own or in concert with Mott, Green promptly went to court, as provided for in the Registry Act, seeking a writ of mandamus to compel Mott "to show cause why he should not place upon the *Great Register* the name of the plaintiff who is a negro."¹²³ Robert M. Widney, a future civic leader and soon-to-be prominent lawyer but at the time a young attorney with limited experience, represented Green. Glassell, Chapman and Smith, one of the city's most prestigious law firms, defended County Clerk Mott.¹²⁴

Widney relied solely on the wording of the Fifteenth Amendment. Mott's counsel argued that Section 2 of the Registry Act authorized the clerk to register only persons who qualified as voters under the state constitution. Furthermore, Section 35 of the act barred the defendant, under penalty of fine and imprisonment, from registering any persons not so qualified. Neither the Fifteenth Amendment nor any other law placed upon him the duty of enrolling the names of blacks on the *Great Register*.¹²⁵

On April 28 County Court Judge Ignacio Sepulveda, a member of one of the state's foremost Hispanic families and "a Democratic luminary" and former assemblyman who later served as district judge and as one of the county's first two superior court judges, rendered his decision. That Mott was Sepulveda's brother-in-law seems not to have been an issue.¹²⁶ In reasoning and phrases that paralleled the words of State Attorney General Hamilton, Sepulveda upheld Mott's refusal to register Green.¹²⁷

Luis G. Green vs. T. D. Mott, County Clerk. This is a case of mandamus to compel the County Clerk to enroll the name of the relator Green, a colored man, as a voter,

under the Fifteenth Amendment of the Constitution of the United States. That the Amendment is the law of the land no one can question. But is it sufficient by itself... to warrant the Clerk to register the names of colored men, which the State Constitution does not allow, and the registration laws of California prohibit, and to exonerate the said Clerks from the penalties imposed by the State laws, or does it require additional legislation by Congress to carry it fully into operation in its details?...

The wording and spirit of the Amendment is so general in its meaning that it cannot be operative without regulations to enforce and prescribe the mode in which it shall be carried into effect. For though the right to vote cannot be denied to colored men, the qualifications necessary for Clerks to register the individuals of that class, are not in any manner prescribed. The very terms so general in which it is couched clearly points to something more to be done,...

The second section directs that Congress shall have power to enforce the first section by appropriate legislation. This surely contemplates that legislative enactments are necessary to accomplish the object of the Amendment. I conceive that it is a general Constitutional provision only. It provides no penalties for those that infringe it or disallow it. It cannot punish its violation, and hence it is not self-executing; for really it has no *modus operandi*, and cannot be enforced. This Amendment cannot protect itself, and a law that does not provide for its defence, and does not set forth the means to compel obedience to it, is, for the meantime, inoperative, until proper enactments give it the required vitality.

I am fortified in the position thus taken by the case decided in the Supreme Court of the United States, of *Groves vs. Slaughter*, reported in 14 Curtis 137 (15 Peters, 449).... In that case, there was as powerful an array of counsel for either side as ever was displayed at any time, Webster, Clay, Walker and Gilpin. The Supreme Court decided, that to prohibit the introduction of slaves, and to carry into effect the slave provisions [of the Mississippi state constitution], enactments of the legislature were required. The provision could not operate by itself...

Furthermore the mandamus cannot lie because the Clerk in registering voters acts in an executive capacity, and can only act pursuant to the State law, which prohibits him from registering colored men....

In view of the above reasons succinctly adduced, the mandamus is refused, for it only lies where the duty enjoined and sought to be enforced is clear...

SEPULVEDA, Judge¹²⁸

Thus, the court decision that several participants in the controversy called for nearly two months earlier finally came forth. Green quickly announced his intention to move his case to the local district court, seeking a writ there and hinting at an ultimate appeal to the state supreme court if denied by the district judge.¹²⁹ While Sepulveda's ruling would have made a greater impact if delivered in early April, by the end of the month both his decision and Green's appeal to the district court were about to be superseded by an act of Congress.¹³⁰

H) THE ENFORCEMENT ACT OF MAY 31, 1870 [THE "FORCE ACT"]

California was not alone in obstructing registration. In Delaware, registrars played hide and seek with potential black voters, and when they did register blacks the clerks often misspelled names or recorded wrong addresses. Pennsylvania blacks, too, encountered difficulties when they attempted to register in 1870.¹³¹ Congress investigated the denial of black voting rights in Rhode Island, considering it a violation of the Fifteenth Amendment.¹³² The Los Angeles *Daily Star*, reporting that "certain parties here as well as elsewhere have been fighting against the enactment of the fifteenth amendment," cited Rhode Island specifically.¹³³

Even before the troubles in California and Rhode Island, Congress, in anticipation of obstructionism in the North and the possibility of future disfranchisement of blacks in the South, hurriedly prepared punitive legislation in the form of a force bill. In late March the House passed "An Act to enforce the Fifteenth Amendment to the Constitution," but the Senate delayed action.¹³⁴

Commenting on the original House version of the bill, the *Sonoma Democrat's* Ferral wrote:

The radicals knew full well that the true citizens of the south were opposed... most bitterly to the degrading idea of "the universal brotherhood of man," and the worse than outrageous demand for "universal suffrage," and that a military power was necessary to make them swallow such a nauseous dose. The mongrels resolved to use force, because on that alone depended their future existence....

The Congress... forced negro suffrage on one section of the country because *the necessities of the radical party required it*, and now Congress proposes to do the same thing on the other section....¹³⁵

Republicans applauded the Congressional effort to enforce the voting rights won by the Fifteenth Amendment, saying "This will cover the 'constitutional' grounds of Jo Hamilton, and other Democrats who show a disposition to swindle our colored citizens out of their rights under the law."¹³⁶

West coast residents remained largely uninformed about the contents of the force bill. Incomplete wire service reports hindered the printing of its provisions and left at least one editor confused about the status of the bill. When on April 30 the Marysville *Appeal* reported that "Congress has already passed a law to enforce the provisions of the Fifteenth Amendment," the *Placer Herald* correctly scoffed that no such law had yet been enacted.¹³⁷

The *Reporter* claimed that Associated Press dispatches "have been strangely reticent in regard to the nature of the bill." Editor George speculated that Republicans intended to remove all restrictions on Chinese naturalization and to prohibit state legislation discriminating against immigrants from any foreign country. By its action

the Senate has given lie to the assertions that the Republican party does not wish or intend to vote the Chinese on this coast, as it is now voting the negroes of the South. California, having committed the unpardonable sin of going Democratic, is now, if the plan of the radical leaders can be carried out, to be reconstructed as Georgia has been, and this bill, if no more, is intended for an entering wedge.¹³⁸

When the bill finally cleared Congress and awaited the President's signature, the Petaluma *Journal and Argus* still fretted that the "provisions of the bill are not yet fully known here."¹³⁹ As late as June 1 McClatchy of the *Bee* could only write that "It is said to be stringent."¹⁴⁰

On June 3 McClatchy finally printed the Force Act in detail.¹⁴¹ When the Democratic *Oakland Transcript* called the act "another link in the chain of tyranny forged by the Congressional tinkers at Washington," McClatchy urged his readers to read the act as printed. "It puts all citizens on an equality before the law! This and no more. Is that tyranny!"¹⁴²

Sections 3 and 4 of the Force Act, which went into effect on May 31, were designed primarily to protect Fifteenth Amendment voting rights by imposing fines and

penalties on those who obstructed or hindered any person from voting. The United States Supreme Court struck down these sections in 1876.¹⁴³

I) LOS ANGELES AGAIN

On June 21 Los Angeles County Clerk Mott capitulated, registering Green and three others.¹⁴⁴ The Los Angeles *Daily News* noted that Mott was acting in compliance with the Force Act to register "free Americans of African descent," and the Democratic paper added, with a slight sneer:

Our dusky citizens who placed their names upon the register retired from the Clerk's office with smiles and grins of delight. Cuffee and Sambo are now voters; and as such are men of importance in the community. In this city the newly made enfranchised citizens will generally vote for the radical ticket; and we therefore congratulate our radical friends upon their new and important acquisition of strength in the city and county.¹⁴⁵

In addition to Green the first registrants were John Dean, George Van Buren, and Nelson Smiley.¹⁴⁶ Green was a 43-year-old barber and a native of North Carolina. Dean, 42, was also a barber, born in Nassau in the West Indies.¹⁴⁷ Dean's registration is accompanied by a notation in the *Great Register*: "per 15th Amendment to U.S. Constitution," a phrase found on nearly all black registrations in Los Angeles in 1870-71.¹⁴⁸ In the printed copy of the *Great Register, 1876*, Dean is listed as naturalized in Massachusetts.¹⁴⁹ As noted later in the chapter on elections, federal law limited naturalization to whites only, raising questions about the conditions under which Dean was naturalized.

The 1876 volume of the *Great Register* did not list either Smiley, in 1870 a 23-year-old cook from South Carolina, or Van Buren, 46, a waiter from New York, as currently registered. A notation for Van Buren says "removed" while Smiley's registration was canceled in 1874.¹⁵⁰ Van Buren and Green were listed in late 1870 as Los Angeles agents for San Francisco's other black newspaper, the *Pacific Appeal*.¹⁵¹

The most prominent figure among Los Angeles County's black registrants in 1870 was Charles Owens, son-in-law of Biddy Mason, the matriarch of the city's black community, and son of the late Robert Owens. Charles Owens registered on July 5, listing his state of birth as Arkansas, his age as 38, and his occupation as farmer, as did four other registrants.¹⁵² Other occupations listed by black Los Angeles registrants were: cook (6), laborer (3), teamster (2), barber (2), carpenter (1), waiter (1) and blacksmith (1).¹⁵³

In the handwritten register maintained from 1866-72, nearly all black registrants have the letter "C" written in front of their registration number. Nearly all include the handwritten reference "per Fifteenth Amendment" in the column where the registrar recorded notes such as naturalization for foreign-born voters.¹⁵⁴

In late June the Los Angeles *Weekly Republican* reported, with a sarcastic reference to the effort by some Democrats such as Kewen to woo black voters:

About a dozen Colored fellow citizens have registered themselves as voters in Los Angeles. We suppose that this number is not sufficient to entitle them to a delegate in the next county Democratic Convention.¹⁵⁵

Actually by that date the register held only 10 black names. The number of black voters grew slowly over the next two years. Twenty-one enrolled in 1870 and by the end of 1872 that increased to only 27, although the *Elevator* estimated that there were seventy black voters in Los Angeles in September, 1871.¹⁵⁶ As late as 1876 Warner, Hayes and Lindley, in their history of Los Angeles, estimated the total black population of the city that year at 175, with black voters numbering 75.¹⁵⁷

Overestimation also occurred regarding the potential number of black voters in other cities. In San Francisco, at the beginning of June, Republicans rejoiced over the prospect of "a thousand Negro voters" although the *Great Register* at that time only contained the names of 380 African Americans.¹⁵⁸ As late as 1880 black voters in San Francisco may have numbered no more than 450.¹⁵⁹

While the number of registrants gradually increased throughout the state during the next few months, an early prediction of as many as 3,700 African American names on the state's *Great Registers* far exceeded the actual number.¹⁶⁰ The *StocktonIndependent*, a Republican paper, rejected a New York *Tribune* estimate that California had only 681 black voters. In a painstaking extrapolation of statistics from the 1860 census, the Stockton editor concluded that the number was more likely 2,065, but then he dismissed his carefully deduced answer and ventured a guess that the number would be closer to 2,800.¹⁶¹ The *Reporter* first estimated the black vote statewide at 3,000, a "number which politicians cannot afford to overlook or despise." Four days later editor George raised that figure to "five or six thousand."¹⁶²

The actual number of black registrants in 1870 can only be approximated. Although California's major newspapers dutifully reported registrations from various counties as they came in by telegraph or were picked up from smaller papers and reprinted, they carried registration reports for only 28 of the 50 counties. Four of those 28 - Butte,

Fresno, Marin, and Sonoma - refused to register blacks even though other reluctant clerks gave in.

The total black population of the state in 1870 was 4,272, of whom 1,731 were adult, male, blacks age 21 or over. The 24 counties that are known to have allowed registration contained 3,524 blacks, slightly over four-fifths of the African Americans in the state.¹⁶³ In those 24 counties, the total registration reported in the press and the *Great Registers* was 838, approaching one-fourth of their African American population. If William Gillette's assumption that the potential black vote generally constituted one-fifth of that population is correct, the expected number of registrants in all 50 counties should have been 854.¹⁶⁴ But if blacks had registered in the remaining 26 counties in the same percentage as in the 24 counties where registration did take place, statewide black enrollment in 1870 would have numbered 1,016.

Based on statistics taken from the 1870 census, Eugene Berwanger estimated that California's "whites only" suffrage law had denied the vote to the 1,731 male blacks over the age of twenty. But that fails to consider that approximately 7.5% of all blacks in California in 1870 were foreign-born. Foreign-born black males of all ages numbered 322; native-born 2,514. The overwhelming percentage of foreign-born blacks were not yet naturalized citizens and therefore not entitled to vote under the amendment. Consequently, the number of African American voters eligible to register under the amendment in 1870 was no more than 1,600. Thus, the names of a remarkably high 63.5% (1,016) of California's potential black voters probably appeared on the state's *Great Registers* in the spring of 1870.¹⁶⁵

While motivation for the Fifteenth Amendment was primarily to ensure Republican electoral success in states where white voters divided almost evenly between the two major parties, the enfranchisement of blacks in California failed to accomplish that end in municipal elections held in the months following the registration of California's first black voters.¹⁶⁶

NOTES

[1] William Paterson, *History and Proceedings Attending the Presentation of a Medal to Thomas Peterson-Mundy* (Perth Amboy, N. J.: H. E. Pickersgill, 1884, reprinted 1935), pp. 2, 16, 18. Within a few days blacks cast votes in municipal elections in several other states. The California press reported the Perth Amboy election with the notation that it was the first use of the ballot by a black under the Fifteenth Amendment. See, for example, the *San Francisco Chronicle*, April 5, 1870, p. 2; hereafter cited as *Chronicle*.

[2] Sec. 2, Registry Act, *The Statutes of California, 1865-6* (Sacramento: State Printer, 1866), p. 289; *The Statutes of California, 1867-8* (Sacramento: State Printer, 1868), p. 647. Each county's *Great Register* included the voter's name, age, occupation, country or state of birth, and place of residence. Some included the date of registration; others did not. The register did not show political affiliation.

[3] *Sacramento State Capitol Reporter*, April 7, 1870, p. 3; hereafter cited as *Reporter*. *Santa Rosa Sonoma Democrat*, April 16, 1870, p. 4, hereafter cited as *Sonoma Democrat*.

[4] *Sonoma Democrat*, April 16, 1870, p. 4.

[5] *Ibid.*

[6] *Auburn Placer Herald*, April 9, 1870, p. 2; hereafter cited as *Placer Herald. Reporter*, April 9, 1870, p. 2.

[7] *Nevada City Daily National Gazette*, April 4, 1870, p. 2; hereafter cited as *National Gazette. Placer Herald*, April 9, 1870, p. 2; *Sonoma Democrat*, April 16, 1870, p. 4.

[8] *San Francisco Call*, April 5, 1870, p. 2; hereafter cited as *Call*. *Oroville Weekly Butte Record*, April 9, 1870, p. 3; *National Gazette*, April 11, 1870, p. 2; April 12, 1870, p. 2; *Marysville Daily Appeal*, April 15, 1870, p. 2; hereafter cited as *Appeal*. In the course of the debate an issue of "political correctness" arose over how to designate the people who were the object of the amendment. *Figaro*, a Bay area publication, surveyed the accounts of the San Francisco celebration and was "amused and edified" to find that:

the "Everlasting Nigger" has at length left the country, giving place to "our colored fellow citizens," and "our fellow citizens of African descent." In fact, most of the journalists, wishing to conciliate, rather overdid the business, inasmuch as many of them have been in the habit of spelling negro with two "g's," until quite recently. Quoted in *Reporter*, April 9, 1870, p. 2.

An African American orator in San Francisco, speaking at a meeting of a black political organization, noted that "[M]atters are now changed since the passage of the Fifteenth amendment, and we are no longer the 'everlasting nigger,' but are complacently described as 'our fellow citizens.'" *San Francisco Daily Alta California*, quoted in the *Reporter*, May 26, 1870, p. 2; hereafter cited as *Alta*. The *Alta's* orator was not identified, but very well may have been Rev. James E. M. Gilliard, who made the same point a month earlier during a lecture at the Episcopal church on Powell Street in San Francisco.

He began by giving his reasons for discarding the name "African," as applied to his race. He cited authorities to prove that the inhabitants of Africa were of a mixed character and belonged to no single race, and claimed that, being born here, he was as much an American as any other native of the country. *Chronicle*, April 26, 1870, p. 3.

[9] The *San Francisco Examiner* said that Hamilton "has advised every *Democratic Clerk*" not to register "colored men." Cited in *Nevada City Daily Transcript*, April 14, 1870, p. 2.; hereafter cited as *Transcript*. Only scattered issues of the *Examiner* exist for April and May, 1870. No records of the registration controversy remain in any state archive. The *Alta*, April 9, 1870, p. 2, argued that Hamilton was confused about the meaning of "appropriate legislation," claiming that such legislation was not needed to implement the amendment, only to punish its violators.

[10] *Stockton Independent*, April 13, 1870, p. 2.

[11] San Jose *Mercury*, April 2, 1870, p. 3; hereafter cited as *Mercury*. San Francisco *Bulletin*, April 4, 1870, p.1; hereafter cited as *Bulletin*. The Santa Clara County *Great Register* spelled the applicant's name Cassey.

[12] *Mercury*, April 6, 1870, p. 3.

[13] *Ibid.*; Stockton *Independent*, April 7, 1870, p. 2.

[14] San Jose *Patriot*, quoted in Sacramento *Daily Union*, April 8, 1870, p. 2; hereafter cited as *Union*.

[15] *Mercury*, April 6, 1870, p. 3; Sacramento *Bee*, April 8, 1870, p. 4; hereafter cited as *Bee*; *Chronicle*, April 8, 1870, p. 3; *Bulletin*, April 8, 1870, p. 1; San Luis Obispo *Tribune*, April 9, 1870, p. 3. While other papers reported that Wagner was a Democrat, the *Mercury*, April 7, 1870, p. 3, assured its readers that he was a Republican.

[16] *Call*, April 6, 1870, p. 2.

[17] Stockton *Independent*, April 7, 1870, p. 3. Munter was a naturalized citizen, of German birth. *Illustrated History of San Joaquin County* (Chicago: Lewis Publishing Company, 1890), pp. 386-89.

[18] Stockton *Independent*, April 7, 1870, p. 3.

[19] *Ibid.*, April 8, 1870, p. 3.

[20] *Bulletin*, April 7, 1870, p. 3.

[21] *Bee*, April 9, 1870, p. 2.

[22] *Bulletin*, April 11, 1870, p. 2.

[23] Stockton *Independent*, April 9, 1870, p. 3. William W. Lee was first on the *Great Register* in Stockton. San Francisco *Elevator*, April 15, 1870, p. 2; hereafter cited as *Elevator*. Despite the registration of blacks by County Clerk Munter, in an official proclamation he issued in August for a forthcoming county election Munter printed the constitutional provisions defining qualification of voters, including the racial requirement of "white." Receipt and clipping from *San Joaquin Republican*, Sept. 6, 1870, in San Joaquin County Historical Museum.

[24] *Appeal*, April 9, 1870, p. 3. The *Appeal* reported that Stockton's black registrants numbered 43.

[25] *Chronicle*, April 22, 1870, p. 1.

[26] *Union*, April 8, 1870, p. 2.

[27] *Reporter*, April 7, 1870, p. 3. The *Alta*, April 9, 1870, p. 2, saw the closing line as a formal declaration of war against the United States.

[28] Hubert H. Bancroft, *History of California* (7 vols., San Francisco: The History Co., 1886-90), VI: pp. 675, 682, 692; VII: pp. 5, 328, 367. Later in the decade Brown, a Democrat who came to California from Kentucky in 1850, served as a deputy to then State Controller Mandeville, and upon the latter's death in 1876 Governor William Irwin appointed Brown to the controller's post. At the time Brown suffered a fatal stroke in 1882, at age fifty, he was considered the leading candidate for that year's Democratic gubernatorial nomination. *Union*, April 13, 1882, p. 2.

[29] *Reporter*, April 8, 1870, p. 2. Legislation passed during the current session authorized Haight to name an official state newspaper. He chose the *State Capitol Reporter*. *Reporter*, April 16, 1870, p. 2.

[30] *Bulletin*, April 8, 1870, p. 2. The *National Gazette*, April 8, 1870, p. 2, conceded that while Mandeville was theoretically correct, forcible resistance was impossible.

[31] *Bulletin*, April 11, 1870, p. 2. Hall was usually referred to as "Long Primer" Hall, a nickname bestowed on him by fellow journalists. After Abraham Lincoln's assassination, Hall was arrested for "exulting" and was held briefly at Alcatraz. Phil Reader, "Copperheads, Secesh Men, and Confederate Guerrillas," at www.santacruzpl.org/history.

[32] *Bee*, April 11, 1870, p. 2.

[33] *Chronicle*, April 13, 1870, p. 2.

[34] *Bulletin*, April 11, 1870, p. 2.

[35] *Reporter*, April 12, 1870, p. 2.

[36] *Ibid.*

[37] *Ibid.*

[38] *Ibid.*, April 13, 1870, p. 2.

[39] *Ibid.*

[40] *Ibid.*; *The Statutes of California, 1865-6*, p. 289; *The Statutes of California, 1867-8*, p. 647.

[41] *White Pine News*, as quoted in the *Union*, April 27, 1870, p. 2.

[42] *Bee*, April 9, 1870, p. 2; *Appeal*, April 10, 1870, p. 2; *Union*, April 11, 1870, p. 2; *Stockton Independent*, April 11, 1870, p. 3. No official copy of the "Mandeville Manifesto" exists. Mandeville's papers at the Huntington Library make no reference to it or to his opposition to black registration nor do the Sacramento County archives contain any correspondence related to the 1870 registration controversy.

[43] *Chronicle*, April 14, 1870, p. 2. See also *Chronicle*, April 8, 1870, p. 3; April 10, 1870, p. 4.

[44] *Bulletin*, April 12, 1870, p. 3; May 2, 1870, p. 3; *Chronicle*, May 3, 1870, p. 1. Sacramento papers, particularly the *Reporter*, frequently printed names of the registrants. *Reporter*, April 14, 1870, p. 3; April 16, 1870, p. 3; April 18, 1870, p. 3; *Union*, April 26, 1870, p. 3. The estimate of 553 voters was far in excess of the actual number since the black population of the county in 1870 was only 475. *A Compendium of the Ninth Census, 1870* (Washington, D. C.: Government Printing Office, 1872), Table VIII, p. 29.

[45] *Bee*, June 28, 1870, p. 3.

[46] *Transcript*, April 9, 1870, p. 3. The *Transcript* printed all of the names.

[47] *Ibid.*, April 10, 1870, p. 3; *Bee*, April 12, 1870, p. 2. Nevada City was a Republican stronghold while neighboring Grass Valley was Democratic. *National Gazette*, April 4, 1870, p. 2; April 25, 1870, p. 3.

[48] *Reporter*, April 12, 1870, p. 2. Before sending his lengthy reply, Hamilton first responded to Rogers with a very short message, omitting any justification for non-registration of blacks. That initial reply is lost.

[49] See, for example, *Oakland Transcript*, as cited in *Appeal*, April 15, 1870, p. 2; *Petaluma Journal and Argus*, April 16, 1870, p. 2, hereafter cited as *Journal*.

[50] *Reporter*, April 12, 1870, p. 2. Several papers reprinted the full text of Hamilton's response, but neither state nor county archives contain a copy of the original. Attorney General Hamilton's biennial report ignored the entire question of black suffrage. *Report of the Attorney-General for the Years 1870 and 1871*. The attorney general's correspondence book in the state archives starts in 1872.

[51] *Reporter*, April 12, 1870, p. 2.

[52] *Ibid.*

[53] *Ibid.*

[54] *Ibid.*

[55] *Ibid.*

[56] *Ibid.* The Hamilton letter was also reprinted in the *Sonoma Democrat*, April 16, 1870, p. 4.

[57] *Reporter*, April 9, 1870, p. 2.

[58] *Ibid.*, April 16, 1870, p. 2.

[59] *Sonoma Union Democrat*, April 16, 1870, p. 2; hereafter cited as *Union Democrat*.

[60] *Sonoma Democrat*, April 9, 1870, p. 4. Ferral, clerk of the assembly in addition to his editorial post, had signed a letter urging Barclay "Brad-awl" Henley to publish his January 18 speech in the assembly denouncing blacks as inferior and too incompetent to participate in self-government. *Speech of Hon. Barclay Henley of Sonoma on the "Fifteenth Amendment"* (Sacramento: State Capitol Reporter Print., 1870).

[61] *Sonoma Democrat*, April 16, 1870, p. 4. A similar editorial, "Based on Falsehood," appeared earlier in the *Placer Herald*: "When a man or set of men engage in crime, it is to be expected that they will resort to falsehood or even perjury to cover up or justify their criminal acts. To this low divide the President of the United States has descended, if he ever was above it." The editorial then branded the ratification as false, made "like a traveller donates or makes a present of his money to the robber when a cocked pistol is held to his head." *Placer Herald*, April 9, 1870, p. 2.

[62] *Placer Herald*, April 16, 1870, p. 2.

[63] J. Ross Browne, *Report of the Debates in the Convention of California on the Formation of the State Constitution* (Washington, D. C.: J. T. Towers, 1850), p. 63; David Alan Johnson, *Founding the Far West* (Berkeley: University of California Press, 1992), p. 126.

[64] <http://www.politicalgraveyard.com>

[65] *Reporter*, April 29, 1870, p. 2.

[66] *Ibid.*

[67] *Chronicle*, April 10, 1870, p. 4; *Placer Herald*, April 30, 1870, p. 2.

[68] *Examiner*, quoted in *Transcript*, April 14, 1870, p. 2. Washington's first name was rarely printed; he was usually referred to as B. F. Washington. Despite his assertion, black suffrage did not exist in three-fourths of the states prior to ratification of the amendment.

[69] *Placer Herald*, April 30, 1870, p. 2.

[70] *Bulletin*, April 14, 1870, p. 2.

[71] *Bee*, April 12, 1870, p. 2.

[72] *Chronicle*, April 8, 1870, p. 2; April 9, 1870, p. 2; April 12, 1870, p. 2; April 17, 1870, p. 2.

[73] *Transcript*, April 3, 1870, p. 2. Democratic editors repeatedly reminded readers that as soon as Radical Republicans pushed through Congress an amendment to the naturalization law omitting the word "white," thousands of Chinese would apply for citizenship and the ballot. *National Gazette*, April 15, 1870, p. 2; May 3, 1870, p. 3; *Sonoma Democrat*, May 7, 1870, p. 4. Since editor George Crosette of the Oroville *Weekly Butte Record* frequently wrote with tongue-in-cheek, his report that a Chinese miner attempted unsuccessfully to register at the Butte County clerk's office, using a foreign miner's tax receipt as justification, may be doubted. *Weekly Butte Record*, July 2, 1870, p. 3.

[74] *Transcript*, April 9, 1870 p. 2.

[75] *Bee*, April 14, 1870, p. 2; *Reporter*, April 16, 1870, p. 2; *Appeal*, April 16, 1870, p. 3.

[76] *Transcript*, April 9, 1870, p. 2. Sec. 10 of the Registry Act provided for legal action by mandamus against a clerk or assessor for denying registration to any person so entitled. *Statutes of California, 1867-8*, p. 650.

[77] *Transcript*, April 10, 1870, p. 2.

[78] *Ibid.*, April 12, 1870, p. 2.

[79] *Ibid.*, April 13, 1870, p. 3; April 14, 1870, p. 3; *National Gazette*, April 12, 1870, p. 3; Grass Valley *Daily Union*, April 13, 1870, p. 3. Surprisingly, Grass Valley resident James H. Hubbard, minister, intellectual leader, and principal orator at several ratification celebrations in Northern California, is not among the 54 African Americans listed in the *Great Register of Nevada County, 1871*.

[80] *National Gazette*, April 8, 1870, p. 3; April 12, 1870, p. 3; Stockton *Independent*, April 14, 1870, p. 3. Numerous municipal elections took place in California on May 2. Even before blacks had registered in Nevada County, speculation focused on the possibility that Jacob Sanders, a leader of the Grass Valley African American community, might run for town trustee. Grass Valley *Daily Union*, April 8, 1870, p. 3.

[81] *Transcript*, April 15, 1870, p. 2.

[82] *Ibid.*, April 16, 1870, p. 3.

[83] *Bulletin*, April 15, 1870, p. 2; April 30, 1870, p. 5; Grass Valley *Daily Union*, May 1, 1870, p. 3. The *Great Register of Nevada County, 1871* confirms the *Daily Union's* report of 15 African Americans voters in Grass Valley.

[84] The city and county of San Francisco have a consolidated government.

[85] *Bulletin*, April 8, 1870, p. 3; *Chronicle*, April 9, 1870, p. 3; *Alta*, April 11, 1870, p. 2.

[86] *Chronicle*, May 1, 1870, p. 3; *Bulletin*, April 30, 1870, p. 5.

[87] *Bulletin*, April 9, 1870, p. 5; *Appeal*, April 10, 1870, p. 3.

[88] *Chronicle*, April 9, 1870, p. 2.

[89] *Elevator*, April 15, 1870, p. 2. Also registering early was the noted lecturer and newspaperman Peter Anderson. Perhaps because he was a powerful political rival of *Elevator* editor Philip Bell, the *Elevator* failed to mention his name. *Bulletin*, April 14, 1870, p. 2; *Alta*, April 15, 1870, p. 1.

[90] *Elevator*, April 15, 1870, p. 2.

[91] *Bulletin*, April 14, 1870, p. 2.

[92] *Appeal*, April 15, 1870, p. 3.

[93] *Bulletin*, April 16, 1870, p. 5; April 18, 1870, p. 3.

[94] *Ibid.*, April 18, 1870, p. 3; *Appeal*, April 10, 1870, p. 2.

[95] *Chronicle*, April 12, 1870, p. 1; *Union*, April 13, 1870, p. 2; *Elevator*, April 15, 1870, p. 2. The *Union* gave his last name as Spencer. The *Great Register of Napa County, 1872*, recorded Sparrow's registration date as April 14.

[96] *Bulletin*, April 19, 1870, p. 3.

[97] *Union Democrat*, April 16, 1870, p. 2.

[98] *Chronicle*, April 21, 1870, p. 2.

[99] *Bee*, April 15, 1870, p. 2; *Shasta Courier*, April 23, 1870, p. 2.

[100] *Reporter*, April 14, 1870, p. 2; *Union*, April 14, 1870, p. 2; *National Gazette*, April 16, 1870, p. 2.

[101] Quoted in *Stockton Independent*, April 26, 1870, p. 2.

[102] James Abajian and John H. Dorsey, "Day of Celebration," in *California History Series*, Monograph No. 1 (September, 1965), p. 2; *Santa Cruz Sentinel*, April 9, 1870, p. 3; April 16, 1870, p. 2; *Chronicle*, April 16, 1870, p. 3; *Appeal*, April 16, 1870, p. 3.

[103] *Bulletin*, April 19, 1870, p. 3. The *Alta*, April 30, 1870, p. 1; *Yreka Union*, May 6, 1870, p. 1, and other papers published a report that the Santa Cruz County clerk would register women under the amendment.

[104] *Appeal*, April 17, 1870, p. 3.

[105] *Sonoma Democrat*, July 9, 1870, p. 8. Registration in Yuba County was marked by the demand of a "radical" or "ultra" Democrat that his name be removed from the *Great Register* in protest to the registration of blacks. *Appeal*, April 10, 1870, p. 3. The *Journal*, April 16, 1870, p. 2, said he feared amalgamation; the *Chronicle*, April 13, 1870, p. 1, said it was miscegenation. These terms occurred frequently in the Democratic press, along with the word "mongrelization."

[106] *Bulletin*, April 18, 1870, p. 1.

[107] *Ibid.*, April 25, 1870, p. 1.

[108] *Red Bluff Independent*, April 21, 1870, p. 3. A registration of thirty would have been high in a county with only 102 African Americans. *Ninth Census - Vol. I, The Statistics of the Population of the United States* (Washington, D. C.: Government Printing Office, 1872), Table III, p. 93.

[109] *Bulletin*, May 3, 1870, p. 1; *Oroville Weekly Butte Record*, May 7, 1870, p. 3.

[110] *The Reporter*, June 10, 1870, p. 3, gave their names as John Madison Cole and William Wemples.

[111] *Chronicle*, May 31, 1870, p. 2. The *San Mateo Great Register, 1871*, listed Walter Lewis, a barber from Kentucky, who registered on April 13, 1870, the sole registrant in that county in 1870.

[112] *Stockton Independent*, April 12, 1870, p. 4. The *Great Register of Alpine County, 1873*, did not indicate the race of registrants.

[113] The *Bulletin*, April 18, 1870, p. 1. carried the terse notice that "No colored men have applied for registration in Marin County."

[114] *Sonoma Democrat*, April 23, 1870, p. 4.

[115] *Oroville Weekly Butte Record*, April 9, 1870, p. 3; *Appeal*, April 10, 1870, p. 2; April 14, 1870, p. 2; *Elevator*, April 22, 1870, p. 1. Jenkins was not listed among the handful of Butte County registrants in 1870. See the *Great Register of Butte County, 1872*. James A. Fisher, "A Social History of Negroes in California, 1860-1900," (M. A. Thesis, Sacramento State College, 1966), p. 100, included Fresno among the counties that initially denied black

registration. Except in counties such as San Francisco where a significant number of blacks registered in 1870, very few registrations occurred that year, primarily because California held no state or national elections during 1870.

[116] *Sonoma Democrat*, April 16, 1870, p. 4; April 23, 1870, p. 4.

[117] *Ibid.*, April 23, 1870, p. 5.

[118] *Ibid.* The voting in Petaluma is discussed in the next chapter. The *Bulletin*, April 18, 1870, p. 1, listed Richard Jackson as the first voter registered in Petaluma.

[119] *Compendium of the Eleventh Census of the United States: 1890: Part I - Population* (Washington, D. C.: Government Printing Office, 1892), p. 477. None of the large number of papers consulted for this study reported registration in the southern part of the San Joaquin Valley, the central coast or the far reaches of northwestern and northeastern California.

[120] *Bulletin*, April 18, 1870, p. 3; April 21, 1870, p. 3; *Los Angeles Weekly Republican*, April 28, 1870, p. 3. In newspaper reports Green's first name was variously printed as "Luis" and "Lewis." *Los Angeles Daily News*, April 30, 1870, p. 3, for Lewis. Hereafter cited as *Daily News*. The *San Francisco Pacific Appeal*, Nov. 27, 1870, p. 2, in listing him as one of its agents in Los Angeles, gave his name as "Lewis G. Green." Unfortunately, none of the Los Angeles papers noted the date of Green's attempted registration.

[121] Bancroft, *History of California*, VII, p. 634. For a quarter century Mott advised the Big Four, owners of the Central Pacific and Southern Pacific railroads, on political matters relating to Southern California. Harris Newmark, *Sixty Years in Southern California, 1853-1913* (Los Angeles: Dawson's Book Shop, 4th ed., 1984), pp. 323-24.

[122] *Daily News*, April 30, 1870, p. 3.

[123] *Ibid.*

[124] Widney would later be a co-founder of the University of Southern California and would own the first streetcar line in Los Angeles. In 1871, largely as a result of his effort to quell the Chinese massacre in Los Angeles that year, he was appointed judge of the Seventeenth District Court. Andrew Glassell was the first president of the Los Angeles Bar Association. Alfred Chapman had been in Los Angeles since the mid-1850s and served as city attorney and district attorney. George H. Smith was a graduate of Virginia Military Institute, served during the Civil War in the Confederate Army, practiced law in Virginia and arrived in Los Angeles in 1869. W. W. Robinson, *Lawyers of Los Angeles* (Los Angeles: Los Angeles Bar Association, 1959), pp. 46-47, 52; Newmark, *Sixty Years*, pp. 46, 350-351.

[125] *Daily News*, April 30, 1870, p. 3; *Statutes of California, 1867-68*, pp. 647, 654.

[126] *Chronicle*, April 30, 1870, p. 2; *Bulletin*, April 29, 1870, p. 3; Robinson, *Lawyers of Los Angeles*, p. 50; Newmark, *Sixty Years*, p. 181.

[127] Los Angeles *Weekly Star*, April 30, 1870, p. 2. While no official record of the decision exists, it was printed, apparently in full, in the *Weekly Star*, May 7, 1870, p. 2.

[128] *Ibid.*, May 7, 1870, p. 2; *Minutes of County Court, County of Los Angeles*, #6, Vol. 6, April 28, 1870, in Huntington Library.

[129] *Bulletin*, May 2, 1870, p. 3; *Chronicle*, May 3, 1870, p. 1.

[130] If Green's case ever reached a higher court, records regarding it do not exist.

[131] *Bulletin*, April 23, 1870, p. 3; William Gillette, "Anatomy of a Failure: Enforcement of the Right to Vote in the Border States during Reconstruction," in Richard O. Curry, ed., *Radicalism, Racism, and Party Realignment: The Border States During Reconstruction* (Baltimore: The Johns Hopkins University Press, 1969), pp. 280-84; Robert Mittrick, "A History of Negro Voting in Pennsylvania During the Nineteenth Century" (Ph. D. diss., Rutgers University, 1985), p. 87.

[132] Los Angeles *Weekly Republican*, June 9, 1870, p. 2.

[133] Los Angeles *Daily Star*, June 18, 1870, p. 1. The *Star* resumed daily publication on June 1.

[134] *Sonoma Democrat*, April 2, 1870, p. 4. The *Alta*, April 29, 1870, p. 2, had predicted when the Los Angeles case was in court that Congress would force that county to obey the amendment.

[135] *Sonoma Democrat*, April 2, 1870, p. 4.

[136] *Appeal*, May 18, 1870, p. 2.

[137] *Placer Herald*, April 30, 1870, p. 2.

[138] *Reporter*, May 25, 1870, p. 2.

[139] *Journal*, May 28, 1870, p. 2.

[140] *Bee*, June 1, 1870, p. 2.

[141] *Ibid.*, June 3, 1870, p. 2.

[142] Quoted in the *Bee*, June 6, 1870, p. 1.

[143] Alfred H. Kelly and Winfred A. Harbison, *The American Constitution: Its Origins and Development* (New York: W. W. Norton, 3d ed., 1963), p. 492; Edward McPherson, *The Political History of the United States of America During the Period of Reconstruction, 1865-70* (New York: Da Capo Press, 1972 ed.), p. 546. In *U. S. v. Reese* (1876) the court noted that the Fifteenth Amendment did not positively confer the right to vote on anyone. It declared Secs. 3 and 4 of the Force Act to be unconstitutional since the amendment empowered Congress to legislate only against discrimination based on race, color or previous condition of servitude.

[144] *Daily News*, June 24, 1870, p. 4.

[145] *Ibid.*, p. 3.

[146] *Ibid.*, p. 4.

[147] Douglas Daniels remarks that a white disdain for barbering left that trade open to black youth in the nineteenth century, noting that several young San Francisco African American barbers later became prominent in other fields. Douglas Daniels, *Pioneer Urbanites: A Social and Cultural History of Black San Francisco* (Berkeley: University of California Press, 1990), p. 57.

[148] *Great Register of Los Angeles County, 1866-72*.

[149] *Ibid.* Sen. Charles Sumner moved to amend the naturalization law in early April, 1870, when a Philadelphia court rejected a foreign-born black's application because the law restricted naturalization to whites. *National Gazette*, April 15, 1870, p. 2.

[150] *Great Register of Los Angeles County, 1876*.

[151] *Pacific Appeal*, Nov. 27, 1870, p. 2.

[152] *Great Register of Los Angeles County, 1866-72*.

[153] *Ibid.* One occupation was illegible.

[154] *Ibid.* It is unclear whether the "C" was written at the time of registration or by a researcher at a later date. In some counties, clerks recorded black registration with (colored) in parentheses after the name of the registrant. See, for example, the *Great Register of Amador County, 1871*. In most counties, however, no indication of the registrant's race was indicated, making it virtually impossible to locate African American voters. Only seven counties - Amador, Los Angeles, Mariposa, Napa, Nevada, San Bernardino, and Stanislaus - indicated race, either by the word "colored" or by reference to the Fifteenth Amendment. The first San Bernardino black registered in 1871, however. Nevada County's printed register listed (colored) after a black registrant's name, but the handwritten register made no reference to race. Apparently the printed register was compiled from the individual voter registration forms filed by each applicant. Those forms no longer exist.

[155] *Weekly Republican*, June 30, 1870, p. 3.

[156] The *Alta*, June 25, 1870, p. 1, erroneously reported that about fifty blacks had registered by that date. See *Chronicle*, Sept. 3, 1871, p. 1, for the *Elevator's* 1871 estimate.

[157] Delilah Beasley, *The Negro Trail Blazers of California* (Los Angeles: Times Mirror Press, 1919), p. 110, citing J. J. Warner, Benjamin Hayes and J. P. Widney, *A Historical Sketch of Los Angeles County, California* (Los Angeles: Louis Lewin & Co., 1876).

[158] *Reporter*, June 1, 1870, p. 2.

[159] Frances N. Lortie, *San Francisco's Black Community, 1870-90* (San Francisco: San Francisco State College, 1970), p. 53.

[160] *Bulletin*, April 5, 1870, p. 2, reported that estimates of total statewide registration ranged from 2,500 to 3,700, with the lowest figure "probably nearest the mark," while registration in San Francisco alone would be "not far from 1,000." The *Chronicle* estimated the number of San Francisco voters as "perhaps one thousand," with 2,000-3,000 in the state, "all of whom are likely to vote the Republican ticket." *Chronicle*, April 6, 1870, p. 3.

[161] *Stockton Independent*, April 9, 1870, p. 2.

[162] *Reporter*, April 9, 1870, p. 2; April 13, 1870, p. 2.

[163] *Compendium of the Eleventh Census*, p. 477. The earliest reference to registration of blacks in Butte County appeared in the *Oroville Weekly Butte Record*, June 25, 1870, p. 3. Despite Attorney General Hamilton's pledge to Nevada County Clerk Rogers that he would do all in his power to enforce the amendment in this state when it was finally accepted, Fresno still refused to register blacks as late as January, 1871. *Union*, Jan. 17, 1871, p. 2.

[164] William Gillette, *The Right to Vote* (Baltimore: The Johns Hopkins Press, 1965), pp. 83, 105. As the modern authority on adoption and enforcement of the Fifteenth Amendment, Gillette's estimate is deserving of serious consideration. However, in "Anatomy of a Failure," Gillette estimated the black vote at roughly ten per cent of the black population. Curry, ed., *Radicalism, Racism, and Party Realignment*, p. 296. Amador, one of the counties that listed the registrant's race, enrolled only 13 blacks in 1870, one-sixth of the county's 72 African Americans reported in that year's federal census. Los Angeles also registered only one-sixth of the total black population. Nevada County's *Great Register*, however, contained one-third of its black population.

[165] Eugene Berwanger, *The West and Reconstruction* (Urbana, Ill.: University of Illinois Press, 1981), p. 158; *Ninth Census - Volume I: Statistics of the Population*, pp. 14-16, 608-09, 619, 623-24. The 1870 census placed the number of male Indians in California over the age of 20 at 1,812. The same census recorded 36,899 Asians, overwhelmingly Chinese, in that category. Of the 227,256 males of voting age only 145,802 were citizens. Gillette, without citing a source, placed California's black vote in 1871 at 1,400. Gillette, *Right to Vote*, p. 83.

[166] Gillette, *Right To Vote*, particularly chapter II, argues strongly that the primary purpose of the amendment was to enfranchise blacks in the North. Daniels, *Pioneer Urbanites*, p. 51, claims that even in the 1880s California's few thousand black voters carried little weight and that the several hundred in San Francisco mattered even less.

III

AT LAST, THE BALLOT

History does not record the preference of Thomas Petersen-Mundy's vote in Perth Amboy, New Jersey, on March 31, 1870.¹ Whether he voted for, or against, the municipal charter revision is irrelevant, but the ballot he dropped in the box that day marked the beginning of a new era in American politics. Black suffrage had not become a national issue, provoking a partisan crisis, over the right of African Americans to vote on city ordinances. Rather, Democrats and Republicans alike weighed the possible effect of the black vote for party candidates at all levels, from township offices to the state legislature, Congress and the presidency.

As Radical Republicans took complete control of Reconstruction in 1867, many Democrats feared that African American enfranchisement would create a solid block of black Republican votes, perpetuating Radical rule from the state house to the White House. These Democrats conceded that the black vote would be overwhelmingly, perhaps unanimously, Republican in virtually every election. They intended to thwart black suffrage one way or another.²

While Congress forced black suffrage on the ex-Confederate states in 1867, most of the states that had remained loyal to the Union still denied voting rights to African Americans and seemed unlikely to enfranchise them in the near future. The Republicans declared in their 1868 presidential platform that the question of black voting rights in the loyal states remained a matter for local determination:

Second - The guaranty by Congress of equality of suffrage to all loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained; while the question of suffrage in all the loyal States properly belongs to the people of those States.³

Democrats believed that many Republicans opposed black enfranchisement in the North and that the effort to ratify the Fifteenth Amendment threatened to divide the Republican party, a view shared by many Republicans with apprehension.⁴ Left to the will of individual states, a bipartisan bloc would reject elimination of the "whites only" voting restriction in state constitutions or laws.

The size of the Democratic vote in a tier of states from Rhode Island to Indiana, all of which either prohibited or greatly restricted black suffrage, challenged the Republican

party's ability to control state and national government.⁵ With the Union preserved, swing votes that had been Republican in the midst of a national military/constitutional crisis might turn Democratic over post-war economic matters.⁶ Furthermore, reunification of pro and anti-secession Democrats weakened Republican chances to carry border states such as Missouri.⁷

An anticipated 800,000 black ballots in 1872 enhanced the likelihood of continued Republican control of state governments and of state electoral votes in future Presidential elections.⁸ Without access to 1870 census figures, editor Frank W. Gross of the once Radical Republican but now more mainstream *Marysville Appeal* calculated that 700,000 of those black voters were in the South, including the border states, and the rest largely in Pennsylvania, New York, Massachusetts and Ohio. While the black vote failed to influence the recent New York election, Gross predicted a different result in Pennsylvania and Ohio.⁹

About 450,000 blacks voted in ex-Confederate states in the 1868 presidential election, although Congress refused to allow Mississippi, Texas and Virginia, with perhaps 200,000 additional black voters, to participate in that election. The border states contained another potential 110,000 votes, with perhaps 70,000 in the remaining states.¹⁰ The contemporary press estimated between 130,000 and 170,000 African Americans would be eligible to vote in 1872 in previously all-white elections outside the ex-Confederate South.¹¹ An addition of a few thousand votes in Indiana and New York meant the difference between Republican victory and defeat. Indiana Republicans elected a governor in 1868 by a margin of 961 votes, but the potential black vote in that state stood between 6,000 and 8,000.¹² In Connecticut, the 1870 state gubernatorial contest went to the Democratic candidate, whose victory by 1,764 votes in the April election resulted in part from a delay in ratification of the Fifteenth Amendment that deprived Republicans of approximately 2,000 black votes. In the 1871 election, with blacks enfranchised, the Republican candidate won by 103 votes.¹³

Since those states still prohibiting black suffrage were for the most part unwilling to change their election laws to enfranchise blacks, that end could only be achieved through an amendment to the national constitution. An amendment served the dual purpose of allowing Republicans in California, for example, to appease local voters by not advocating black suffrage, while ratification of the amendment by three-fourths of the states would enhance California's Republican vote by ending the "whites only" voter registration requirement. After Grant's 1868 election, which saw Democratic gains in the incoming Congress, Republicans seized the opportunity to force black suffrage on reluctant Northern states by ramming through a constitutional amendment in the closing days of the 40th Congress.¹⁴

Enacted rapidly in early 1869, the proposed Fifteenth Amendment quickly became a state issue as legislatures debated ratification. Unable to prevent ratification, Democratic strategy outside the ex-Confederate South turned to an effort to hinder implementation of the new amendment.¹⁵ In most cases that took the form of impeding black registration. In Delaware, for example, a loyal border state in which taxation was a prerequisite to registration, the Democratic tax collector in New Castle county stalled black registration by absenting himself from his office, refusing to take tax payments on the street, and failing to provide tax bills to black taxpayers.¹⁶ Subsequently, the legislature changed registration laws to make it more difficult for blacks who did not own property to register.¹⁷ Democratic registrars deliberately avoided would-be black registrants, intentionally misspelled names, recorded wrong addresses, and engaged in other practices to foil registration.¹⁸ Elsewhere registrars simply argued, as did some anti-amendment Californians, that black suffrage, outlawed by state legislation or constitutions, must await official notice from authorities of the amendment's ratification.¹⁹

In states where blacks registered without great opposition, as in New Jersey, some Democrats encouraged harassment on election day. The *Newark Journal* incited whites to intimidate black voters by challenging them at the polls and recording their names and addresses. The *Journal* charged that a large proportion of black voters were not entitled, "by reason of criminal offenses, to the suffrage they would otherwise have enjoyed."²⁰

In Pennsylvania some registrars required prospective black voters to have two white citizens vouch for them.²¹ On election day, 1870, a detachment of Marines acted to prevent violence in Philadelphia when white agitators attempted to obstruct black balloting.²² The following year Democratic toughs joined with police to prevent blacks from voting in parts of that city. Three blacks, including African American leader Octavius Catto, died in the ensuing riot.²³

Out west, Democratic opposition to black registration and suffrage matched the eastern states for inflammatory rhetoric but stopped far short of physical violence. In Oregon, which stood with California in its refusal to ratify the Fifteenth Amendment, "the fear of black suffrage apparently was more prevalent ... than in other western states."²⁴ Yet that state's 346 African Americans, including only 143 adult males in 1870, presented little threat to the balance of power there.²⁵ The total African American population of the state was less than one-tenth of the black population of California.²⁶ But opposition to black suffrage remained strong in Oregon, even though blacks casting ballots in 1870 in their first statewide election did so without encountering violence.²⁷

Some voices within the California Democratic party, as evidenced by the actions and statements of Attorney General Jo Hamilton and the more unreconstructed segments of the state's Democratic press, agreed with those eastern efforts to thwart black registration and voting. Long after nearly all recalcitrant county clerks gave in and registered blacks, while Thomas Mott of Los Angeles and William Morris of Sonoma stood as a distinct minority by continuing to refuse such registration, editor Joseph Walkup of the Democratic *Placer Herald* steadfastly maintained an intransigent opposition to black suffrage. Walkup, a former California lieutenant governor (1858-1860), insisted that black registration could only take place after passage of Hamilton's "appropriate legislation:"

Congress may and probably will pass a law to carry into effect the so called Fifteenth Amendment, but it has not, as yet, done so, and until it does pass such an act every county Clerk and Assessor in the State who registers a colored person does so in violation of his oath and the Constitution and laws of the State.²⁸

A second faction of California Democratic politicians and editors argued that enfranchisement of African Americans, whether by state action or by the Fifteenth Amendment, would prove beneficial to their party by driving conservative Republicans into Democratic ranks. They foresaw that for every black who cast a Republican ballot more than one white Republican would desert his party and either not vote at all or would vote Democratic.²⁹

During the Reconstruction process some of these Democrats declared their party a "white man's party," guaranteeing a "white man's government." Editor Robert Ferral rejoiced as Democratic victories outside California mounted in the spring, 1870, elections. "Everywhere the white man's party is marching on to victory."³⁰ The "white man's party" phrase became a staple in the political rhetoric of Delaware's Democratic Senator Willard Saulsbury, and he advised Democrats to use that slogan to draw disaffected Republicans into the Democratic camp. Democrats, he said, could not get the "nigger" vote anyway so they should appeal to those Republicans who were unhappy with their party's attachment to the black man.³¹

Contending that "every ballot voted by a negro in those States [including California] whose Constitutions forbid negro suffrage is a fraud," Editor B. F. Washington of the San Francisco *Examiner* predicted that even with black votes the California Republican party faced defeat.

Mongrelism will not save them from the overthrow which is pending. They cannot get up another agitation on the negro question. Democrats will not pick up the glove thrown down to them in their Chinese or negro act. They may take their negro and vote and hug him to their bosoms. We can whip them, negro and all, just as we did in New York, and Connecticut and Oregon.³²

A third group of Democrats, represented in California by Col. Edward Kewen of Los Angeles, urged their party to make a concerted effort to win the black vote despite the prevalent Democratic view that "the party of Lincoln" firmly held it. These Democrats especially sought the black man's vote when it appeared that blacks held the balance of power in a particular election.³³ Convinced that Republicans would soon alienate blacks by their failure to live up to African American expectations regarding party positions, patronage or even nomination for office, Democrats who agreed with Kewen made overtures intended to win black support in future campaigns.³⁴

The idea that blacks now held a balance of power in a nation with two parties of almost equal voting strength concerned politicians everywhere. In perhaps the clearest example of such an equilibrium the Republican Stockton *Independent* reported the outcome of an election in Holland, Michigan, otherwise of no interest to Californians. That contest went to the Republicans by a single vote, with African Americans casting two ballots.³⁵ Philadelphia's blacks, claiming to hold the balance of political power there, reportedly demanded that some places on the ballot be given to them.³⁶ Blacks in Nevada, estimating their strength at 250 voters, also claimed an entitlement to nominations on the Republican ticket.³⁷

While "balance of power" was more critical in that tier of northeastern and midwestern states, even in California it clearly perplexed editors and politicians in both parties. Democratic editor Charles Randall of the Sonora *Union Democrat* conceded that the black vote, which Randall incorrectly estimated at two or three thousand in California, would initially be almost unanimously Republican. But he foresaw a division in that vote in succeeding elections. While he doubted that blacks possessed strength enough to decide state elections, at the local level the 75 potential black voters in his Tuolumne County "may have a kind of balance of power that will cause all political parties to make efforts to catch their votes."³⁸

Republican James McClatchy's interest in the possible impact of black voters led the *Bee* editor to reprint articles from Nevada's *Gold Hill News* and the New York *Herald* that spoke to that point.³⁹ The Nevada paper claimed that blacks held the political balance of power in California. The *Herald*, on the other hand, anticipated that Democrats would recognize the permanence of black suffrage now that the

Fifteenth Amendment was the law of the land and win enough black votes in coming elections nationwide to neutralize African Americans as a deciding factor.

Edward S. Lippitt disagreed. The Petaluma Republican editor argued that Democratic actions would prevent any significant number of black voters from leaving the Republican party, thereby keeping Republicans in control of the national government indefinitely.⁴⁰ Gross of the Marysville *Appeal* predicted that with nearly 700,000 black voters carrying southern states easily for the Republican party, "So far as the popular vote is concerned, the negroes now hold a national balance of power more than twice as great as the popular majority given to Grant in 1868."⁴¹

Eagerly anticipating, or dreading, the impact of the African American vote in a closely divided California, Republicans and Democrats alike closely watched post-Fifteenth Amendment elections in other states. Even relatively minor elections in places of little concern to Californians drew attention.⁴² Republicans won in Cairo, Illinois, where their majority of 306 was accounted for by 363 African American ballots, all reportedly Republican.⁴³ When dispatches indicated that the entire black vote in Dubuque, Iowa, went Democratic, the moderate Republican *Chronicle* offered this interpretation: "This may indicate that the Ethiopian can change his position, if not his skin."⁴⁴

California Democrats attributed Democratic statewide election victories in Connecticut, New York, and Oregon to a white backlash against the Radical Republican Fifteenth Amendment.⁴⁵ While the Democratic Nevada City *Daily National Gazette* hailed the triumph in Connecticut as "glorious news" and "the handwriting on the wall to Radicals,"⁴⁶ the Connecticut "victory" was somewhat tainted since black registration came too late to allow African American participation in the election.⁴⁷ Although they elected a governor, Connecticut Democrats remained a minority in the legislature.⁴⁸ With that state's 90,000 ballots almost equally divided between the two parties,⁴⁹ black suffrage increased the possibility of future Republican victories.⁵⁰

The California interpretation of the New York vote clearly depended on the politics of the local editor. Democrat Will Green of the Colusa *Sun* interpreted his party's victory in New York as "an utter want of respect" for the Fifteenth Amendment.

Hordes of negroes have been placed in the front ranks... paving the way for the Chinaman.... The negro and Chinaman will never answer as stepping stones to political power in a country so long controlled by white men.... We believe the masses of the American people are to-day opposed to the infamous Fifteenth amendment, and will so declare at the ballotbox.⁵¹

The Sacramento *Union* explained the Republican defeat in New York as not the result of revulsion against the amendment but unhappiness with Republican economic policies. New York's 15,000 black votes, almost all Republican, were offset by a Democratic majority several times that size.⁵²

The Republican-oriented Stockton *Independent* charged that New York City Democrats stole the election by using "repeat" voters who fraudulently cast ballots using the names of registered blacks. "[Democrats] were willing to have the negroes enrolled, because it gave their repeaters just that many more names to represent." This situation reportedly led to the arrest of some blacks, charged with attempting to vote twice.⁵³ The Democratic *Reporter* and the Sonora *Union Democrat* simply noted that police arrested several blacks.⁵⁴

African Americans who voted Democratic in New York state were considered newsworthy. Both the Stockton *Herald* and the Marysville *Appeal* cited the Rochester election where Democrats wined and dined the handful of blacks who voted Democratic.⁵⁵ Henry George claimed the only violence in New York took place against blacks who voted for Democrats. When a New York city black voted for the Democratic candidate other blacks allegedly "punched his head."⁵⁶

The 1870 spring elections in Oregon interested Californians not only because of that state's proximity but because of political similarities. Strong Democratic parties existed in those states prior to the Civil War, and in both the Democrats regained control of the legislature in the late 1860s. States' rights remained a strong theme in the rhetoric of West Coast Democrats as they fought the civil rights amendments. Oregon and California rejected ratification of the Fifteenth Amendment in 1870, and in each state Democrats continued to fight black suffrage after it became a fact.⁵⁷

African Americans voted in a Portland, Oregon, school election less than a week after Peterson-Mundy cast his vote in New Jersey.⁵⁸ When they attempted to vote in the statewide election in June, however, Democrats challenged their votes on grounds that the state constitution limited suffrage to whites. The Oregon Supreme Court rejected that argument, ruling that the Fifteenth Amendment superseded the state constitution.⁵⁹

Democrats carried Oregon by a few hundred votes, electing both a governor and a legislative majority.⁶⁰ The Democratic gubernatorial candidate won by 365 votes,⁶¹ reversing a Republican victory of 327 votes in 1866. The Democratic legislative majority, however, shrank from the 1868 landslide that had left them just shy of a two-thirds majority.⁶² The San Francisco *Examiner*, grossly overestimating

Oregon's 1870 black vote at 2000, used that exaggerated figure to explain the reduced Democratic majority in the legislature.⁶³ The Republican *Petaluma Journal & Argus* also attributed the smaller Democratic victory margin to the effect of the Fifteenth Amendment.⁶⁴ In fact, the black vote only slightly affected the Republican total.⁶⁵

While Californians closely followed the elections in Oregon and the east, the press gave special attention to the nomination in those other states of black candidates. In Wilmington, Delaware, Democrats ran blacks for the legislature and for sheriff.⁶⁶ Several blacks ran in Kentucky on the Democratic ticket.⁶⁷ The *Call* reported election of a black justice of the peace and a councilman in Wyandotte, Kansas.⁶⁸

But the black office seeker of greatest interest to Californians was William Bird, "independent colored" candidate for mayor in the Virginia City, Nevada, May 2 election.⁶⁹ Although he technically ran as an independent, Republicans universally recognized Bird as a tool of the Democrats, if not in fact the Democratic nominee, when he announced his candidacy in early April.⁷⁰ Once a resident of California, Bird participated in black civil rights activities there in the 1850s and 60s.⁷¹ The *Bee* initially refused to call Bird black, labeling him "quite yellow - a mulatto in fact,"⁷² but later referred to him as the "colored, independent candidate"⁷³ running against a white Republican.

The more outspokenly partisan Democratic editors, such as Robert Ferral of the *Sonoma Democrat*, largely ignored the race. Ferral's relentless opposition to black suffrage was inconsistent with endorsement of any black candidate, even a Democrat. Republican papers, however, made great sport of the black Democrat. The *Bee* claimed he had always been a Democrat, even during the Civil War.⁷⁴ The *Marysville Appeal* denounced the "colored barber" for daring to run:

Such foolish fellows as Bird do more injury to the cause of colored men than the Democratic party. It is true that Bird has a right to be a candidate - also to be made a fool of by white men who are his worst enemies.⁷⁵

Initially Bird's chance of election was "thought to be good."⁷⁶ Though defeated, Bird polled over one-third of the vote, losing 603-320.⁷⁷ The margin of victory for the rest of the Republicans running for city-wide offices was over 700 votes, indicating that Bird ran ahead of other Democratic candidates.⁷⁸

Both Republican and Democratic editors agreed that Bird's support came solely from whites.⁷⁹ Virginia City's Republican *Territorial Enterprise* doubted that Bird received

a single black vote other than his own, and suggested that those white Republicans who voted for him - perhaps a dozen - did so by mistake. If that was the case, Bird did extremely well considering the large victory margin for the Republican slate. The same paper, elated by the fact that Democrats could support him, took that as "cheering evidence of progress" in the Democratic party.⁸⁰

Philip Bell's *Elevator*, the voice of California's black community, derided Bird's campaign as an attempt by Democrats to win the black vote but rejoiced that "colored patriots" voted Republican and he lost.⁸¹ Said the *Chronicle*: "Painting Democratic candidates black won't catch Black Republican votes."⁸²

On the Democratic side, Henry George urged his "colored friends" to note that "The party of equal rights [voted] solidly against the first one of their color put up for office on the Pacific coast."⁸³ To which *Bee* Editor McClatchy replied: "And we ask the Democracy to make a note of the fact that their brethren of Virginia City put up a black man for Mayor and voted for him!"⁸⁴ Added the Nevada City *Transcript*: "Negro suffrage don't appear to these Democrats half so black as they pretend it."⁸⁵

Ferral of the Sonoma *Democrat* sneered that

Some years ago the cry of the abolition party was to abolish slavery and get the negro out of congress. Since its abolition the cry of that party has been to abolish all distinctions and get the negro into office.⁸⁶

McClatchy, writing before reports came in of black Democratic candidacies in eastern states, pointed out that only Pacific Coast Democrats voted to place blacks in office. "How does the *Democrat* account for that?"⁸⁷

A) CALIFORNIA'S FIRST AFRICAN AMERICAN VOTERS: SAN JOSE

San Jose's municipal election on Monday, April 11, marked the Fifteenth Amendment's first test in California. Elections in several other communities soon followed, with blacks eager to participate. Assuming that county clerks cooperated and permitted their registration, existing state law regarding voter registration technically still prohibited them from voting in the April contests. The Registry Act required new voters to enroll no later than thirty days before an election,⁸⁸ and a question arose as to the legality of black balloting in an election that took place within those thirty days.

In Connecticut, where the statewide election also took place before African Americans could register in time to cast ballots under that state's law, authorities disallowed black participation.⁸⁹ That contradicted what occurred at Perth Amboy. Using that city as an example, the *Call* urged San Jose officials to resolve the issue in favor of the newly enfranchised voters. While recognizing that election officers might successfully refuse to accept such ballots without incurring prosecution, the editor argued that "it is better for all parties to recognize and accept at once the fact that colored men everywhere in the United States have been enfranchised, and are entitled to the suffrage on precisely the same conditions as the whites."⁹⁰

San Jose *Mercury* editor James J. Owen, a staunch advocate of black rights, claimed in an editorial written shortly after Grant's ratification proclamation that "of course" colored voters would take part in the city's coming election, with their names on the *Great Register* and poll list. "Their influence as effecting the count will certainly be felt."⁹¹

As the election neared, black activist Zebediah J. Purnell challenged Frank Stewart, San Jose's champion of white superiority, to debate the proposition: "African negroes are mentally, physically and socially incapable of exercising that higher right and manifest result of civilization - self government."⁹² In turn, Stewart challenged editor Owen to debate the inferiority of the colored races and tribes. Owen, in a lengthy editorial, indicated his willingness to debate, but if either debate took place the press failed to report it.⁹³

On election day, blacks cast between 30 and 50 of the approximately 1,236 ballots.⁹⁴ Voting for a mayor, councilmen and other city officers,

[T]he colored citizens to a considerable number undertook to exercise the right of suffrage recently conferred upon them by the passage of the Fifteenth Amendment.... [T]he County Clerk not being either a partisan bigot or an unmitigated blockhead (as some County Clerks have recently proved themselves to be) did not oppose their registry. They accordingly marched up to the polls yesterday and deposited their ballots without any object being made on the score of "kinky hair" or "elongated tibia."⁹⁵

Democrats won the mayor's office by 12 votes, while Republicans swept all other offices except one council seat. The Republican majority in those races ranged from 41 to 156 votes.⁹⁶ Consequently, the black vote could have played a decisive role in the election of only one Republican, the candidate for school superintendent, who won by 41 votes. As a result, even though they won only two of the contests the Democrats

considered the outcome a victory.⁹⁷ The press reported no intimidation of black voters, nor did newspaper accounts of disorderly conduct or intoxicated voters make any reference to blacks.⁹⁸ Several visitors from Sacramento and San Francisco witnessed the election process, but whether they came specifically to observe the first of California's African American voters remained unclear.⁹⁹

The Republican victory might have been narrower had not an undetermined number of Democrats "sagaciously refused to vote because 'niggers' were permitted to exercise that privilege."¹⁰⁰

The newly-enfranchised colored men voted, for the first time in California, without objection or hindrance. It is said that some Democrats of the ultra secesh stripe refused to exercise the elective franchise, on the ground that they would not condescend to be placed "on an equality with niggers." The colored men voted the Republican ticket, as far as could be ascertained, many of them saying they would vote with the party "dis time anyhow,--whatever they might do in the future."¹⁰¹

Referring to the Democratic boycotters, the *Chronicle* joked that "This is a peculiarly smart way to elect Democratic candidates."¹⁰²

The Oakland *Transcript*, described by the *Bee* as a "fiercely Democratic" paper,¹⁰³ denounced those Democrats who refrained from voting in San Jose, arguing instead that the party ought to cultivate the black vote:

It may be safely stated that any party which depends entirely upon principle and fair dealing with political opponents, will never achieve success. Certain maneuvers are justifiable. For instance, it would be perfectly fair for the Democrats to attempt to secure at least a portion of the negro vote at the coming elections. We do not think they are too honest to attempt this, but their actions show that they are not adopting the proper means to secure this end. Prejudice must be abandoned. The negroes are voters now, General Jo. Hamilton to the contrary notwithstanding.... In the Southern States the negroes have exercised the right of suffrage ever since the close of the war. The Democrats, or conservatives, accepted the situation and endeavored to make the most of it. The result has been they have carried the election in Tennessee. The example is a good one. The 'Radical's' love for the negro is traceable to his desire to secure his vote. Remaining away from the polls because the negro is allowed to vote, is a very foolish policy.

Some of the Democrats of San Jose were guilty of this conduct. What is its result? Why, it insures a defeat. You give your enemy a stick to break your own head with.... Omaha was a Democratic city in fact, but went Republican; on account of just such foolish actions as we have above alluded to.¹⁰⁴

San Jose Democrats who refused to participate in an election with blacks were not alone. Isolated cases of Democratic boycotts occurred elsewhere in California and across the nation. Some whites, usually Democrats, refused to take part in bi-racial elections in the belief, as Forrest Wood noted, that by so doing they gave tacit acquiescence to racial equality. Others could not bring themselves to line up beside blacks at the polls, or saw non-participation as a protest to the Fifteenth Amendment.¹⁰⁵ The resulting loss of Democratic voters because of black suffrage must have disturbed party pundits who had predicted a surge of Republican voters into Democratic ranks.

Following the election several editors, in keeping with the almost universal practice of printing ethnic jokes, reported an exchange that allegedly occurred between two San Jose voters, one white and one black.

At the polls in San Jose a Democrat approached a colored voter and said, "Now that you have got the ballot, I suppose next you will be wanting to marry our daughters." "No," he replied, "and we don't want you to marry ours."¹⁰⁶

B) PETALUMA

A week after the San Jose election, black voters cast ballots in Petaluma, in the heart of Barclay "brad-awl" Henley's Sonoma County. Despite the fact that the county clerk refused to register blacks, they participated in the city election anyway. Republican supporters of black suffrage justified their right to vote on grounds that ratification of the amendment "repealed" the state's Registry Law. Some Democrats also made that argument, for an entirely different purpose. In an effort to create fear over the effect of the Fifteenth Amendment, they argued that Chinese and Indians now qualified to vote since ratification voided the registration law, which prohibited their voting. Either way, registration was now unnecessary, or so Petaluma's Republican editor argued. He further predicted that:

The Democrats would now see in the Negro "a man and a brother." What a strife will there be among the candidates for Marshal for the votes of these fellow citizens. Let "awl" the Democracy rally to the rescue!¹⁰⁷

Fourteen black voters turned out for the April 18 election.¹⁰⁸ Unlike the passive acceptance of black suffrage in San Jose, Democratic party representatives in Petaluma challenged each black voter at the polls. But all "swore their votes in" and election officials counted their ballots.¹⁰⁹ Out-of-county papers reporting the Petaluma election gave it only a brief line or two, most repeating the same sentence: "Everything passed off quietly."¹¹⁰

Despite his earlier prediction that Democrats would seek the black vote, Petaluma *Journal & Argus* editor Lippitt reported that some voters were ready to join their San Jose partisans in boycotting future elections:

[S]everal of the more "dyed in the wool" Democrats, regarding themselves highly outraged by the act, became indignant, and striking imposing attitudes, solemnly prophesied the decline of republican institutions, and a general bust up of the country. Some swore that they had now cast their last ballot, which oath, if rigidly adhered to, will make the Fifteenth Amendment work a good to the country not contemplated by its framers--making a success doubly successful. But the experiment has been tried; negroes *have* appeared at the polls with white men, right here in Sonoma county! Does anybody feel the worse for it? We wonder if the shock was felt at Santa Rosa? The [Sonoma] *Democrat* has always claimed that giving the ballot to the negro makes him the equal of the white man. Dare it acknowledge it now, or tell its subscribers so? We pause for a reply.¹¹¹

But Lippitt noted, without further explanation, that some Petaluma Democratic candidates won with the support of black votes.¹¹²

The rabidly partisan Sonoma *Democrat* continued to praise the clerk for not registering blacks in that county. "Let it be understood, far and near, that negroes are not permitted to register as voters in Sonoma county."¹¹³ When they voted without registration in the Petaluma election, editor Ferral observed:

As it was not necessary to get on the Great Register for a local election, and the election board was in the hands of the radicals, of course the darkey was just as good a voter as "any other man."¹¹⁴

Apparently having overlooked press references to black votes already cast in the eastern states, San Francisco correspondent "Falstaff" mistakenly increased the significance of the recent California elections:

Petaluma and San Jose, have, I believe, been the first places in the Union to put the Fifteenth Amendment into practical working.¹¹⁵

Just as the San Jose election stirred the political humorists, so did the one in Petaluma, where they retold the "joke" in the customary dialect.

Some days prior to the recent city election, a certain candidate for Marshal asked one of our Fifteenth Amendment voters to take a drink, telling him that he was a candidate for office, and that he should expect his suffrage on election day. Pompey, rather taken aback, and beginning to fully appreciate his importance by this overture, replied: "Mr. B--, jes' see here now: I don't got no objection to taking a drink with you, or any other gemmen: but if you 'tink dat dis chile is to be bought foa a drink, I jes take dis occasion to inform you dat I'm no Irishman, and ain't to be captured datar way. I'll take some brandy and water in mine, and next Monday shall excise my 'rogative as an American freeman: shall vote principle, not whisky!" Saying which he swallowed his potations, and walked off, leaving the candidate to reflect upon the uncertainty of human ambitions and the colored vote.¹¹⁶

C) NEVADA COUNTY

While black voters in San Jose cast ballots within a week of registering, and those in Petaluma voted without the formality of registration, African American participation in Nevada County's May elections faced a more serious obstacle. Nevada County Clerk J. J. Rogers followed an ambivalent course regarding registration, first permitting it, then prohibiting it after receiving Attorney General Hamilton's lengthy explanation why registration should not take place. Despite that, he resumed registration within a few days and by mid-April over fifty African Americans registered in the county.

Although editor Ferral claimed that placement of a name on the *Great Register* was not necessary to vote in a local election, officials in other counties not only required that the voter be on the *Great Register* but that the name also be on the local poll list. While placement on the poll list usually occurred automatically upon registration, local officials in Democrat-dominated Grass Valley refused to add the names of blacks to the list.¹¹⁷

City elections, referred to as charter elections, took place on the first Monday in May (May 2) in both Nevada City and Grass Valley.¹¹⁸ In Republican-dominated Nevada City a local Board of Registration was appointed at the beginning of April¹¹⁹ and the names of the fifteen registered blacks appeared on the poll list without controversy. The Democratic-minded election officials in Grass Valley, however, refused to place blacks on the town's poll list even though they were legally registered.¹²⁰

Section 28 of the Registry Act provided a means for citizens whose names appeared on the *Great Register* but not on the poll list to be sworn in upon presentation of supporting evidence.¹²¹ As a result, one African American made direct application to the Grass Valley Board of Registration, which first chose to wait for an opinion from the State Election Board. The Nevada City *Transcript* editorialized that since the county's *Great Register* included their names they deserved a place on the list without waiting for state action.¹²²

At that point the Grass Valley board insisted that prospective black voters produce registration certificates from the county clerk. Determined to vote, Grass Valley's African Americans sent Isaac Sanks, an influential local black, to the clerk's office in Nevada City to obtain the necessary certificates so that each registrant could demand his enrollment on the local polling list.¹²³

By April 22, seven of the fifteen African Americans registered in Grass Valley, only a fraction of the anticipated black voting strength in that city, filed requests to be placed on the local list in time for the May election.¹²⁴ The San Francisco *Bulletin* estimated the number of Grass Valley's potential black voters, as opposed to those who were registered, at 40.¹²⁵ Isaac Sanks, reportedly "well informed" about the size of the black vote there, placed the number eligible to register in the city at thirty to forty.¹²⁶ Whatever the size of the African American vote, the Grass Valley *Daily Union* remarked that "In the coming struggle for town offices, the colored vote will be a power."¹²⁷ On April 29, three days before the election, names of all fifteen black registrants finally appeared on the Grass Valley poll list.¹²⁸

But the battle for black registration was not the only story in the Nevada county elections. Even before county clerk Rogers opened the register to blacks the first time, the *Daily Union* reported that Jacob Sanders declared his candidacy for Grass Valley

town trustee, the first African American to seek office in California after ratification of the Fifteenth Amendment.¹²⁹ *Daily Union* policy required a five dollar fee to announce candidacies, even without an endorsement.¹³⁰ The paper failed to clarify whether Sanders' candidacy qualified as a news item or paid advertising.

Other papers picked up this story of the African American entry into California politics. In Weaverville, the *Trinity Journal* briefly noted that "a 'culled pussen'" sought office in Grass Valley.¹³¹ The *Bulletin*,¹³² repeating the *Daily Union*'s story, named Sanders as a candidate for town trustee. The *Chronicle*'s version differed significantly: two colored men, one a Democrat, the other a Republican, sought the office of city marshal in Grass Valley.¹³³

The *Chronicle* apparently based its erroneous account on the same information that appeared in various forms in other papers. The Sacramento *Union* indicated that Democrats invited a black to run on their ticket.¹³⁴ A. M. Morse, who served not only as editor of Nevada City's Democratic journal but was also Nevada County Superintendent of Schools,¹³⁵ was in a better position to know potential candidates than others. Nearly three weeks before the city election, but after the *Chronicle* and Sacramento *Union* stories appeared, Morse decried the lack of candidates for local offices and placed the potential black marshal candidates in Nevada City, not Grass Valley.

Report hath it, that two gentlemen of color and high standing here are about to announce themselves for the Marshalship in opposition to the old time-honored candidates. One of these, it is said, will come out as a Democratic, the other as a Republican candidate. If such a contingency happens, the Caucasian candidates in the field will probably be withdraw [sic], and the contest narrowed down between these two citizens of African descent. City politics will, in this event, under the present apathy of white voters, be given up to our colored brethren.¹³⁶

Despite these predictions, none of the thirteen registered blacks stepped forward as candidates in Nevada City. Instead, less than a week before the Nevada City election a town meeting, announced as non-partisan, took place to nominate candidates for local office.¹³⁷ A slate of five trustee candidates, presented by a nominating committee, contained only white Republican names. Editor Morse complained in print that the Democrats were either overlooked or ignored.¹³⁸ In response, the Democrats, outnumbered in town elections about three to one for several years, nominated their own, all-white slate.¹³⁹

At a second "citizens meeting" held on Sunday, May 1, the day before the election, Republicans attempted to unite behind one of their three candidates for marshal. Before a vote was taken, one of the three withdrew. Rather than seek nomination of a black, African Americans attending the meeting threw their support unanimously to Lawrence Nihell, who won the party's endorsement with 60 votes from the approximately ninety Republicans present. Noting that the caucus met in a former Christian hall, and on a Sunday, Democratic editor Morse could not restrain himself:

A ticket, thus consecrated, must possess peculiar interest to professing Christians, who look with respect and awe upon the fourth commandment, which says, "Remember that thou keep holy the Sabbath day."¹⁴⁰

In his election day edition, published that evening, Morse wrote that "colored citizens were on hand early this morning to cast their maiden vote."¹⁴¹ He added, with a degree of sarcasm, that "Much curiosity was manifested to know how 'Commodore Perry,' the leader of the colored population, would vote. We could not learn, as we went to press, into which scale the 'Commodore' threw his tremendous strength." Perry Boardly, not known as a black activist, was born a slave in Maryland, purchased his family's freedom, and migrated to Massachusetts before coming to California.¹⁴²

The black voting strength caused the Republican *Transcript* to remark, in contrast to those who predicted that black suffrage would cause white voters to boycott the polls, that

in the contest there was a new element, namely the colored vote. The enforcement of the Fifteenth Amendment did not keep Democrats from the polls, but on the contrary made them solicitous of colored men's votes.¹⁴³

Nevada City Republicans won all offices, with a majority of about 75 votes, polling twice as many votes as the Democrats.¹⁴⁴ That, however, was far less of a majority than Republicans had enjoyed in earlier years, leading Morse to conclude that

The amalgamation of the negro element into the bosom of the Republican party, as we have predicted, weakens the latter, and as many as thirty Republicans in this city, yesterday, voted the straight Democratic ticket in consequence of the negro vote. It only needs now that Charles Sumner's resolution in the Senate to strike the word "white," out of our naturalization

laws, should prevail, to make Nevada City a staunch Democratic stronghold. Then it would be Chinamen and negroes on one side, and white men on the other.¹⁴⁵

Morse followed that with a second editorial forecasting African Americans as a growing force within the Nevada County Republican party and an omen of trouble that destined to beset white Republicans.

The colored voters, fully aware of their influence in the party, and the affection for them by their white allies, are determined to take advantage of it, and demand a seat, if not a controlling voice, inside of the "ring," and County Committee. This demand is likely to lead to a serious difficulty. Some of the Caucasian Republicans are willing to concede the entire organization to the Africans for the sake of harmony, while another class turn up their noses and indignantly declare they will never submit to such a "colored" outrage. From appearances, the two factions are nearly equally divided as to numbers. The colored voters claim that none of their race have ever been allowed to hold office; that the Republican party is a minority in this county as well as State, but that by the addition of the colored vote, which is ten per cent. of the entire vote of the party, there is a fair chance to beat the Democrats, while without such an addition there is no show whatever for a Republican victory. The colored voters claim the balance of power, and reason from that that they are entitled to a preponderating influence in party councils. The white faction, favoring the negroes, with bowels moving with sympathy, urge that their new allies have suffered years of bondage, while they (the whites) have been enjoying freedom, and it is no more than fair now that the negroes should run the political machine for awhile, and have things their own way. This broad spirit of philanthropy of the negro worshippers does not meet the views of the more conservative Republicans and they declare that not a negro in Nevada county shall run for office or have a place on the Central Committee. The colored citizens of this county are developing their political strategy, and it would not surprise us if, when the Hon. A. A. Sargent returns to seek a Congressional renomination at the hands of his constituents, he should find an African lion in his path in the shape of a colored candidate for Congress.¹⁴⁶

In nearby Grass Valley the expected black candidacy for elective office failed to materialize. Jacob Sanders publicly withdrew from the race in mid-April in a note to the Grass Valley *Daily Union* in which he said "most emphatically that he is not a candidate."¹⁴⁷

Morse was in Grass Valley early on election morning. In that evening's edition, referring to the city's first election in which blacks voted, he remarked that "Prominent Republicans were particularly zealous in hand-shaking with the dark element of power now beginning to assert itself, fo' shuah."¹⁴⁸

In heavily Democratic Grass Valley, where about 450 ballots were cast, three Democrats split the vote for marshal, allowing the Union (Republican) candidate to win with a 58 vote plurality. His three Democratic rivals, however, outpolled him by 37 votes. Republicans also elected one of the two trustees, again by 58 votes.¹⁴⁹ Consequently, the handful of African American voters had no influence in determining the outcome.

Almost completely overlooked in publication of the election results, and not mentioned by any of the papers in their election analysis, was the fact that two of the eleven Grass Valley candidates receiving votes for trustee were black. Sanders, despite his earlier withdrawal, received 4 votes while Isaac Sanks, never mentioned as a possible candidate, received 2.¹⁵⁰ Only the *Daily Transcript*, in a simple listing of candidates and their votes, called attention to the black candidacies, noting in its election results that both Sanders and Sanks were "(colored.)"¹⁵¹ While it is unlikely that the names of Sanders and Sanks were actually printed on the ballots, they nonetheless deserve mention as the first California blacks receiving votes for elective office in the aftermath of the Fifteenth Amendment.¹⁵²

D) THE OTHER SPRING LOCAL ELECTIONS

Numerous municipal elections took place on the same day as those in Grass Valley and Nevada City. While a handful of blacks were registered in at least some towns, press reports in the state's major newspapers made little reference to their trek to the polls.¹⁵³ Local papers, however, recorded the event, sometimes in a single sentence. Editor Will Green simply referred to the two blacks who voted in Colusa as "disciples of the Fifteenth Amendment."¹⁵⁴

In Siskiyou County, Yreka voters chose school trustees on Saturday, April 30, and town officials on the following Monday. Initially, local authorities appeared unwilling to allow black participation in either election because, as in Connecticut, the amendment's ratification came too late. While the president and secretary of state both formally announced ratification on March 30, barely in time for new voters to register in compliance with the state law requiring registration thirty days before election, notification did not reach Yreka until the evening of April 4 via a copy of the *Sacramento Union*. Since voters who turned 21 on an election day could legally vote, editor Robert Nixon of the *Trinity Journal* argued that the same rule should apply with regard to all blacks who were otherwise eligible to vote.¹⁵⁵ Despite the threat of

Democratic party challenges, Yreka's blacks voted in both elections without incident.¹⁵⁶

At Stockton, which held a special railroad subsidy election on April 15, the city's registered blacks did not vote. On May 2, however, they turned out in large numbers, casting approximately sixty of the 1475 ballots.¹⁵⁷

Stockton's African American voters faced a minor dilemma on election day. The Republican nominating convention had endorsed the Fifteenth Amendment. However, the Sonora *Union Democrat* described the party's candidate for mayor, George Evans, as a man who would have detested such an amendment a few years earlier but now, for political purposes, accepted the new order. Furthermore, there was no indication that blacks participated in the nominating convention.¹⁵⁸ Democrats, on the other hand, had actively opposed black registration despite ratification of the Fifteenth Amendment. Evans and his Republican slate carried the election, winning most of the contested races.¹⁵⁹ Blacks cast their votes almost solidly Republican, although one African American reportedly voted Democratic.¹⁶⁰

One consequence of the Fifteenth Amendment was a Democratic snub of Stockton's ballot box. According to the *Reporter*, about 100 Democrats who boycotted the election contributed to the Democratic defeat. While giving no reason for this refusal to vote, the press made reference to similar registration and election boycotts elsewhere by Democrats in opposition to black suffrage.¹⁶¹

African Americans participated in one other town election. In late April Placerville's Democrats won for the first time in a decade. Henry George attributed their victory to the Fifteenth Amendment, "which sent a good many old Republicans over to the Democratic side."¹⁶² Placerville's small black vote failed to save the Republicans.¹⁶³

E) SAN FRANCISCO

With over one-third of the state's registered African American voters in San Francisco, that city's first election after ratification promised to become a show piece for black suffrage. Since no municipal election occurred there that spring, the first opportunity for black voters came in a special election held on June 7. In mid-year several counties held elections seeking voter approval of construction subsidies for new railroad lines. San Franciscans were asked to grant a subsidy of \$1,000,000 to the Southern Pacific. By election day the *Great Register* contained the names of at least 380 blacks.¹⁶⁴ *Elevator* editor Bell alerted his readers to their first opportunity to vote,¹⁶⁵ and *Chronicle* editor Charles de Young observed that election day

will mark an important event in the history of the colored race of San Francisco, for on that day they will be entitled to cast their first vote on an equality with their white fellow-citizens.... There is no question of politics involved, and our newly-made citizens will vote in accordance with their own ideas of public policy. From what we learn of their opinions, it is hardly probable that they will encourage Chinese immigration by voting aye.¹⁶⁶

Workingmen divided on the subsidy question, but the majority, primarily Democrats, opposed it, fearing that in the long run it would bring more Chinese to the state for construction of the line.¹⁶⁷ African American leader Peter Anderson¹⁶⁸ advised blacks to vote for the subsidy.¹⁶⁹ His endorsement, contained in a lengthy opinion piece submitted to the San Francisco *Bulletin*, was not printed, allegedly for lack of space.¹⁷⁰ Bell's *Elevator*, however, opposed the grant to the railroad and urged the city's first-time voters to exercise their newly-won right by turning down the subsidy.¹⁷¹

Despite Bell's opposition and the *Chronicle's* prediction, most newspapers agreed that black voters almost without exception followed Anderson's recommendation and voted in favor of the subsidy, many of them actively working for its adoption. The *Alta* commented extensively on black participation on election day:

The colored men of this city cast their first ballots yesterday, and did the thing in handsome style. They had a number of carriages, the only ones out, and sent after those who could not spare much time in exercising their new right. They were very dignified and gentlemanly at the polls, and no opposition or bad feelings were manifested toward them by other voters. Some of them entered the arena with an air of familiarity with the business, and peddled tickets as well as the best of them. It is estimated that about two hundred colored men voted in the Fourth Ward alone. As a general thing, they favored granting the subsidy. The first colored man to cast a ballot in San Francisco was Henry Smith, who has been a steward on this coast for ten or twelve years.¹⁷²

Based on initial election results indicating the subsidy's defeat, Democratic editor Washington of the *Examiner* offered his interpretation of the black vote:

We had an election here yesterday on the Railroad subsidy. The Fifteenth Amendments all went for the subsidy, and peddled tickets for the subsidy, and hurraed for the subsidy, and got beat on the subsidy. The people thought from this circumstance it was a Chinese-negro arrangement, rallied and defeated it.

The darkies are in bad luck. We are afraid they will quit the Republicans and come over to our side. Their experience as voters is not pleasing so far.¹⁷³

A wire report, printed in newspapers throughout the state, took special pains to comment on the black turnout on election day. Noting that blacks voted for the first time in the city, the telegraphic dispatch recognized the public's concern with possible violence resulting from the casting of ballots by African Americans: "They were not molested in any manner."¹⁷⁴

That San Francisco's African Americans looked upon their maiden use of the ballot as a solemn occasion was reflected in a *Chronicle* editorial, which not only praised blacks for understanding the ballot's importance but used the opportunity to belittle women suffragists:

It is stated that at the recent election in this city on the railroad subsidy our colored voters, on approaching the ballotbox for the first time to exercise their newly acquired right of suffrage, did so with heads uncovered. Here we have an evidence of the appreciation of its value that no other class of voters has ever manifested under similar circumstances. It is a touching manifestation of the sacredness in their estimation of the ballot, which has been conferred upon them as one of the results of a war which cost so much blood and treasure. If other classes possessing the ballot in our country esteemed it as highly, it would be well for its prosperity. We hardly think our women would consent to remove their little hats at the ballotbox, even to acquire the franchise by so doing.¹⁷⁵

Those early reports, indicating defeat of the subsidy, elicited gleeful editorials from anti-railroad editors. Referring to William (Billy) Carr, leading political power behind the railroad's subsidy attempt, Henry George wrote that "Even the darkies could not save him."¹⁷⁶ Acknowledging that blacks generally cast votes for the subsidy, George speculated:

We presume Billy Carr and Peter Anderson must have met each other during the past week; or perhaps it may be that the colored people, with keen instinct of their race, consider everything Republican that has any money in it.¹⁷⁷

That the railroad monopoly held black votes in its pocket became the subject of a letter from San Francisco, published by George:

The colored vote in San Francisco was a unit for donation, and may, undoubtedly, be relied on for aid and support by the railroad company on any future similar occasion.¹⁷⁸

George's elation at the subsidy's defeat rested on the first report by election officials showing that the subsidy lost by 124 votes.¹⁷⁹ Within a week the Board of Supervisors recounted the ballots, giving the Southern Pacific a 62-vote victory. The difference resulted from the nature of ballots in that era. Voters took ballots already printed either "Yes" or "No," and cast them accordingly. Some voters, reportedly workingmen who had taken "No" ballots, scratched out that position and wrote in "Yes." Election officials refused to honor pencil marks and counted the ballots as printed - "No." The Supervisors honored the voters' change of mind and counted them as "Yes."¹⁸⁰

While the number of blacks who voted was not estimated by the press - not even in the black-published *Elevator* - it is likely that in this first opportunity to cast a ballot a sufficient number of African Americans voted for the subsidy to account for the favorable majority announced by the Supervisors. If the count as released by election officials immediately after the election was correct, however, even an almost solidly supportive black electorate was not sufficient to overcome the subsidy's opponents. The importance of the black vote as a "balance of power" in San Francisco remained elusive.

Perhaps the editor of the *Alta California* best summed up black participation in their first San Francisco election. In a brilliant piece entitled "The Wonders of the Ballot," the *Alta* noted the surprising transformation of the black man from a pariah to "one of us."

A wonderful contrivance is the ballot. Place it in a man's hand and, presto, it will work the most extraordinary changes in regard to him. It will settle beyond question the fact that he has a soul. No matter how poor, degraded or oppressed he may be, it will get him on his legs. Prejudice of race disappears before it like mists before the morning sun. With that piece of paper in his possession, the chattel of yesterday becomes the "man and brother" of to-day. By its mysterious operation a black skin loses all its repulsiveness; woolly hair becomes a singularity, not a symbol of inferiority, and the crooked tibia is measurably straightened....

And this though his complexion has undergone no change, nor had the kink at all abated in his woolly [sic] hair. The explanation of the phenomenon is merely that he

had now the ballot. The Fifteenth Amendment was the trumpet blast which has called him to the exercise of the full function of manhood. Who knows that before long when the importance of "catching the negro vote" is fully recognized, but that the parties who have been foremost in the assertion that the negro, because he differs from us in certain physical characteristics, was created to be a slave, will be endeavoring to prove that wool is the highest development of hair, and that flat noses are the true test of physical and intellectual superiority?... [H]e has reached this distinction mainly because it was discovered a few years ago that he is just as competent to stop a bullet as the noblest Aryan of us all.¹⁸¹

F) AFRICAN AMERICAN POLITICAL CLUBS

The interest of California's African Americans in political matters preceded the Fifteenth Amendment. Several of California's black leaders - Mifflin Gibbs, David W. Ruggles, and Jeremiah B. Sanderson, among others - participated in the convention movement in eastern states before the Civil War, agitating primarily for abolition, non-extension of slavery and protection of fugitive slaves.¹⁸² The state's black community held its own conventions in the 1850s and 1860s, concentrating on statewide issues of importance to California's free blacks: rights regarding education, testimony, public accommodations and even suffrage.

Their influence, however, was diminished by the fact that without the ballot they exerted little political clout. Friendly politicians presented their petitions, such as those on the highly restrictive testimony law, to the legislature, almost always without success. Frequently the petitions were rejected out of hand, sometimes with slurs from legislators who resented what they saw as the presumptuous attitude of the black petitioners.¹⁸³

At the local level, particularly in San Francisco where a black press existed, African Americans met as needed in response to community problems. By 1870 a formal association, a local branch of the national organization frequently referred to as the Executive Committee,¹⁸⁴ directed the ethnic community in its fight for civil rights, the celebration of the voting rights amendment's ratification and, after ratification of the Fifteenth Amendment, efforts to overcome the obstacles presented by reluctant registrars. The registration fight, however, was largely between white Republicans and white Democrats, with protests from the black community significant primarily as an indication of the importance that blacks attributed to the extension of suffrage.

Bickering within the ranks hampered the San Francisco organization's effectiveness. Two major factions, each led by a prominent black editor - Peter Anderson and Philip

Bell - quarreled publicly at meetings, to the consternation of Republicans and the joy of white Democrats. In May they argued over creation of a separate high school for blacks.¹⁸⁵

In March and April a new type of black organization - political action clubs - appeared in Sacramento, San Jose, and San Francisco.¹⁸⁶ Independent of each other, these clubs functioned much like the earlier black organizations except that they now possessed bargaining power associated with the ballot. Unlike their predecessors, in which women played a role even though a relatively minor one, they appear to have been all-male because females remained disfranchised.

The first California political organization, San Francisco's "Excelsior Union Republican Club," adopted its constitution in March, in anticipation of the amendment's ratification. For leadership, the club turned to a prominent black educator-clergyman, William B. Serrington, and to John A. Barber. While Anderson served as a member of the finance committee, Bell was not listed among the officials of the organization.¹⁸⁷

Sacramentans organized on Monday, April 11, two days after the first blacks were allowed to register in that county. Their Eureka Union Club carried a name that implied an allegiance to the Republican party.¹⁸⁸ At the time the club organized, black registration in the county already numbered 45.¹⁸⁹ Sacramento papers largely ignored the club's formation, and with no elections affecting city voters that spring no further news of the club appeared in the local press.¹⁹⁰

The Charles Sumner Club of San Jose, also organized in early April,¹⁹¹ claimed membership of every African American voter in the city.¹⁹² San Jose, unlike Sacramento, held an election that spring, but it took place so quickly after the first blacks registered that the club played no role in the campaign. Following the election, the club held regular Monday night meetings in a local black church, debating several current issues: "Resolved, That Chinese immigration is injurious to the colored people as a class;" "Resolved, That women should be granted the right of suffrage;" "Resolved, That the black and white races should be educated together at the public schools." The membership agreed that Chinese immigration harmed blacks, and opposed both woman suffrage and integration of the public schools.¹⁹³

Public school integration was an immediate problem in San Jose and in other cities in the state, prompting the Sumner Club debate. In late April Willette Smith, "a colored girl," created excitement in San Jose when she applied for admission to the grammar department of the public school.¹⁹⁴ In Los Angeles, black children were denied admission to the public schools. The trustees offered to provide a separate school and to hire competent teachers, but the city's black residents found that unacceptable,

apparently not sharing the view of San Jose's blacks on the question of integrated schools.¹⁹⁵

In May, San Francisco's city board of education rejected Peter Anderson's plea for a colored high school, arguing that nothing prevented blacks from attending high school provided they met the requirements.¹⁹⁶ An African American public meeting on May 21 considered a series of resolutions, including one to censure Anderson for his action, a condemnation suggested by Philip Bell in an *Elevator* editorial. Bell, who was present at the public meeting, had written that Anderson acted on his own, had no children in the schools, was not a taxpayer or property owner, and in the past had influenced the board of education to establish black schools in undesirable locations. After some debate, the resolutions, apparently amended to delete the censure, carried overwhelmingly.¹⁹⁷

That same month the local executive committee of the older civil rights group called San Francisco's African American community together to hear addresses on "the duties and responsibilities of colored Americans." Toward the end of the meeting an Anderson protege arose in the back of the house and, over objections from Bell, presiding officer and President of the Executive Committee, read a letter from Anderson protesting the committee's call for a West Coast convention of blacks. A motion endorsing Anderson's protest, based on the absence of any public demand for such a convention, brought Bell's resignation as chair of the meeting. J. E. M. Gilliard, who had been one of the main speakers, assumed the role of presiding officer and, amid heated debate involving partisans of both Anderson and Bell, adjourned the meeting.¹⁹⁸

With these internal bickerings as a backdrop, San Francisco's Excelsior Union Republican Club met in late May. While the meeting began with a small audience, a large crowd nearly filled the auditorium before the end of the evening. The principal speaker was a white Republican, Thomas B. Shannon. The former Radical Republican congressman from California and Surveyor of the Port addressed his audience on the advancement of black rights since the early 1860s, attributing that improvement to their two "Moses," Grant and Lincoln. He urged the re-election of Grant as a means of securing the benefits accruing from emancipation and the three Reconstruction amendments.¹⁹⁹

While Shannon was the main speaker, the remarks of Rev. John R. B. Morgan, a black veteran of the Civil War, drew the attention of both the *Alta California* and Henry George's *Reporter*. Morgan's criticism of San Francisco's Irish workingmen reflected an animosity that was hardly hidden in the debate over black civil rights in San Francisco.

The Democratic party was mainly made up of men who were constantly crying "God save Ireland," but who never once cried "God save America." (Cheers, and a voice, "That's true.") Yet these fellows, complaining of the grinding oppressions of the land from whence they come, have the hardihood to seek to oppress the sons of this free soil. (Immense cheering.) Isn't that a fair description of the Democracy of to-day? (Cries of "Yes, yes.") However, matters are now changed since the passage of the Fifteenth Amendment, and we are no longer the "everlasting nigger," but are complacently described as "our fellow citizens." As we have got votes, and are expected to vote the Democratic ticket, we are no longer abused. But these runaways from the tyranny of other lands, whilst complaining of oppression themselves, must continue to oppress others. We have had our turn. Now poor John Chinamen has to bear the throwing of ugly words and uglier brickbats. (Much laughter and cheers.) Now we understand all this, and mean to be true to ourselves. When the time comes to vote we shall vote solid. So long as the Republican party remains staunch to the principles of universal liberty, so long will we remain staunch to it. That's our position. That's just where we stand. (Applause.)²⁰⁰

The San Francisco *Call*'s account of the meeting made no reference to Morgan's comments about the Irish, noting only that he "gave an interesting account of the last great battle of the Rebellion, and was repeatedly cheered by his audience."²⁰¹ Nor did the *Chronicle* report Morgan's remarks, only those of Shannon, dismissing Morgan's speech with the comment that space limitations precluded publishing his comments at length, but adding that he was expected to "do some tall stump speaking" for the Republicans in the next presidential campaign.²⁰²

In his report of the speech, published the day after the *Chronicle*'s version, George sarcastically added a postscript at the end of Morgan's diatribe against the Irish, apparently joining the *Chronicle* in suggesting that the Republican State Central Committee should employ Morgan to stump the state during the next election.²⁰³ George, who depicted Mississippi's black U. S. Senator Hiram Revels as a bumbling, illiterate speaker, had also urged the Republicans to put Revels on the stump.²⁰⁴

G) BALLOTS FOR INDIANS

Morgan's attack on the Irish was but one example of continuing ethnic conflict over the right to vote. Throughout the spring of 1870, as blacks registered and cast their first ballots, Democrats continued to raise the specter of Indian and Chinese suffrage

under the Fifteenth Amendment. At first glance their motives appeared unclear. Sometimes Democratic editors seemingly took a civil rights stand in support of Indian suffrage, arguing their constitutional right to vote. It is unlikely any of them believed such a right existed, or would have advocated Indian suffrage absent the Fifteenth Amendment. Their constitutional argument contained the hint that neither Republicans nor Democrats really wanted Lo²⁰⁵ to vote, but having pushed through the Fourteenth and Fifteenth Amendments Republicans stood responsible for extending, intentionally or not, immediate suffrage to Indians.

Will S. Green, Democratic editor of the Colusa *Sun*, stated it clearly:

We advise our "copper colored fellow-citizens" - vulgarly, insultingly and very inappropriately called "Indians" or "Injuns," by some pretended philanthropists - to call on the County Clerk and have their names (if they have any, and if they have none get some manufactured,) placed upon the Great Register. It is not possible to run the machinery of government without the valuable assistance of this branch of the "brotherhood of man." Under the Fifteenth Amendment they are voters, and we do not wish to see any of the "brotherhood" excluded from rights which the law gives them. It will become necessary, however, to find a name for them. As it will not do to call a negro a negro, neither will it do to call an Indian an Indian, and we therefore suggest that for this class of the "brotherhood," the word "copper" be prefixed to "colored fellow citizens."²⁰⁶

Concern over Indian suffrage was a western mania, not confined solely to California. In both Oregon and Nevada, the only other states in the Far West at that time, the effect of the amendments on extending voting rights to Indians drew comment from editors and politicians. The *Oregon Herald* claimed all Indians on Oregon reservations would vote Republican in the next election.²⁰⁷ But in all the west the fiercest denunciation of Indian suffrage arose in California's central section, from San Francisco to the Mother Lode.

California editors, regardless of party, made no attempt to distinguish one local tribe from another. In the suffrage debate, all California Native Americans were "Digger" Indians.²⁰⁸ When referring to Indians in the eastern states, they distinguished Cherokees from Creeks, and conceded that in those cases there existed a degree of civilization attained by the natives that might qualify them for both citizenship and the ballot. Not so with California's "Diggers."

Delegates to the Monterey Constitutional Convention in 1849 debated the question of Indian suffrage.²⁰⁹ A small number supported suffrage for "civilized" Indians, while

several others would extend the right only to "descendants" of Indians, meaning individuals who were part white. At one point a majority adopted a clause excluding all Indians from the ballot box. As finally written, the suffrage section limited the ballot to adult, white, male citizens, although a proviso permitted the legislature, by a two-thirds vote, to extend suffrage to "Indians or descendants of Indians," implying that those who were part Indian did not have the right to vote under the new constitution.²¹⁰

During the congressional debate over enactment of the Fifteenth Amendment in 1869 the question of Indian suffrage rarely came up. Neither senators nor representatives considered it significant, and it arose only as an aside, given far less consideration than the issue of Chinese suffrage.²¹¹ Democrats argued during the 1869 state election that the Fifteenth Amendment would "make every Digger Indian a voter"²¹² and they pursued that argument during the subsequent ratification hearings in Sacramento.²¹³ Even after Grant's ratification proclamation they continued to raise the specter of Indian suffrage, primarily as a means of attacking Republicans whom they blamed for opening the ballot to Indians.

The number of potential Indian voters in the state was unclear since the controversy took place prior to the census of 1870. The Secretary of the Interior estimated the total number of California Indians at 26,139,²¹⁴ six times the black population and about half the number of Chinese in the state. His assumption was fairly close to the census figures released later that year, but by then the question of Indian suffrage had largely abated.

The 1870 census counted 29,025 Indians in California, of whom 7,241 were "civilized" and living outside a tribal relationship. Theoretically, adult males within that latter group could vote under the amendment if the state's "whites only" constitutional clause was now illegal. Of the remaining 21,784, at least 1,966 were adult males although the census report also included an additional 16,000 Indians, undifferentiated by sex or age, labeled "nomadic" or unclassified. Based on the census figures for those Indians still on reservations and at agencies, approximately one-third of California's Indians were adult males. Assuming the correctness of that figure, the potential Indian vote would have been about 10,000 if the amendment enfranchised all adult males.²¹⁵

A large portion of the state's Republican editors rejected Indian suffrage on grounds that Indians, unlike blacks, were not citizens of the United States and therefore not entitled to vote. They charged that Indians were not and never had been "subject to the jurisdiction" of the United States, a key Constitutional phrase opponents of Indian suffrage raised repeatedly. Since Indians were not subject to American law, taxes nor

military service - the duties of citizenship - they were not entitled to the privileges of citizenship, such as voting.²¹⁶

Republicans even ruled out citizenship by naturalization on grounds that the naturalization law existed only for whites. Even after the Fourteenth Amendment had extended citizenship to native-born blacks, foreign-born blacks who had lived in the United States for years were still denied the opportunity to become citizens because of the "whites only" clause in the naturalization act.²¹⁷ In 1870 Sumner re-introduced his proposal, first raised by him early in Reconstruction, to strike "white" from the naturalization law.²¹⁸ Other critics claimed that naturalization applied only to aliens, thereby barring native-born Indians.²¹⁹ That argument, however, conflicted with another reason for denying Indian voting rights - that Indians living in a tribal existence could not vote since they were members of foreign tribes, dealt with by treaties as foreign nations.²²⁰ Only Congress, through special legislation, could admit tribes to citizenship, as had been done for a small number of tribes.²²¹ Those Indians who left the reservation and chose to live in "civilized" society, however, might be considered citizens.²²² In fact, in the 1861 state election John R. Ridge, a Cherokee Indian, one-time Sacramento newspaper editor, and "confessedly one of the ablest and most brilliant members of his party," ran unsuccessfully for the office of state printer as a Douglas Democrat.²²³

When Congress was asked to examine how the Fifteenth Amendment would affect Indian voting rights, the *Chronicle* thought such a study pointless. "We think it would not have much effect," wrote editor De Young, resting his case on the fact that Indians were not citizens.²²⁴ Henry George presented the Democratic rebuttal. Lumping the Fourteenth and Fifteenth Amendments together, George, who obviously opposed Indian balloting, argued that Sec. 1 of the Fourteenth Amendment - "all persons born... in the United States and subject to the jurisdiction thereof are citizens..." - conferred citizenship upon Indians because of their birth and their subjection to the jurisdiction of both the state and national governments. Since the Fifteenth prohibited denial of suffrage on account of race or color, "Digger Indians of California are certainly as entitled to register to vote as negroes are."²²⁵

The negro can find champions on every hand; but the poor Indian is without a friend to point out to him the inestimable privileges that have been conferred upon him by the new Amendment. Now, we tell the Digger plainly that he can register his name along with that of Sambo; and we trust that our Republican friends may see, in California, the full fruition of the Fifteenth Amendment in the registration and enrollment of every Digger Indian in the State.²²⁶

Other observers rejected the reasoning of both De Young and George. N. M. Orr, editor and publisher of the Republican Stockton *Independent*, found their conclusions strained. Neither amendment, "considered in the light of common sense and candor, rather than with a disposition to weave ingenious theories," affected the right of Indians to vote. Indians were denied voting rights by that provision in the original constitution regarding "Indians not taxed," a provision unaffected by either amendment. Ruled by kings, chiefs and other forms of monarchical government, tribal Indians lacked a republican form of government and were not subject to the jurisdiction of the states or the United States.²²⁷

If any Democratic editor truly believed in Indian suffrage it was B. F. Washington of the San Francisco *Examiner*. He presented the case for Indian suffrage as seen by an editor whose anti-black diatribes of earlier years had mellowed during Reconstruction.²²⁸ One of the first Democratic editors to acquiesce in acceptance of black suffrage under the Fifteenth Amendment, once ratified, Washington now argued for enfranchisement of the state's Indians inasmuch as the "red man" possessed equal rights. Made citizens by the Fourteenth Amendment and voters by the Fifteenth, Indians should be made aware of their privileges, including suffrage, and encouraged to take advantage of them. To that end he suggested undertaking a campaign to inform Indians of their rights. Since Radical Republicans justified the ballot for blacks on grounds that suffrage afforded them a means of protection, the wrongs perpetrated against Indians - destruction of their hunting grounds, loss of their game and the break up of their fisheries - entitled them to equal suffrage.²²⁹

In response, E. S. Lippitt dismissed the Democratic argument, with a mock concession that "the mongrel Congress has wrongfully admitted to the privilege of the franchise another low and degraded class of men, to the ruin of the country and the general destruction of the white man!" As several other Republicans had done, Lippitt relied on the "jurisdiction" clause of the Fourteenth to deny that Indians were entitled to suffrage as a result of the Fifteenth Amendment. Citing Creeks and Cherokees as examples, Lippitt noted that portions of those tribes became citizens years earlier by naturalization, thereby submitting to the jurisdiction of American law and taxation, thus gaining the right to vote.²³⁰

In an editorial entitled "Digger vs. Nigger," Robert Ferral, the unreconstructed states rights editor of the *Sonoma Democrat*, struck out at Lippitt:

The *Argus* is evidently bothered in regard to Indians voting. But why should it be? Surely they belong to the "universal brotherhood." Is not a Digger or a Piute as much a man and brother as a negro or a Chinaman? What's the use of mincing matters when "all men are created equal?" If an Apache is a man he

has an inalienable right to vote, according to radical logic. If he was born on the soil he is a citizen, under the Fourteenth Amendment. If a citizen he is a voter, under the Fifteenth. So face the music. Don't crawfish on the Lo family."²³¹

Sacramento's James McClatchy cited history to show that only Democrats had wanted to grant citizenship to Indians, noting that before adoption of the state constitution a leading Democrat, whom McClatchy failed to name, sought to insert a clause making "Digger Indians" citizens.²³² Now, McClatchy said, they still want citizenship and voting rights for Indians, but they want to achieve that by interpreting the Reconstruction Amendments so as to blame the Republicans for Indian suffrage. McClatchy claimed that the "Fifteenth Amendment does not give the right of suffrage to any class but citizens," and "does not assume to dictate who shall and who shall not be citizens." To McClatchy, Democrats supported Indian suffrage because they would vote Democratic while blacks and Chinese would not.

The Digger Indian, however, is by nature eminently fitted for membership, and if not already a Democrat, he could be easily molded into one, as he "has all the symptoms" of slumbering Democracy. He dislikes all inferior races - the first cardinal principle of Democracy[,] has no faith in the Constitution of the United States, and prefers to be let alone in his native barbarism and ignorance, rather than be trammelled and controlled by laws which he didn't happen to frame himself. In short, "Lo" would be just in his element as a Democrat of the Western school, and we could forgive our brother editors of the party organs for the zeal they have displayed in his behalf, if they would only not mix up Republicans with the scheme to give their copper-colored friends the ballot. It is not our fight; we've got the negro, and they are welcome to the Digger Indian.²³³

Henry George could not contain himself:

Well, well! We don't wonder that the *Bee* is so intensely Republican; nor can we doubt that it is so conscientiously, for it don't seem to know what Radicalism has been doing. It is very true that the Fifteenth Amendment 'does not presume to dictate who shall be citizens,' but there is a prior amendment, the Fourteenth, which does... [It] makes every Digger in California and every Pi-ute in Nevada a citizen, beyond all question; and now comes the Fifteenth Amendment and gives them the right to vote. Indian Jim, who goes around our streets in a cast-off uniform, has as much right to vote at the next election as

James McClatchy.... And that he will vote at the next election, we have not the slightest doubt.²³⁴

When the editor of the *Sacramento Record* apparently confused the Fourteenth and Fifteenth Amendments in an effort to refute George's argument that "Diggers" were now entitled to vote, George repeated his assertion that the Fourteenth made Indians citizens since they were born here and were "certainly subject to the jurisdiction of the United States," a claim that only Democrats seemed to accept. In an editorial entitled "Lo, as a Voter," George insisted that the Fifteenth gave Indians, as citizens, the right to vote at the next election "and they certainly will vote if the Fifteenth Amendment is enforced." He doubted that any Indians would join with blacks to vote Republican in light of that party's reluctance to welcome them, and attributed the Republican opposition to Indian suffrage to the fear that Indian votes would be Democratic.²³⁵

None of the state's newspapers reported any attempt by Indians to register or to vote in the local elections during the spring, 1870, following ratification. Instead, the Indian suffrage issue quietly disappeared from politics with the close of 1870. Democrats, having acquiesced in the registration of blacks as an irreversible reform, dropped references to the effect of the Fifteenth Amendment on Indian voting rights. Despite McClatchy's argument that Democrats sought Indian votes, and the *Examiner's* argument for enfranchising Indians, it is unlikely that any Democrat seriously supported Indian suffrage. Nor did Republicans have any interest in extending voting rights to Native Americans, but they had to answer what appeared to be legitimate Democratic arguments that the Reconstruction Amendments, taken collectively, granted such suffrage. However, the charge that the question of Indian suffrage arose as a red herring to embarrass Republicans is probably true.

H) CHINESE SUFFRAGE?

In the end, an issue of greater concern regarding voting rights quickly overrode the question of ballots for Indians. Nearly all Chinese, unlike Indians, were foreign-born aliens. Consequently, the Democratic argument used to justify Indian balloting - that they were citizens by birth - did not apply to the Chinese. There was, however, the possibility of citizenship, and suffrage, through naturalization. Unlike Indians, whom Republicans said could not seek naturalization because they were native-born, the Chinese as foreign-born immigrants might someday be eligible for citizenship. This possibility of naturalization added another reason for the already emerging hostility toward Chinese, who alarmed the working class with their potential as competitors and frightened xenophobes because of cultural differences. The Fifteenth Amendment effectively negated the "whites only" clause in California's voting requirements, and once they became citizens the Chinese voting bloc would be substantial. But a "whites

only" clause in the nation's naturalization law, unaffected by ratification of the amendment, prohibited Chinese suffrage as long as the ballot was reserved for citizens.²³⁶

California's 49,277 Chinese residents outnumbered the state's Indians by about 20,000 in 1870, and, unlike Indians, they competed in the labor market. Thus, workingmen and politicians, primarily Democrats, turned their attention increasingly to efforts to end Chinese immigration and contract labor and, if possible, to eject from the state those Chinese already here. As part of this campaign to rid California of Chinese, editors and legislators evoked the nightmare of tens of thousands of Chinese ballots cast to thwart the will of real Americans.²³⁷

The likelihood of Chinese suffrage, raised by the amendment's opponents as yet another evil effect of enfranchising blacks, gained added impetus when Sumner's measure to eliminate the word "white" from the naturalization law reached the Senate floor. Angered that the "whites only" provision dating back to the days of George Washington denied naturalization to blacks,²³⁸ Sumner moved to strike the color barrier.

Part of Sumner's proposed amendment to the naturalization law, which went far beyond merely opening citizenship to non-whites, read:

And be it further enacted, That every law, statute, and ordinance, regulation, or custom, whether National or State, inconsistent with this Act, or making any discrimination against any person on account of color by the use of the word "white," is hereby repealed and annulled.²³⁹

The anti-Chinese element welcomed his bill as a red flag, and his measure became, in the spring of 1870, the focal point of last ditch Democratic attacks on the Fifteenth Amendment. The growing hostility toward Chinese in California took place in the spring of 1870 amid a series of xenophobic speeches by a prominent Republican and former anti-slavery activist, Frank Pixley. Condemned by the mainstream Republican press but lauded by Democratic editors and some rural Republicans, Pixley was for a moment a major voice in the effort to rid the state of Chinese.²⁴⁰

Democrats argued that an amended naturalization law, coupled with the Fifteenth Amendment, opened the floodgates to Chinese suffrage. George, of the *Sacramento Reporter*, opposed both Chinese and Indian suffrage, but argued that both ethnic groups were already entitled to vote: the Fourteenth Amendment made every Chinese child born on American soil a citizen. The Fifteenth Amendment made every

adult male citizen, regardless of race or color, a voter. Even if the naturalization law remained unchanged, some Chinese might vote at California's next election. While conceding that the number of Chinese who were American citizens by birth was small, twenty-one years had elapsed since the discovery of gold and the arrival of the first Chinese women. The oldest children born here would reach voting age by the next state election, and as citizens by birth would be eligible to vote.²⁴¹

Those Chinese not born in America, editor George argued, "except possibly some few venerables," would take advantage of this opportunity to exercise the "inestimable privilege of the American freeman." The "door is wide open for the registration of every Chinaman who will swear that he was born in California, and who can get any other Chinaman to swear for him." George saw an oath as no barrier to the Chinese. "[W]hoever knows Chinese character... knows that it is easier to obtain Chinese oaths to any imaginable lie than to pick up pebbles on a gravelly beach." With the price of a vote at about two dollars, "there is hardly a Chinaman in the State who could not prove that he was born in California." Since, according to George, all Chinese look alike, a truism he seemed to think everyone accepted, it would be utterly impossible to prove that a particular one was not born here.²⁴²

George predicted a large Chinese vote under the Fifteenth at the next election, regardless of Sumner's efforts:

This, then is the prospect: Sambo, Lo and John electing the men who are to make and administer the laws and govern and represent the State, passing upon all the important and delicate questions that under our system are submitted to the popular vote!²⁴³

In a powerful statement against Sumner's amendment to the naturalization act, Sonoma *Democrat* editor Robert Ferral let it be known exactly where he stood on the race issue:

The Word White.

That little word has long been an eye-sore to the fanatics of the North. It is suggestive of Caucasian superiority, and was dearly prized by the Fathers of the Republic. This, of itself, inflamed the mad zealots of fanaticism, and made them hate the word. Anything that found favor in the eyes of Washington and Jefferson is sure to be obnoxious to Greeley and Sumner. Therefore the word white must be stricken out. So said the leaders years ago, and State after State

has obeyed their fanatical behests, striking out the objectionable word from their Constitutions. Now another and greater blow must be struck. The naturalization laws must be changed. The fiat has gone forth. The mighty magnates of radicalism have spoken. Congress has taken up the cry. The word white must be struck out.

Open wide the doors of American citizenship. Invite all mankind to enter and exercise its highest prerogatives, regardless of race, color, character or qualifications. Cast the pearl of suffrage before the swine of Asia and Africa. Draw them into the fold--white and black, red and yellow--until the scum of the earth, the very dregs of humanity, comprise the majority of American citizens, and take into their keeping the honor and liberty of the American nation.

Strike out the word White! It speaks of the grand old past, when we had a country and a government that challenged the admiration of the world. It tells of the triumphs and glories of Caucasian manhood. It tells of a land where freedom was enshrined in the hearts of a happy people, whose greatness and prosperity proclaimed the true beneficence of a White Man's Government.

Strike out the word White! It is inimical to the doctrine of universal brotherhood. It is offensive to the Sumners and Greeleys of radical politics. It stands in the way of the negro and the China man, who are not "to the manor born." They are low, vicious, degraded, and ignorant as the beasts of the field. It would seem as if in the economy of nature, these caricatures of intelligent manhood had been created for radical voters. No better material could be found to do the dirty work of radicalism.

Strike out the word White! That little word is well nigh all that is left us now of the Government "as it was." It is still at its post, the last sentinel on the watch-tower of American freedom. 'Mid the darkness of the present hour, when the clouds of fanaticism enshroud our country, it shines like the beacon-light at sea, a signal of hope and warning. Of course it will be stricken out. The radical Congress is sound on that proposition, and thus another act of insane fanaticism will entail its curses upon a country already far along on the downward path of ruin.²⁴⁴

Even the Republican *Call* denounced the Sumner proposal for

placing everybody in all particulars on an exact equality with everybody else, making all equal, and more so--that is, giving all the objectionable classes equal privileges in all public places, leaving the whites at a disadvantage because of their prejudices against the black, yellow, red and copper people, which will force them to avoid coaches, theaters, steamers, hotels, and other public places and conveyances where these parties, by the stringent terms of Mr. Sumner's bill, are to be admitted and treated just as are the hitherto favored classes.²⁴⁵

George also found in the Enforcement Act, then moving through Congress, a clause that gave Chinese the same benefits as all other "citizens," and, George believed, implied that Chinese could become citizens. It prohibited discrimination by a state against immigrants from any foreign country, thus negating any attempt by California to restrict or discourage Chinese immigration and to prevent employment once they arrived. George, however, admitted that he based his judgment on an incomplete telegraphic dispatch and he awaited a written copy of the bill in the mail.²⁴⁶ In fact, the clause he referred to, Sec. 16 of the Enforcement Act of 1870, extended to all *persons* a variety of civil rights protections that Andrew Gyory has called the most far-reaching protection offered immigrants in the nineteenth century.²⁴⁷ When adopted, it struck down California's prohibition on Chinese testimony in court, which remained in effect after the 1863 repeal of restrictions on black testimony.²⁴⁸ In addition, Chinese miners in Siskiyou county refused to pay the foreign miners tax on grounds that it violated the Enforcement Act by imposing a tax on a particular class of persons. That deprived the county of approximately \$500 per month.²⁴⁹

Republican editors took great pains to refute the Democratic claim that passage of Sumner's amendment to the naturalization law was imminent. The *Yreka Journal's* Robert Nixon claimed that "We have seen no Republican paper in the State, desirous of making citizens of the Chinese, nor do we think such a policy can be honestly endorsed in these United States, if the customs, manners and action of the Chinese are generally known, or at least that portion that come to this coast." McClatchy, of the *Bee*, opposed any change in the naturalization law to allow Chinese citizenship.²⁵⁰

Republicans responded by citing the lack of Democratic action on the Chinese question during the recent state legislative session. They charged that the Democrats, currently in power in California, failed to restrict the Chinese.²⁵¹ Thomas Fitch, Republican congressman from Nevada, told his House colleagues that despite their dominance in California government, the Democrats in the recently adjourned legislature passed no measure to restrict Chinese suffrage, although they came to power on the Chinese issue. Nor had they done anything to restrict immigration. On the contrary, "So far from expressing their dislike of the Chinamen, they passed a law

to encourage that people to remain here by levying a tax upon the exhumation and transportation of their dead bodies."²⁵²

Yreka's Nixon also charged that the Democratic legislature ignored the advice of the state attorney general when he advised that they adopt laws in regard to suffrage. Nixon evidently referred to Attorney General Hamilton's argument that the Fifteenth Amendment was not in effect until the legislature adopted "appropriate legislation." In fact, Nixon added, they made "no effort to guard against Chinese suffrage." He thought it might be related to the fact that southern Democrats encouraged importation of Chinese workers, and suggested that eastern Democrats wanted to get Chinese votes by granting them suffrage.²⁵³

While pursuing the argument that southern Democrats wanted to import coolies, Nixon displayed his own prejudice toward the Chinese, referring to them as "servile and unfit for a Republican form of government, as they come here either in pledge, body and soul, to the usurers of their own race, or the slaves of companies who ship them to this country as negroes were formerly shipped from Africa." Despite this, Nixon favorably reported participation by a Chinese band in the July 4 parade.²⁵⁴

Again, in July, Nixon editorialized that Congressional Democrats might support importation of Chinese labor because their southern colleagues needed that labor in lieu of slave labor.²⁵⁵ To support his argument that Democrats were reluctant to harm economic interests by restricting Chinese labor, he added that the Democratic-dominated state legislature voted down a bill to require railroad companies to employ none but white labor.²⁵⁶

Nixon also argued that most Congressional Republicans supported restricting Chinese immigration by stopping the importation of coolie labor.²⁵⁷ While that may be true, Republicans dominated the national legislature as strongly as the Democrats controlled the state legislative branch, yet Congress refused to act on any measure limiting contract labor.²⁵⁸ Republicans made a great distinction between an outright ban on Chinese immigration, which they opposed, and a restriction on contract labor, which many Republicans sought but on which they failed to act at that time.

Nixon claimed that Republican congressmen were opposed to granting citizenship to Chinese, noting as proof that Republicans had altered the original version of the Fifteenth Amendment. An early draft contained the words "nativity or religious belief" in addition to race, color or previous condition of servitude as unacceptable grounds for denying citizens the vote.²⁵⁹ Nativity and religious belief had been stricken at least in part because Congress understood that the Pacific states would not ratify an amendment that allowed the Chinese to vote.²⁶⁰

Nixon garbled the meaning of that action, however, when he claimed that it left to states the right to deny Chinese *citizenship* even if the word white was stricken from the naturalization law. What he no doubt meant was that by eliminating "nativity" as a condition for which suffrage could not be denied, states were allowed to ban the right to vote on grounds of place of birth regardless of citizenship. Versions of the Fifteenth Amendment that would have prohibited states from restricting the right to vote on account of nativity, creed, and lack of education (among other categories) were voted down in the House-Senate conference committee that developed the final wording of the amendment.²⁶¹

In contrast to Nixon's depiction of Democrats as ambivalent on the Chinese restriction issue, Rep. Samuel Axtell, a California Democratic member of the House, spoke for many Californians of both parties when he urged fellow Congressmen to table the naturalization bill with its clause striking "white" from the act:

Some good men think that because we enforce the doctrine of equal rights, consistency and principle compel us to adopt the policy of equal political privileges. This is neither logic nor morality. None should be taken into the national family who are not qualified by race and lineage to form a part of our domestic life.... Citizenship conferred upon the Chinese, for instance, would bring into the national family pagans. To confer upon them the ballot, which generally follows as an incident to citizenship, would be to confer upon pagan idolators the power in localities where they are in excess of Europeans; to substitute the brutalities of Juggernaut for the religion of Christ; to convert the Church into a Joss-house, and the school-room into a brothel, and all this infamy because our forefathers, by a blunder and an accident, permitted negro slavery upon this continent!...

Our forefathers wisely inserted "white" in the naturalization laws. I am unwilling to see it struck out unless the word "European" be substituted in its place. Chinese suffrage would depopulate the Pacific States.... *I do not believe one intelligent man can be found on the Pacific coast who favors Chinese Suffrage*.... For my own part,... I would prefer to relinquish my right as an elector and submit to a military government rather than share it with the Chinese.²⁶²

Ultimately, the Senate defeated Sumner's proposal and another one specifically designed to allow Chinese naturalization, and refused to remove the word white from

the naturalization law. However, the Naturalization Act of 1870 allowed persons born in Africa and persons of African descent to become citizens.²⁶³

NOTES

[1] Numerous California papers carried the telegraphic dispatch reporting this first black vote under the Fifteenth Amendment. The wire service, however, indicated that two blacks voted at Perth Amboy and several California papers reported this. Nevada City *Daily National Gazette*, April 4, 1870, p. 3; hereafter cited as *National Gazette*. San Francisco *Chronicle*, April 5, 1870, p. 2; hereafter cited as *Chronicle*. Sonora *Union Democrat*, April 16, 1870, p. 1; hereafter cited as *Union Democrat*. San Francisco *Call*, April 5, 1870, pp. 1, 2; hereafter cited as *Call*. Even the Weaverville weekly in remote Trinity county picked up the story, although two weeks late. *Trinity Journal*, April 16, 1870, p. 2. In a commemorative booklet written several years later, none of the principals involved in that first balloting referred to a second Perth Amboy black voter that day. William Paterson, *History and Proceedings Attending the Presentation of a Medal to Thomas Peterson-Mundy* (Perth Amboy, N. J.: H. E. Pickersgill, 1935 reprint). In its page 2 editorial, the *Call* cited the New Jersey constitution limiting suffrage to whites, coupled with the black vote at Perth Amboy, as evidence that the Fifteenth Amendment overrode state law, was self-executing and needed no additional legislation to implement it. *Call*, April 5, 1870, p. 2.

[2] William Gillette, *The Right to Vote* (Baltimore: The Johns Hopkins Press, 1965), pp. 80, 114-116. The authors have relied heavily on Gillette's volumes on Reconstruction, particularly *The Right to Vote*, for the national implications of the Fifteenth Amendment.

[3] Donald Bruce Johnson and Kirk H. Porter, *National Party Platforms* (Urbana, Ill.: University of Illinois Press, 1973), p. 39; Gillette, *Right to Vote*, p. 37.

[4] Phyllis F. Field, *The Politics of Race in New York* (Ithaca: Cornell University Press, 1982), p. 184.

[5] Rhode Island, Connecticut, New York, Pennsylvania, Ohio, and Indiana. Gillette, *Right to Vote*, pp. 47, 80, 82, 114.

[6] Sacramento *Union*, as cited in Grass Valley *Daily Union*, May 22, 1870, p. 2.

[7] Gillette, *Right to Vote*, pp. 108-09.

[8] The number of voters is based on the 1870 federal census count of just under 4.9 million blacks. Eugene H. Berwanger, *The West and Reconstruction* (Urbana, Ill.: University of Illinois Press, 1981), p. 243.

[9] Marysville *Appeal*, June 7, 1870, p. 3; hereafter cited as *Appeal*. Grant won in 1868 by over 300,000 votes.

[10] Gillette, *Right to Vote*, pp. 40, 82, 105.

[11] *Ibid.*, pp. 80, 82.

[12] *Ibid.*, pp. 132-33.

[13] *Ibid.*, p. 83.

[14] William Gillette, *Retreat From Reconstruction: 1869-1879* (Baton Rouge: Louisiana State University Press, 1979), p. 18.

[15] Robert Mittrick, "A History of Negro Voting in Pennsylvania During the Nineteenth Century," Rutgers University Ph. D. dissertation, 1985; Louis B. Moore, "Response to Reconstruction: Change and Continuity in New Jersey Politics, 1866-1874," Rutgers University Ph. D. dissertation, 1999.

[16] William Gillette, "Anatomy of a Failure: Federal Enforcement of the Right to Vote in the Border States During Reconstruction," in Richard O. Curry, ed., *Radicalism, Racism, and Party Realignment: The Border States During Reconstruction* (Baltimore: The Johns Hopkins University Press, 1969), p. 282.

[17] *Ibid.*, p. 283.

[18] *Ibid.*, p. 284.

[19] San Francisco *Bulletin*, April 23, 1870, p. 3; hereafter cited as *Bulletin*.

[20] Moore, "Response to Reconstruction," p. 151.

[21] Mittrick, "Negro Voting in Pennsylvania," p. 87.

[22] *Ibid.*, pp. 86-87.

[23] *Ibid.*, p. 91.

[24] Berwanger, *West*, p. 207.

[25] *Ibid.*; *A Compendium of the Ninth Census, 1870* (Washington, D. C.: Government Printing Office, 1872), Table III, p. 12; *Ninth Census - Vol. I, The Statistics of the Population of the United States* (Washington, D. C.: Government Printing Office, 1872), Table XXIII, pp. 618-619.

[26] *Compendium of the Ninth Census*, p. 12; Berwanger, *West*, p. 207.

[27] Sacramento *Reporter*, June 8, 1870, p. 2; hereafter cited as *Reporter*.

[28] Auburn *Placer Herald*, April 30, 1870, p. 2. For Hamilton's position, see Chap. II.

[29] While not encouraging black suffrage, Walkup predicted that the amendment would "give the Republican party about one darkey vote for every ten decent Republicans that will leave it forever." *Placer Herald*, April 30, 1870, p. 2.

[30] *Sonoma Democrat*, April 9, 1870, p. 4.

[31] *Chronicle*, April 23, 1870, p. 3; *Petaluma Journal & Argus*, May 21, 1870, p. 1; hereafter cited as *Journal*. A lengthy reprint of remarks by Saulsbury to Delaware Democratic leaders appeared in the *Trinity Journal*, April 30, 1870, p. 1. In it, Saulsbury repeatedly referred to the "White Man's Party" and to the "nigger vote." Evidently, the Weaverville paper printed it because the Republican editor believed that Saulsbury's attitude would antagonize most white voters.

[32] San Francisco *Examiner*, June 16, 1870, p. 2; hereafter cited as *Examiner*.

[33] Forrest Wood, *Black Scare: The Racist Response to Emancipation* (Berkeley: University of California Press, 1968), p. 120, argued that "The racists 'balance of power' complaint only made sense in a state where the parties were evenly divided and the Negroes could be counted on to vote together - which was nowhere."

[34] Evidence of black dissatisfaction with the Republican party surfaced early in the 1870s and increased in the 1880s over a variety of issues, including the failure to appoint blacks as notary publics. Douglas Daniels, *Pioneer Urbanites: A Social and Cultural History of Black San Francisco* (Philadelphia: Temple University Press, 1980), 50-51; Rudolph Lapp, *Afro-Americans in California*, (San Francisco: Boyd and Fraser Publishing Co., 1979), pp. 22-24.

[35] Stockton *Independent*, May 27, 1870, p. 4.

[36] *Reporter*, April 27, 1870, p. 2.

[37] Elko *Independent*, cited in *Reporter*, June 6, 1870, p. 2. The total 1870 African American population in Nevada was only 357. After discounting children, women and foreign born blacks, the maximum black vote could not have exceeded 200. Elmer Rusco, *"Good Time Coming?"* (Westport, Conn.: Greenwood Press, 1975), pp. 124, 130; *Compendium of the Ninth Census*, Table III, p. 12.

[38] *Union Democrat*, April 16, 1870, p. 2. Randall acquiesced in acceptance of the Fifteenth Amendment shortly after the president's proclamation, although the paper's opposition to ratification of the amendment was clear:

It is to be deplored that such an enactment should become binding upon a people and that submission to it is made necessary, but such is the fact, and however much it is against principles and feelings it is an inevitable necessity beyond our power to control.

[39] Sacramento *Bee*, April 23, 1870, p. 2, May 4, 1870, p. 1; hereafter cited as *Bee*.

[40] *Journal*, April 30, 1870, p. 1.

[41] *Appeal*, June 7, 1870, p. 3.

[42] *Chronicle*, April 6, 1870, p. 1.

[43] Nevada City *Daily Transcript*, May 8, 1870, p. 2; hereafter cited as *Transcript*.

[44] *Chronicle*, May 3, 1870, p. 2. For other examples of California press interest in black voting and candidacies outside the state see *Bulletin*, April 1, 1870, p. 1; *Transcript*, May 6, 1870, p. 2, June 25, 1870, p. 2, July 7, 1870, p. 2; *Reporter*, April 22, 1870, p. 2; Red Bluff *Independent*, April 23, 1870, p. 3; Los Angeles *Daily Star*, June 23, 1870, p. 2; hereafter cited as *Daily Star*.

[45] *Placer Herald*, June 11, 1870, p. 1; *Examiner*, June 16, 1870, p. 2.

[46] *National Gazette*, April 6, 1870, p. 2. The *Reporter*, April 6, 1870, p. 2, offered a similar interpretation.

[47] *National Gazette*, April 11, 1870, p. 2; Stockton *Independent*, April 2, 1870, p. 2. The *National Gazette*, April 5, 1870, p. 2, noted that the Connecticut election had been the last statewide election in the country in which blacks could not vote.

[48] *Chronicle*, April 2, 1870, p. 3, April 10, 1870, p. 1.

[49] *Transcript*, April 8, 1870, p. 2.

[50] Gillette, *Right to Vote*, p. 83.

[51] Colusa *Sun*, May 21, 1870, p. 2.

[52] Sacramento *Union*, as cited in Grass Valley *Daily Union*, May 22, 1870, p. 2.

[53] Stockton *Independent*, May 26, 1870, p. 2; *Journal*, June 4, 1870, p. 1.

[54] *Reporter*, May 19, 1870, p. 2; *Union Democrat*, May 21, 1870, p. 2.

[55] Stockton *Herald*, June 2, 1870, p. 1; *Appeal*, May 31, 1870, p. 2.

[56] *Reporter*, June 1, 1870, p. 2; June 13, 1870, p. 2. Reports from other states of threats by Republican blacks against African Americans who voted Democratic also found space in the California press. "Indiana Darkies," the

Grass Valley *Daily Union* alleged, intended to brand any black who voted Democratic with the name CAIN painted in white on his forehead. Grass Valley *Daily Union*, May 6, 1870, p. 2.

[57] Berwanger, *West*, pp. 185-186.

[58] Los Angeles *Daily News*, April 7, 1870, p. 1; *Bulletin*, April 5, 1870. p. 3; *Appeal*, April 6, 1870, p. 3.

[59] Berwanger, *West*, p. 181; John Mabry Mathews, *Legislative and Judicial History of the Fifteenth Amendment* (Baltimore: The Johns Hopkins Press, 1909), pp. 97-99.

[60] Stockton *Herald*, June 8, 1870, p. 2.

[61] *Ibid.*

[62] *The World Almanac, 1868, Commemorative Edition* (New York: Pharos Books, 1992), p. 100; Berwanger, *West*, p. 202.

[63] *Examiner*, cited in *Transcript*, June 25, 1870, p. 2. The Sacramento *Union*, June 7, 1870, p. 3, more accurately placed that vote at about 200; hereafter cited as *Union*.

[64] *Journal*, June 18, 1870, p. 1.

[65] Despite the increased Republican strength in 1870, Eugene Berwanger argues that Oregon voters were disenchanted with Congressionally-imposed black suffrage and with policies of the national Republican party on Reconstruction and economic matters. Berwanger, *West*, p. 206.

[66] *Appeal*, June 8, 1870, p. 2.

[67] Stockton *Herald*, June 23, 1870, p. 1.

[68] *Call*, April 14, 1870, p. 1.

[69] Rusco, "Good Time", pp. 95-96.

[70] *Bee*, April 11, 1870, p. 2; *Union Democrat*, April 16, 1870, p. 2; Red Bluff *Independent*, April 23, 1870, p. 2.

[71] Rusco, "Good Time", p. 11.

[72] *Bee*, April 11, 1870, p. 2.

[73] *Ibid.*, May 3, 1870, p. 3.

[74] *Ibid.*, p. 2.

[75] *Appeal*, April 12, 1870, p. 2.

[76] Two papers used this quotation, which they picked up from the telegraphic dispatch. *Stockton Independent*, April 16, 1870, p. 3; *Appeal*, April 16, 1870, p. 3.

[77] Initial returns gave Bird 298 votes to his Republican opponent's 570. *Union*, May 3, 1870, p. 3; *Bee*, May 3, 1870, p. 2. The *Bee*, May 4, 1870, p. 3, had the revised tally.

[78] Rusco, "*Good Time*", p. 95.

[79] With only 91 blacks living in Virginia City in 1870, black voters probably numbered less than 60. Rusco, "*Good Time*", p. 126; *Statistics of the Population*, Table III, p. 199.

[80] *Territorial Enterprise*, as reprinted in the *Bee*, May 5, 1870, p. 1.

[81] San Francisco *Elevator*, May 6, 1870, p. 2; hereafter cited as *Elevator*.

[82] *Chronicle*, May 5, 1870, p. 2.

[83] *Reporter*, May 4, 1870, p. 2.

[84] *Bee*, May 4, 1870, p. 2.

[85] *Transcript*, May 6, 1870, p. 2.

[86] Cited in *Bee*, May 18, 1870, p. 2.

[87] *Ibid.*

[88] Sec. 18, 26, 29, Registry Act, *The Statutes of California, 1865-6* (Sacramento: State Printer, 1866), pp. 294, 296, 298. These provisions were unchanged in the 1868 revision.

[89] Gillette, *Right to Vote*, pp. 126-128.

[90] *Call*, April 6, 1870, p. 2.

[91] *San Jose Mercury*, April 1, 1870, p. 3; hereafter cited as *Mercury*.

[92] *Ibid.*, April 2, 1870, p. 3; *Red Bluff Independent*, April 9, 1870, p. 4.

[93] *Mercury*, April 5, 1870, p. 2.

[94] *Reporter*, April 13, 1870, p. 3; *Santa Clara Argus*, April 16, 1870, p. 3.

[95] *Chronicle*, April 12, 1870, p. 2.

[96] *Ibid.*, April 12, 1870, p. 1; *Union*, April 12, 1870, p. 2; *Reporter*, April 13, 1870, p. 3. That vote margin was also reported by the *Red Bluff Independent*, April 14, 1870, p. 2, which added that "Considerable interest was manifested but everything passed off quietly."

[97] *Reporter*, April 13, 1870, p. 3.

[98] *Ibid.*

[99] *Chronicle*, April 12, 1870, p. 1.

[100] *Ibid.*, p. 2.

[101] *Ibid.*, p. 1.

[102] *Ibid.*, p. 2.

[103] *Bee*, April 16, 1870, p. 1.

[104] *Oakland Transcript*, quoted in *Bee*, April 16, 1870, p. 1.

[105] Wood, *Black Scare*, pp. 114-115. A Marysville Democrat reportedly removed his name from the *Great Register*, considering himself disfranchised by the Fifteenth Amendment. San Francisco *Alta California*, April 10, 1870, p. 1; hereafter cited as *Alta*.

[106] *Appeal*, April 14, 1870, p. 3; *Transcript*, April 15, 1870, p. 2; *Red Bluff Independent*, April 28, 1870, p. 1; *Santa Cruz Sentinel*, May 7, 1870, p. 4.

[107] *Journal*, April 2, 1870, p. 2. The Chico *Northern Enterprise*, April 23, 1870, p. 1, held that the Fifteenth Amendment did not abolish the Registry Act; it simply did away with "white" as a qualification. The editor said that the paper had opposed the amendment because blacks were not prepared to exercise suffrage.

[108] *Journal*, April 23, 1870, p. 2; *Bulletin*, April 25, 1870, p. 1.

[109] *Journal*, April 23, 1870, p. 3; *Call*, April 26, 1870, p. 1.

[110] *Reporter*, April 19, 1870, p. 2; *Bee*, April 19, 1870, p. 2; *Chronicle*, April 19, 1870, p. 2; *Call*, April 19, 1870, p. 3.

[111] *Journal*, April 23, 1870, p. 3.

[112] *Ibid.*, p. 2.

[113] *Sonoma Democrat*, April 23, 1870, p. 5.

[114] *Ibid.*

[115] *Journal*, April 23, 1870, p. 2.

[116] *Ibid.*, p. 3; *Call*, April 27, 1870, p. 1, quoting *Journal*.

[117] Grass Valley *Daily Union*, April 29, 1870, p. 3.

[118] *Ibid.*

[119] *Transcript*, April 2, 1870, p. 3.

[120] *Ibid.*, April 15, 1870, p. 2.

[121] Sec. 28, Registry Act, *The Statutes of California, 1867-8* (Sacramento: State Printer, 1868), p. 653.

[122] *Transcript*, April 15, 1870, p. 2.

[123] *Ibid.*, April 16, 1870, p. 3.

[124] *Great Register, Nevada County, 1871*. It is possible that the black registration in 1870 exceeded that shown on the 1871 *Great Register*.

[125] *Bulletin*, April 15, 1870, p. 2.

[126] Grass Valley *Daily Union*, April 14, 1870, p. 3; *Transcript*, April 15, 1870, p. 2.

[127] Grass Valley *Daily Union*, April 22, 1870, p. 3.

[128] *Ibid.*, May 1, 1870, p. 3; *Call*, May 1, 1870, p. 3; *Bulletin*, April 30, 1870, p. 5.

[129] Grass Valley *Daily Union*, April 8, 1870, p. 3. The *National Gazette*, April 8, 1870, p. 3, without naming the candidate, noted in a single line that a black was running for town trustee.

[130] Grass Valley *Daily Union*, April 9, 1870, p. 3.

[131] *Trinity Journal*, April 23, 1870, p. 2.

[132] *Bulletin*, April 11, 1870, p. 1.

[133] *Chronicle*, April 10, 1870, p. 5; San Diego *Bulletin*, April 16, 1870, p. 4.

[134] *Union*, April 9, 1870, p. 1.

[135] *Transcript*, March 31, 1870, p. 3.

[136] *National Gazette*, April 12, 1870, p. 3.

[137] *Ibid.*, April 27, 1870, p. 3.

[138] *Ibid.*, April 28, 1870, p. 3.

[139] *Ibid.*, April 30, 1870, p. 3; May 2, 1870, p. 3.

[140] *Ibid.*, May 2, 1870, p. 3.

[141] *Ibid.*

[142] Pat Jones, "Nevada County's Black Pioneers," *Nevada County Historical Society Bulletin* (July, 1985), p. 23.

[143] *Transcript*, May 3, 1870, p. 3.

[144] *Ibid.*; *Call*, May 3, 1870, p. 3, May 4, 1870, p. 3.

[145] *National Gazette*, May 3, 1870, p. 3.

[146] *Ibid.*, May 7, 1870, p. 3. Sargent was a Republican.

[147] *Grass Valley Daily Union*, April 14, 1870, p. 3. In announcing Sanders withdrawal, The *National Gazette*, April 14, 1870, p. 3, chortled that "In consequence of his refusal, the people in the town are disconsolate and less hopeful than usual."

[148] *National Gazette*, May 2, 1870, p. 3.

[149] *Ibid.*, May 3, 1870, p. 3.

[150] *Transcript*, May 4, 1870, p. 3.

[151] *Ibid.* The *Grass Valley Daily Union*, May 4, 1870, p. 3, ignored the votes cast for either black. The *National Gazette*, May 3, 1870, p. 3, simply included them, without names, in a "scattering."

[152] In 1870, municipal ballots, or "tickets," were printed by each party and carried only the names of that party's candidates. Voters could scratch out a printed name and write in a name of their choice. That probably accounts for the Sanks and Sanders votes.

[153] *Appeal*, May 4, 1870, p. 3; *Stockton Independent*, May 4, 1870, p. 3; *Chronicle*, May 3, 1870, p. 3; May 4, 1870, pp. 1, 3; May 5, 1870, p. 2; *Reporter*, May 3, 1870, p. 2.

[154] *Colusa Sun*, May 7, 1870, p. 3.

[155] *Yreka Journal*, April 15, 1870, p. 3.

[156] *Ibid.*, May 13, 1870, p. 3.

[157] *Reporter*, May 4, 1870, p. 2; *Call*, May 4, 1870, p. 3.

[158] *Union Democrat*, April 30, 1870, p. 2; *Stockton Independent*, April 23, 1870, p. 3.

[159] *Call*, May 4, 1870, p. 3.

[160] *Reporter*, May 4, 1870, p. 2; *Call*, May 4, 1870, p. 3. The *Bee*, May 4, 1870, p. 3, said all blacks voted Republican. The *Union*, May 4, 1870, p. 2, and *Bulletin*, May 3, 1870, p. 3, joined the *Reporter* in noting the one black vote for the Democratic ticket. The *Stockton Independent*, a pro-Republican paper, remained silent regarding black participation in the election.

[161] *Reporter*, May 4, 1870, p. 2; *Union Democrat*, May 7, 1870, p. 2.

[162] *Reporter*, April 23, 1870, p. 2.

[163] *Bee*, April 25, 1870, p. 1.

[164] *Reporter*, June 1, 1870, p. 2.

[165] *Elevator*, June 3, 1870, p. 1.

[166] *Chronicle*, May 29, 1870, p. 2.

[167] *Chronicle*, cited in *Bee*, June 9, 1870, p. 1.

[168] Anderson had the distinction of becoming the first San Francisco black whose name was transferred from the *Great Register* to a local polling list. *Bulletin*, April 21, 1870, p. 3; *Call*, April 21, 1870, p. 3; *Chronicle*, April 22, 1870, p. 3.

[169] *Alta*, June 7, 1870, p. 1; *Stockton Herald*, June 7, 1870, p. 2; *Bee*, June 7, 1870, p. 2.

[170] *Bee*, June 7, 1870, p. 2.

[171] *Elevator*, June 3, 1870, p. 2.

[172] *Alta*, June 8, 1870, p. 1. See also *Examiner*, June 7, 1870, p. 3; *Appeal*, June 8, 1870, p. 3; *Stockton Independent*, June 8, 1870, p. 2; *Union*, June 8, 1870, p. 2; *Reporter*, June 8, 1870, p. 2; June 9, 1870, p. 2. The *Chronicle*, June 8, 1870, p. 2, was less sure, saying after the election that "The colored voters generally cast their first votes for the subsidy."

[173] *Examiner*, June 8, 1870, p. 2.

[174] *Appeal*, June 8, 1870, p. 3; *Daily Star*, June 8, 1870, p. 2.

[175] *Chronicle*, June 16, 1870, p. 2. A paraphrase of this statement, without citing the *Chronicle*, appeared in the *Trinity Journal*, June 25, 1870, p. 2.

[176] *Reporter*, June 9, 1870, p. 2.

[177] *Ibid.*, June 8, 1870, p. 2.

[178] *Ibid.*, June 9, 1870, p. 2,

[179] *Call*, June 8, 1870, p. 2.

[180] *Bee*, June 14, 1870, p. 2.

[181] *Alta California*, June 1, 1870, p. 2. Charges of fraud, including concern that the scratched out ballots marked with "Yes" had not actually been so marked by voters, were so widespread that before the end of the month the Southern Pacific declined the subsidy in the face of growing skepticism about the validity of the election. *Reporter*, June 21, 1870, p. 2.

[182] Quintard Taylor, *In Search of the Racial Frontier* (New York: Norton, 1998), p. 91; William Loren Katz, *The Black West* (Garden City, N. Y.: Doubleday, 1971), p. 140.

[183] James A. Fisher, "A Social History of Negroes in California, 1860-90," M. A. Thesis, Sacramento State College, 1960, pp. 18-19; Delilah Beasley, *Negro Trail Blazers of California* (San Francisco: R and E Research Associates, 1968), p. 55; Sheila M. Skjeie, "California and the Fifteenth Amendment," M. A. Thesis, Sacramento State College, 1973, pp. 73-79.

[184] While frequently referring to the "Executive Committee," the press failed to clearly identify the organization it led. In January, 1869, the National Convention of the Colored People of the United States, meeting in Washington, D. C., created a National Executive Committee. It was this committee that coordinated the Fifteenth Amendment celebrations. Washington, D. C., *New Era*, March 17, 1870, p. 3.

[185] *Elevator*, May 27, 1870, p. 2.

[186] Elsewhere on the Pacific Coast, African Americans in Portland formed such an organization, as did Nevada blacks. *Bee*, April 23, 1870, p. 1; *Trinity Journal*, May 7, 1870, p. 3; Rusco, "Good Time", pp. 94-95.

[187] *Elevator*, March 11, 1870, p. 2; Los Angeles *Daily News*, April 7, 1870, p. 1.

[188] The two officers named in press reports were Beverly Johnson, President, and A. R. Linchecomb, Corresponding Secretary. *Appeal*, April 14, 1870, p. 2; *Transcript*, April 16, 1870, p. 2.

[189] *Bee*, April 11, 1870, p. 3.

[190] The Red Bluff *Independent*, May 14, 1870, p. 3, belatedly reported in mid-May that Sacramento blacks were planning to organize a political club.

[191] *National Gazette*, April 6, 1870, p. 2.

[192] No mention was made of Peter Wagner, reported by several papers to be a Democrat and the first black to register in San Jose. *Bee*, April 8, 1870, p. 4; *Chronicle*, April 8, 1870, p. 3; *Bulletin*; April 8, 1870, p. 1. The *Mercury*, April 7, 1870, p. 3, claimed, however, that Wagner was a Republican.

[194] *Call*, April 22, 1870, p. 1.

[195] *Bulletin*, May 2, 1870, p. 3.

[196] *Call*, May 18, 1870, p. 3. In June a petition by 69 blacks to the school board opposed Anderson's call for a separate high school. *Alta*, June 19, 1870, p. 1. The school board announced in May that qualified blacks could enter the high school. *Alta*, May 18, 1870, p. 1.

[197] *Elevator*, May 27, 1870, p. 2.

[198] *Chronicle*, May 6, 1870, p. 3. The *Union*, May 7, 1870, p. 1, said the meeting nearly came to a riot between the two factions. The issues of the *Elevator* that would have reported the meeting are not extant.

[199] *Chronicle*, May 25, 1870, p. 3; *Call*, May 25, 1870, p. 3.

[200] *Alta*, May 25, 1870, p. 1; *Reporter*, May 26, 1870, p. 2, quoting from the *Alta*.

[201] *Call*, May 25, 1870, p. 3. [202] *Chronicle*, May 25, 1870, p. 3. The *Bulletin's*, May 25, 1870, p. 3, brief report noted only that the audience loudly applauded Shannon and that he was followed by Morgan. The *Elevator*, May 27, 1870, p. 2, did not offer its own report of the meeting, relying solely on a reprint of the *Chronicle* article, thereby also ignoring Morgan's comments.

ri[203] *Reporter*, May 26, 1870, p. 2.

[204] *Ibid.*, April 27, 1870, p. 2. [205] Just as any Chinese adult male was often called "John," and editors frequently referred to African Americans as "Sambo," "Pompey," or "Cuffee," the universal derisive name for Indians was "Lo." The name derived from Alexander Pope's early eighteenth century "Essay on Man," in which he referred to

"Lo, the poor Indian." However Pope intended it to be used, throughout the American West it became a term of derision. [206] Colusa Sun, April 3, 1870, p. 3.

[207] Cited in Reporter, May 19, 1870, p. 2; Yreka Union, June 3, 1870, p. 4. The two principle monographs on the Fifteenth Amendment and on Reconstruction in the West only briefly explore the question of Indian suffrage and its relationship to the amendment. Gillette, *The Right to Vote*; Berwanger, *The West and Reconstruction*.

[208] "Digger," a term with an insulting connotation, was applied to Western U.S. Indians who dug roots for food. The implication was that such Indians were at the lower level of the human spectrum. In the end, to western whites in general, the manner of obtaining food really did not matter. All Western Indians were Diggers!

[209] Bee, April 18, 1870, p. 2; Woodrow James Hansen, *The Search for Authority in California* (Oakland: Biobooks, 1960), pp. 121-122; David Alan Johnson, *Founding the Far West* (Berkeley: University of California Press, 1992), pp. 125-127.

[210] J. Ross Browne, *Report of the Debates in the Convention of California* (New York: Arno Press, 1973), pp. 63-73; Appendix, p. iv.

[211] See Congressional Globe throughout February, 1869.

[212] Bulletin, April 19, 1870, p. 2.

[213] See Chap. VIII, Vol. I. [214] Reporter, April 15, 1870, p. 2.

[215] Compendium of the Ninth Census, pp. 18-23.

[216] Bulletin, April 19, 1870, p. 2.

[217] Sumner read aloud several letters from non-native blacks during the Senate debate on his amendment to strike "white" from the law. The writers desired to become citizens. One letter was from a San Francisco African American, Edwin A. Clarke, who had been in the United States since he was eleven. Congressional Globe, 41st Cong., 2d Sess., July 4, 1870, pp. 5154-55.

[218] Congressional Globe, 41st Cong., 2d Sess (July 2, 1870), p. 5121.

[219] Chronicle, April 13, 1870, p. 2; Bulletin, April 19, 1870, p. 2. [220] Journal, April 30, 1870, p. 2.

[221] Chronicle, April 13, 1870, p. 2.

[220] Journal, April 30, 1870, p. 2.

[221] Chronicle, April 13, 1870, p. 2.

[222] Stockton Independent, April 1, 1870, p. 2. Despite the contradictions, one Republican journalist used all the arguments in a single editorial. Bulletin, April 19, 1870, p. 2.

[223] Winfield J. Davis, History of Political Conventions in California, 1849-1892 (Sacramento: California State Library, 1893), p. 178

[224] Chronicle, April 13, 1870, p. 2.

[225] Reporter, April 15, 1870, p. 2.

[226] Ibid.

[227] Stockton Independent, April 16, 1870, p. 2.

[228] Some writers who have touched on the history of the Examiner attribute the editorials of this era to Philip Roach. The evidence for Roach's authorship is thin. Washington, the original editor of the paper, was still listed in 1870 on the editorial page as editor. Roach was listed as one of several proprietors. See Peter Thomas Conmy, Philip Augustine Roach, 1820-1889 (San Francisco: Grand Parlor, Native Sons of the Golden West, 1958).

[229] Copies of the Examiner for April and nearly all of May, 1870, do not exist. For that period, the content of the paper must be gleaned from references to it in other publications. Washington's editorial was cited in the Chico Northern Enterprise, April 23, 1870, p. 1, and the Journal, April 30, 1870, p. 2.

[230] Journal, April 30, 1870, p. 2.

[231] Sonoma Democrat, May 7, 1870, p. 4.

[232] At the state constitutional convention, only Missourian Lewis Dent, a lawyer representing Monterey, spoke in support of Indian voting in a way that might indicate he favored enfranchisement of all Indians. Browne, Convention, p. 70.

[233] Bee, April 1870, p. 2.

[234] Reporter, April 19, 1870, p. 2.

[235] Files of the Sacramento Record are nearly non-existent. It was, however, cited, as in this case, by contemporary papers. Reporter, April 22, 1870, p. 2.

[236] Some Midwestern states at that time allowed immigrant, non-citizens to vote. This section is not intended to be a survey of the anti-Chinese movement, covering only that part of it that was related to Chinese suffrage.

[237] Senator William Stewart of Nevada, opposing the elimination of "white" from the naturalization law, argued that as of July, 1870, there were 60,000 potential voters among the Chinese living in California. Congressional

Globe, 41st Cong., 2d Sess., (July 4, 1870), p. 5173. Important sources for the anti-Chinese movement of the 1860s and early 1870s in California are Andrew Gyory, *Closing the Gate* (Chapel Hill: University of North Carolina Press, 1998); Sucheng Chan, *This Bittersweet Soil: The Chinese in California Agriculture, 1860-1910* (Berkeley: University of California Press, 1986); Alexander Saxton, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkeley: University of California Press, 1971); Gunther Barth, *Bitter Strength: A History of the Chinese in the United State, 1850-1970* (Cambridge, Mass.: Harvard University Press, 1964); Ping Chiu, *Chinese Labor in California, 1850-1880* (Madison, Wisc.: State Historical Society of Wisconsin, 1963); Elmer Sandmeyer *The Anti-Chinese Movement in California* (Urbana, Ill.: University of Illinois Press, 1939).

[238] Gyory, *Gate*, p. 51.

[239] *Call*, May 25, 1870, p. 2.

[240] For samples of pro-Pixley articles, see *Shasta Courier*, May 21, 1870, p. 2, and *Chico Northern Enterprise*, June 4, 1870, p. 2. Typical of anti-Pixley reports is that of the *Alta*, May 15, 1870, p. 1. See also, *San Luis Obispo Tribune*, July 2, 1870, p. 2.

[241] *Reporter*, April 18, 1870, p. 2.

[242] *Ibid.*

[243] *Ibid.*

[244] *Sonoma Democrat*, May 7, 1870, p. 4.

[245] *Call*, May 25, 1870, p. 2.

[246] *Reporter*, May 25, 1870, p. 2; *Congressional Globe*, 41st Cong., 2d Sess., Appendix, pp. 661-3.

[247] Gyory, *Gate*, p. 54; *Congressional Globe*, 41st Cong., 2d Sess., Appendix, 662. The *Yreka Union*, June 10, 1870, p. 2, attacked the Enforcement Act because of the pro-Chinese provisions in sections 16 and 17.

[248] Beasley, *Negro Trail Blazers*, p. 59; Rudolph Lapp, *Blacks in the Gold Rush* (New Haven: Yale University Press, 1977), p. 209.

[249] *Yreka Journal*, July 1, 1870, p. 3.

[250] *Bee*, May 3, 1870, p. 2; *Yreka Journal*, July 8, 1870, p. 2; *Shasta Courier*, May 28, 1870, p. 2.

[251] *Bee*, April 23, 1870, p. 1.

[252] *Yreka Journal*, June 2, 1870, p. 1; *Shasta Courier*, June 25, 1870, p. 1.

[253] *Yreka Journal*, May 13, 1870, p. 2; *Shasta Courier*, April 16, 1870, p. 4; Gyory, *Gate*, pp. 30-33.

[254] Yreka Journal, June 24, 1870, p. 2; July 8, 1870, p. 3.

[255] Ibid., July 1, 1870, p. 2. San Jose Independent, July 6, 1870, p. 1, reported that 500 Chinese railroad workers were sent from San Francisco to Tennessee.

[256] Yreka Journal., June 24, 1870, p. 2.

[257] Ibid.

[258] Gyory, Gate, p. 55.

[259] Yreka Journal, June 24, 1870, p. 2.

[260] Gillette, Right to Vote, 59-60, 71. Nevada's Fitch claimed credit for suggesting that the clause prohibiting states from discriminating at the ballot box on the basis of religion and nativity should be dropped from the amendment. While the Senate passed a version that would have prohibited religious and nativity standards for voting, the joint House-Senate conference committee dropped those conditions. In addition to denying voting rights to those born in China or Japan, Fitch suggested that the California legislature could prohibit Chinese suffrage by excluding pagans and by limiting the ballot to those who spoke English. That would be, he argued, within the limits of the Fifteenth Amendment. Call, June 10, 1870, p. 2.

[261] Call, June 10, 1870, p. 2; Gillette, Right to Vote, pp. 68-71; Yreka Journal, June 24, 1870, p. 2.

[262] San Luis Obispo Tribune, July 2, 1870, p. 2. [263] Gyory, Gate, p. 52, 277; Congressional Globe, 41st Cong., 2d Sess., July 2, 1870, pp. 5121-5124; July 4, pp. 5173-5177. Sec. 7 of the act as adopted extended naturalization "to aliens of African nativity and to persons of African descent."Congressional Globe, 41st Cong., 2d Sess., Appendix, p. 701. [220] Journal, April 30, 1870, p. 2.

[263] Gyory, Gate, p. 52, 277; Congressional Globe, 41st Cong., 2d Sess., July 2, 1870, pp. 5121-5124; July 4, pp. 5173-5177. Sec. 7 of the act as adopted extended naturalization "to aliens of African nativity and to persons of African descent."Congressional Globe, 41st Cong., 2d Sess., Appendix, p. 701.

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EPILOGUE

Ralph E. Shaffer and Sheila M. Skjeie

By the summer of 1870 black suffrage was irrevocably established in California. With the passage of the Enforcement Act, not only had the Los Angeles County Clerk given in, but blacks began to register in Barclay "Brad-awl" Henley's Sonoma County. Even the Butte clerk bowed to the inevitable and accepted black registrations. The lone holdout was Fresno County Clerk Harry Dixon who, as late as January 1871, still insisted that under California law only whites could register to vote and refused to accept a black registrant.¹

In some counties blacks did not register. Humboldt, Lassen and Mono counties reported no African Americans residents in the 1870 census. In Tulare County none of the adult blacks listed in the census are found on the *Great Register*, but there is no indication that their registration was thwarted by a recalcitrant clerk. In other counties, even those with more than a handful of African Americans, the spring of 1870 saw very few registrations, white or black. With elections that year only for town or school offices, registration was largely meaningless except for the symbolism it held for African Americans and the sense of pride it offered them. Not until 1871, which brought a statewide election for major offices, did a real opportunity for black participation in California politics occur.

At the 1871 Democratic state convention delegates resolved unanimously "That we regard the three ... amendments to the constitution, recently adopted, as a settlement in fact of all the issues of the war, and that the same are no longer issues before the country." In a companion resolution Democrats demanded that the rule of strict construction, "as proclaimed by the democratic fathers, and embodied in the tenth amendment" be applied to the constitution as it is, "including the three recent amendments."² For the state election that fall, blacks organized political clubs in the larger cities to urge all African Americans to vote Republican.³

Concerned that full civil rights were still denied blacks, a San Francisco meeting the following January commemorating emancipation adopted two resolutions, raising the first indication of serious dissatisfaction with the state's Republican party:

1. that we must make our future political watchword admission to our public schools for every child in the state, without regard to color.

2. That we will vote for no man, for any position, who is opposed to that means of justice.⁴

Some defections had already taken place. In the San Francisco municipal election of 1871 editors Philip Bell and Peter Anderson both denounced African Americans who backed Democratic candidates.⁵ Yet by 1873 Anderson had joined the critics, charging that Republicans had failed to keep their promises. At a state African American convention that year delegates displayed their discontent with the lack of political patronage offered to blacks, increasingly questioned their attachment to the Republican party, and began to consider Democratic candidates.⁶

As if in response to the criticism, Republicans adopted a resolution for the state election of 1875 declaring that "all citizens, without distinction of color, are entitled to equal advantage of public school education."⁷ Despite the Republican resolution, two years later Bell's Equal Rights League declared its independence from the Republican party and backed the Democrats, the first important black defection from the Republican party.⁸ Many militant blacks left the Republican party in disillusionment in the mid and late 1870s. Historian Frances Lortie found the Compromise of 1877 - the withdrawal of Union troops from the South in return for acceptance of a Republican victory in the disputed presidential election of 1876 - to be the last straw.⁹

Although declaring that their political preference was with the Republican party, a black convention in San Francisco in 1880 lamented that the party ignored their political rights and failed to give blacks proper recognition in the form of patronage. Still, the convention endorsed the presidential candidacy of Republican James Garfield.¹⁰

Despite a division among the delegates in the 1882 state African American convention, they moved toward support of Democratic candidates, believing that this would lead to more patronage and political rewards for blacks.¹¹ Many pro-Republican blacks walked out of the meeting, protesting adoption of a resolution offering support to candidates of any party who opposed discrimination on account of color. Instead of approving a resolution supporting the Republican platform, the convention endorsed the Democratic ticket headed by gubernatorial candidate George Stoneman.¹² Delegates were swayed by a speaker who argued that Stoneman

promised to offer blacks positions as notary publics, an office considered political patronage in that era.¹³ A rump convention, composed of those who walked out, then endorsed the Republican ticket.¹⁴ In late 1883 Stoneman finally named a black to the position of notary public.¹⁵

Despite these defections, most California blacks remained true to the Republicans. The Democratic party of the late nineteenth century offered little to attract them.¹⁶ Although the positions Republicans promised blacks in return for their support usually never materialized, those African Americans who switched to the Democratic party found conditions there no better.¹⁷

Only gradually did black candidates for office appear on the ballot. The name of the first African American office-seeker whose name was printed on a ballot remains unknown. In 1888 the Prohibition party in Los Angeles nominated S. B. Bows for constable, the first black nominated by a political party in that county. Bows' nomination took place in a local convention composed almost entirely of white men. A Los Angeles black newspaper, the *Observer*, endorsed Bows, to the disappointment of local African American political leaders who still maintained close ties to the Republican party. Bows was defeated by Martin Aguirre, a popular Mexican-American and a regional hero for his daring rescues during one of the severe floods on the Los Angeles River.¹⁸ In 1894 Isaac T. Sanks, son of the African American who received votes in the 1870 Grass Valley town election, was the Republican party's candidate for Grass Valley constable. As his father before him, he lost.¹⁹

In 1888 Edward Duplex, a barber by profession but also a successful businessman, was elected mayor of Wheatland, a small, rural town in the Sacramento Valley, the first black to hold such a position in the state. Others would follow him, with African Americans, at a much later date, holding the highest municipal offices in Los Angeles, San Francisco and Oakland.

In state politics blacks, following the civil rights revolution of mid-twentieth century, were chosen by fellow legislators as speaker of the assembly and head of the state senate, and won an election for Lieutenant Governor. Los Angeles Mayor Tom Bradley twice ran close but losing races as the Democratic candidate for governor in the 1980s. By then, as a result of Franklin Roosevelt's New Deal policies of the 1930s, the growing conservatism of the post-World War II Republican party, and the civil rights movement following the U. S. Supreme Court decision in *Brown v. Board of Education*, black voters had moved overwhelmingly into Democratic ranks.

For many years the Fifteenth Amendment offered other ethnic groups few benefits. Denied citizenship by restrictions in the Naturalization Act, and with further immigration prohibited after Congress adopted the Exclusion Act in 1882, Chinese in

California were only important politically as a whipping boy in the late nineteenth and early twentieth centuries. While Americans of Chinese descent born in the United States were eligible to vote as native-born citizens, as Henry George had noted many years before, their numbers were not such as to give them significance in state elections.

Immigration legislation of the 1920s continued Asian exclusion, and it was not until the United States fought as an ally of China during World War II that exclusion was abolished through passage of the Magnuson Act in 1943. That law made Chinese immigrants eligible for U.S. citizenship, although the number allowed to immigrate was minuscule until major immigration reform legislation was adopted in the 1960s.²⁰

In that decade Chinese Americans became a significant force in California politics. March Fong Eu became the first Chinese-American elected to the state legislature when she won a seat in the assembly in 1966. Eight years later her election to Secretary of State made her the first Asian American elected to statewide office in the United States. The appointment of Wilma Chan to the post of Assembly majority leader in 2002 marked the first time either a woman or an Asian had held that position.²¹

While native-born Chinese Americans legally had voting rights with passage of the Fifteenth Amendment, Native Americans remained without the ballot. Despite the rhetoric of Democratic politicians in the 1870 debate over the intent of the amendment, there is no indication that any Indians living off reservations registered, or attempted to register, in that year. The Indian Naturalization Act of 1890 permitted Indians to apply for citizenship in much the same way that immigrants did. In 1917 Ethan Anderson, a Pomo Indian resident of Lake County who did not live on a reservation, tried to register to vote but the county clerk refused his application. Anderson sued, and in 1917 a state court ruled in his favor, finally securing voting rights for non-reservation Indians in the state.²²

Indians living on reservations were still without suffrage. In 1924 Congress extended citizenship - and indirectly the right to vote - to all Native Americans born in the United States. Despite this, California Indians were not an influence in California elections until casino gambling emerged in the late 1990s, making Native Americans a powerful force in the state's elections and in legislative lobbying.²³

In the early 1960s, in the midst of the civil rights revolution, an editorial in the *Sacramento Bee* noted that California had never ratified the Fifteenth Amendment. That prompted State Senator Albert Rodda, a Sacramento Democrat, to introduce a resolution of ratification. Years later Rodda recalled that the legislature had belatedly approved the Fourteenth Amendment in 1959, but no action had been taken regarding

the Fifteenth. On April 4, 1962, the legislature gave final approval to Senate Joint Resolution 9. The Rodda proposal passed the state senate, 31-0. The assembly approved it, 66-0.

Rodda noted that his party had been responsible for the failure to ratify the amendment in 1870. He took pride in the fact that modern Democrats, with support from Republicans, had finally corrected that error.²⁴ The "seal of condemnation" that Democratic Speaker of the Assembly George H. Rogers (San Francisco) had successfully urged his fellow assemblymen to place on the Fifteenth Amendment had finally been removed.

NOTES

[1] Fresno *Expositor*, Jan. 4, 1871, as reprinted in the Sacramento Union, Jan. 17, 1871.

[2] Winfield Davis, *Political Conventions in California, 1849-1892* (Sacramento: California State Library, 1893), p. 298.

[3] Davis, *Political Conventions*, p. 310.

[4] Ibid.; George H. Tinkham, *Men and Events* (Stockton: Record Publishing Co., 1915), pp. 224-225.

[5] Frances N. Lortie, *San Francisco's Black Community, 1870-90* (San Francisco: San Francisco State College, 1970), pp. 35-6.

[6] James A. Fisher, "A Social History of Negroes in California, 1860-90," M. A. Thesis, Sacramento State College, 1960, p. 111; James A. Fisher, "The Black Community in California," in Roger Olmsted and Charles Wollenberg, *Race and Racism in California* (San Francisco: California Historical Society, 1971), p. 40.

[7] Tinkham, *Men and Events*, p. 224, writing in 1915 took this to mean that "For the first time in California politics the color line was erased."

[8] Fisher, in Olmsted, *Race and Racism*, p. 40.

[9] Lortie, *San Francisco's Black Community*, p. 35.

[10] Fisher, "Social History of Negroes," pp. 111-12.

[11] Fisher, in Olmsted, *Race and Racism*, p. 40.

[12] Fisher, "Social History of Negroes," pp. 115-16.

[13] Douglas Daniels, *Pioneer Urbanites: A Social and Cultural History of Black San Francisco* (Philadelphia: Temple University Press, 1980), p. 51.

[14] Fisher, "Social History of Negroes," p. 117.

[15] Ibid., p. 119.

[16] Rudolph Lapp, *Afro-Americans in California* (San Francisco: Boyd and Fraser Publishing Co., , 1979), p. 24; Tinkham, *Men and Events*, p. 290.

[17] Daniels, *Pioneer Urbanites*, p. 50.

[18] Los Angeles Observer, Oct. 20, 1888; Douglas Flammig, letter to Ralph Shaffer, Dec. 9, 1997.

[19] Pat Jones, "Nevada County's Black Pioneers," *Nevada County Historical Society Bulletin*, Vol. 29, No. 3, July, 1985, p. 23.

[20] 20 Magnuson Act, 943 Wikipedia

[21] A History of Asian Americans in the California Legislature <https://apicaucus.legislature.ca.gov/history-asian-americans-california-legislature>

[22] Ethan Anderson - UCI <http://faculty.humanities.uci.edu/tethorne/notablecaliforniaindians/ethananderson.htm>

[23] <https://www.narf.org/cases/voting-rights/>

[24] Albert S. Rodda, letter to Sheila Skjeie, April 13, 1973; *Sacramento Bee*, April 5, 1962.