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**California Redeemed: The Retreat from Reconstruction in the Far West**

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Penn DCC Workshop  
January 21, 2015

Looking back on recent world history, Benjamin Franklin Washington divined what he regarded as a self-evident truth: The ancestors of Africans, whether in Haiti or the American South, were “not only totally incapable of self-government, but wholly unfit to be free.”<sup>1</sup> Emancipation in the U.S. was a disaster, according to Washington, yet what followed may have even been worse. The federal policy of Reconstruction sought to invert the “order of nature” itself by forcing Southern whites, “whom the Great Architect has placed at the apex of the human pyramid, way down beneath the ignorant, normally-savage and only semi-human negro.”<sup>2</sup> Washington’s views represented not some Confederate fringe in the Deep South; rather, these were editorial statements in one of the leading newspapers of California. Through the pages of the San Francisco *Examiner* Washington waged a war of words against Reconstruction, and in the years following the Civil War California’s electorate grew increasingly sympathetic to his views. Just two years after Appomattox, the state’s Democratic Party rode to a stunning electoral victory on a white supremacist, anti-Reconstruction platform at a time when Republicans were still consolidating their gains elsewhere across the country. Thus we might consider California one of the first states to be “redeemed” from Union or Republican control.<sup>3</sup>

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<sup>1</sup> San Francisco *Examiner*, 11 January 1869.

<sup>2</sup> San Francisco *Examiner*, 2 July 1868

<sup>3</sup> See Stacey Smith, *Freedom’s Frontier: California and the Struggle over Unfree Labor, Emancipation, and Reconstruction* (Chapel Hill: University of North Carolina Press, 2013), 210.

Washington and the party he represented rarely receive a hearing in most scholarship on the Reconstruction era. From Hubert Howe Bancroft to Eric Foner and beyond, historians have overlooked the ways in which federal policy impacted the American West during this period. Bancroft's pioneering nineteenth-century work focuses almost exclusively on local politics during the post-Civil War era, while Foner's synthesis, for all that it accomplishes, largely ignores political matters in the trans-Mississippi West.<sup>4</sup> There have been some notable exceptions, however, beginning with Eugene Berwanger's *The West and Reconstruction* in 1981. More recently, the scholarship of Joshua Paddison, D. Michael Bottoms and Stacey Smith has drawn needed attention to the racial politics of post-Civil War California.<sup>5</sup> Yet the dominant narrative remains regional rather than national. And with Reconstruction largely confined to the postwar South in most interpretations, Indian fighters and robber barons continue to symbolize the West of this period, leaving little room for the voters, politicians, and various local officials who once made Reconstruction the central issue of the day.

Through a study of California's Democratic politics, this paper challenges both the geography and chronology of the standard narrative. It insists that we move beyond

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<sup>4</sup> Hubert Howe Bancroft, *The Works of Hubert Howe Bancroft* (San Francisco: The History Company, 1889); Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988).

<sup>5</sup> Eugene H. Berwanger, *The West and Reconstruction* (Urbana: University of Illinois Press, 1981); Joshua Paddison, *American Heathens: Religion, Race, and Reconstruction in California* (San Marion, CA: University of California Press and the Huntington Library, 2012); D. Michael Bottoms, *An Aristocracy of Color: Race and Reconstruction in California and the West, 1850-1890* (Norman, OK: University of Oklahoma Press, 2013); Smith, *Freedom's Frontier*. Historical scholarship is poised for a geographic and conceptual reframing of Reconstruction. See, Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2002); Heather Cox Richardson, *West from Appomattox: The Reconstruction of American after the Civil War* (New Haven: Yale University Press, 2007); Elliot West, "Reconstructing Race," in *The Essential West: Collected Essays* (Norman, OK: University of Oklahoma Press, 2012); Steven Hahn, "Slave Emancipation, Indian Peoples and the Projects of a New American Nation-State", *The Journal of the Civil War Era* 3 (Sept. 2013). The forthcoming work of Michael Green and William F. Deverell will add significantly to the small but growing body of scholarship on Reconstruction and the West.

the facile binary between racial reactionaries in the South and progressives in the North, and instead view Reconstruction as a protracted, nationwide struggle over the legacies of slavery and the Civil War – a struggle that often took unexpected turns. Some of the stiffest opposition to Republican policies at the time came far from the former Confederate states. This paper argues that the so-called retreat from Reconstruction actually began in California in 1867, when voters vented their frustrations with national policy by driving out of office the party most closely associated with federal action in the South.<sup>6</sup> In the years that followed, Californians protested loudly against the military occupation of the South and against black suffrage, refusing to ratify the Fourteenth and Fifteenth Amendments – the only free state to do so during the Reconstruction period.<sup>7</sup> In tracing the roots of this revolt against Reconstruction, I argue that the Southern influence on California politics did not die with slavery. Although many of the former proslavery leaders had faded from the scene, the old Southern interests that once dominated the state continued to exert a disproportionate influence on California's politics. Along with their Northern-born partners within the Democratic fold, they blunted the reach of Reconstruction and ensured that an unrepentant South had allies in the Far West.

### **Go West, Old South**

By the spring of 1865 the Confederacy had been routed, slavery abolished, and the wealth of the rebellious states drained, yet fears persisted of a lingering threat from the South. Less than a month after Appomattox, the Sacramento *Daily Union* predicted

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<sup>6</sup> William Gillette's influential *Retreat from Reconstruction, 1869-1879* (Baton Rouge: Louisiana State University Press, 1979) ignores California and starts in 1869.

<sup>7</sup> Oregon initially ratified the Fourteenth Amendment, and then rescinded their ratification two years later.

that a flood of rebel refugees would soon inundate the West. The border slave states, the *Union* warned, would send westward a “class of shiftless, lawless Union-haters” and “across the Plains will come the poor, ignorant, brute whites” of the South along with their political apostasy. The West’s relative lack of African Americans made it a natural escape for the thousands of former Confederates fleeing the fallout of emancipation, the paper added.<sup>8</sup> Fears of a Southern takeover were only compounded by later reports, including one from New York, where a secret cabal of former rebels had purportedly gathered. Again, the *Union* sounded the alarm. Because of California’s strong Democratic affiliations, the state was regarded as a field of opportunity for Southern politicians, according to the *Union’s* New York correspondent. Among those contemplating a fresh start in the West were former Confederate General P.G.T. Beauregard and California’s estranged former senator, William McKendree Gwin. “I tell you their eyes are turned thitherward,” the correspondent warned.<sup>9</sup>

Ultimately the threat of a mass Southern migration never materialized. According to census data, California’s population of Southern natives – or more specifically, those born in the former Confederate states – increased by only 700 between 1860 and 1870. Yet Californians’ persisting distrust of the slave South was not entirely misplaced. Even if the state’s Southern-born population had not greatly increased in the past decade, California still harbored five times as many natives of Confederate states than any other part of the West.<sup>10</sup> Furthermore, few longtime residents could forget that proslavery

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<sup>8</sup> Sacramento *Daily Union*, April 29, 1865.

<sup>9</sup> Sacramento *Daily Union*, October 2, 1867.

<sup>10</sup> The number of inhabitants born in the former Confederacy, by state or territory, is as follows: California, 21,045; Oregon, 4,457; Nevada, 1,531; Washington, 848; Montana, 851; Idaho, 484. For census data, see Berwanger, *The West and Reconstruction*, 19-20.

leaders had steered the state's political course through the antebellum period.<sup>11</sup> And although California remained loyal during the Civil War, pro-Confederate activity had forced Union officials to garrison the southern part of the state, while a venomous Copperhead press agitated against the Lincoln administration. California may have entered the postwar order under relatively progressive Union Party leadership, yet many residents, like B.F. Washington, cherished fond memories of California's proslavery past.

Those suspicious of a Southern comeback could perhaps read the writing on the wall in Los Angeles. There, "the Civil War continued to rage," according to Horace Bell, a Union veteran who had returned to Southern California in July 1866. Bell found that old friends "turned their backs on me" and spoke spitefully of his wartime service. "The idea... of a Los Angeles man of your stamp fighting on the side of the blacks!" was a common refrain. As a "red rag to the Secessionist bulls of the vicinity," Bell wound up in over 40 fights for his wartime loyalties, according to his estimates, although the eventual arrival of more Union veterans relieved some of the pressure.<sup>12</sup> As a longtime Los Angeles resident, Bell had grown accustomed to the Southern character of the town. A natural endpoint to the southern overland route, Los Angeles attracted a sizeable portion of its population from below the Mason-Dixon Line, and during the 1850s grew into what we might consider the far western outpost of the slave South. During the war, these Southern natives transformed Los Angeles and its neighboring counties into a hotbed of secessionist activity, leading Union officials to believe that the state may

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<sup>11</sup> There is small literature on this topic. For the best treatment to date, see Leonard Richards, *The California Gold Rush and the Coming of the Civil War* (New York: Vintage, 2007).

<sup>12</sup> Horace Bell, *On the Old West Coast: Being further Reminiscences of a Ranger*, edited by Lanier Bartlett (New York: Grosset & Dunlap, 1930), 76-81.

devolve into an internal civil war.<sup>13</sup> If Bell's postwar experiences are any indication, sentiments were slow to change.<sup>14</sup>

The Southern influence on California persisted in less violent form along the Merced River in the Central Valley, where several planters had launched an ambitious experiment in cotton cultivation. The brothers and Georgia natives, John L. Strong and J.M. Strong, served as the pioneers and propagandists of these efforts, gathering around them a small community of fellow Southern migrants. John L. Strong viewed California as something of an extension of the plantation South, a state that lay almost entirely "within the cotton zone."<sup>15</sup> By the early 1870s these efforts in cotton cultivation had created a "mania" in California, according to the Fresno *Expositor*, and soon glowing reports poured in from across the state and even across the South.<sup>16</sup> When the Strong brothers shipped their samples to experts in New Orleans, Liverpool and Scotland, they received highly gratifying feedback, attesting to the superior quality of the California crop.<sup>17</sup> Aside from the temperate climate, California's advantage rested in its laboring population, according to western planters. The Strong brothers insisted that Chinese "coolies" presented an elegant solution to the problem of free black labor. Compared to recently emancipated slaves, Chinese laborers were "less expensive," "controlled with

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<sup>13</sup> See *Official Records of the War of the Rebellion*, Series I, Vol. L, Part. I, 472, 556-558, 563-566, 589-591, 643, 993, 996-997; Series I, Vol. L, Part II, 236, 938; also see John W. Robinson, *Los Angeles in Civil War Days, 1860-1865* (Norman: University of Oklahoma Press, 1977, 2013).

<sup>14</sup> For the return of several prominent Southerners to Los Angeles, see Albert Lucian Lewis, "Los Angeles in the Civil War Decades, 1850-1868" (PhD Dissertation, University of Southern California, 1970), 283-286

<sup>15</sup> In John L. Strong's letter to the *Pacific Rural Press*, 7 January 1871.

<sup>16</sup> Fresno *Expositor*, 20 November 1872. These reports came from a range of California papers, as well as some publications within the South; see articles from the San Francisco *Bulletin*, San Francisco *Rural Press*, Visalia *Delta*, Woodland *Democrat*, Yuba City *Banner*, San Francisco *Commercial Herald*, Sacramento *Record*, and Stockton *Republican*, all reprinted in "Transactions of the California State Agricultural Society during the Year 1872", *Journal of the Legislature of the State of California* Vol. 3 (1874), Appendix: Reports, 310-322. See also reports from Georgia in the Georgia *Weekly Telegraph*, 12 September 1871; Savannah *Daily Advertiser*, 27 June 1871; and Daily Columbus *Enquirer*, 4 January 1871.

<sup>17</sup> Merced *Argus*, 25 November 1871; Sacramento *Daily Union*, 12 May 1873.

less difficulty,” and generally “more efficient,” John L. Strong wrote to an interested party in Kentucky.<sup>18</sup> Fantasies of a new cotton kingdom in the West ultimately came to naught, however. The combination of a labor shortage and California’s distance from markets proved fatal for the crop, which planters had largely abandoned by the late 1870s.<sup>19</sup>

Aside from J.M. Strong and his brief foray in state politics, these cotton planters did not pose a serious threat to Union or Republican prospects within California.<sup>20</sup> A far greater political menace, according to the Unionist press, came from William Gwin, a former Mississippi slaveholder and California’s Democratic kingpin through the 1850s. Gwin’s postwar political comeback was nothing short of spectacular, a testament to the enduring power of Southerners in the state’s affairs. In the spring of 1865, few would have predicted that Gwin could ever return to politics in the West. For the second time in the course of four years, he had been imprisoned for suspected treason. He remained under lock and key in Fort Jackson, Louisiana, until early 1866 for a total of nearly eight months – a longer prison sentence than virtually any Confederate high official other than Jefferson Davis. California’s loyal press had cast him off as a “hoary-headed traitor,” while Ulysses S. Grant himself branded him a “rebel of the most virulent order.”<sup>21</sup> Yet by late 1866 he was back in California, and a year after that he helped orchestrate the

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<sup>18</sup> John L. Strong to Robert Muldron, 16 November 1871, in “Transaction of the California Agricultural Society,” 306. Sugar planters in the post-emancipation South also sought the purported advantages of Chinese labor; see Moon-Ho Jung, *Coolies and Cane: Race, Labor, and Sugar in the Age of Emancipation* (Baltimore: Johns Hopkins University Press, 2009)

<sup>19</sup> California cotton would experience a comeback in the 1920s and 30s, and to this day, California ranks second only to Texas in cotton output. See Devra Weber, *Dark Sweat, White Gold: California Farm Workers, Cotton, and the New Deal* (Berkeley: University of California Press, 1994).

<sup>20</sup> Strong, an “an ultra Democrat, with strong Southern sympathies,” served as a delegate to the Constitutional convention before his death in 1878. San Francisco *Bulletin*, 19 November 1878.

<sup>21</sup> Sacramento *Daily Union*, November 16, 1861; *Official Records*, Series I, Vol. L, Part II, 1118.

astounding electoral victory of his son, Willie, a former Confederate cavalryman.<sup>22</sup> As a state senator, the younger Gwin would become one of the leading opponents of the Fifteenth Amendment, while his father continued to campaign for his various Democratic friends. Although the elder Gwin never again sought office, he remained a prominent voice in state politics and continued to inspire glowing tributes from California's rapidly growing Democratic population.<sup>23</sup> For many, Gwin had not only redeemed himself, he had helped redeem the state.<sup>24</sup>

### **The Roots of Revolt**

The Far West may have avoided a deluge of former Confederates, as some feared, but California could not escape its proslavery past. That past lived on in Los Angeles' lingering secessionist sentiments, in cotton experiments along the Merced River, and in the second career of William Gwin. It also persisted in the politics of a small but growing core of Democratic politicians. When the Thirteenth Amendment came up for ratification by the states in December 1865, a cadre of California Democrats took a determined stand against emancipation. Senator J.K. Rush of Colusa suggested that the amendment to liberate the nation's slaves simultaneously infringed upon state's rights, and that such measures would only open the floodgates to greater federal encroachments. Furthermore, why should a mere two-thirds of the states be able to strip Delaware, which

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<sup>22</sup> The victory is astounding considering that just two years earlier, Willie was worrying about being hanged for his role in the rebellion. See Willie Gwin to his mother, 18 May 1865, in San Francisco *Bulletin*, 28 December 1866.

<sup>23</sup> On the sensation Gwin caused in Democratic circles, see Sacramento *Daily Union*, 10 November 1867.

<sup>24</sup> For Gwin's biography, a highly sympathetic and thin account, see Lately Thomas, *Between Two Empires: The Life Story of California's First Senator, William McKendree Gwin* (Boston: Houghton Mifflin, 1969).



remained loyal to the Union throughout the course of the war, of its enslaved laborers?<sup>25</sup> Of course, the dominant Union Party easily silenced these anti-abolitionist voices of dissent. However, in future struggles over the meaning of emancipation, Democrats would increasingly exploit California's white supremacist tendencies to gain the upper hand.

California's Democrats began their comeback shortly after the Civil War. They did so primarily by tapping into a widely held fear amongst the state's voting public: that whites sat uneasily atop a racial pyramid slowly crumbling under the weight of federal Reconstruction. White voters recognized that federal measures designed to reconstruct the South would have a decisive impact on the West as well. In fact, Congress gave African Americans in the territories the right to vote two months prior to black suffrage in the former Confederacy.<sup>26</sup> In such a diverse state, whites felt particularly threatened by the prospect of a widening franchise and thus the dilution of their voting power. What began as a mistrust of federal policy grew into what D. Michael Bottoms calls "a level of racial hysteria unmatched anywhere else."<sup>27</sup> Attuned to this growing anxiety, Democrats made opposition to black suffrage the central plank in their 1865 campaign. At the Democratic State Convention that year, Eugene Casserly, fast emerging as the Party's leading spokesman on this issue, pledged his "opposition to negro suffrage and its inevitable result, the social equality of the negro."<sup>28</sup> Democrats like Casserly learned that casting their opponents as champions of black suffrage and racial equality paid political dividends, while simultaneously distracting from accusations of wartime disloyalty. In

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<sup>25</sup> San Francisco *Bulletin*, 16 December 1865. Several days earlier, a similar group of senators voted against resolutions in tribute to the memory of Lincoln; see *Bulletin*, 14 December 1865.

<sup>26</sup> Berwanger, *The West and Reconstruction*, 10

<sup>27</sup> Bottoms, *Aristocracy of Color*, 5.

<sup>28</sup> San Francisco *Bulletin*, 20 September 1865.

turn, their opponents complained that Democrats had created single-issue party. The Stockton *Independent*, for instance, reported that “the negro is about the only staple in Democratic argument... without him the party would be *non est*.”<sup>29</sup>

As the self-anointed defenders of white rule, Democrats enjoyed modest success in the 1865 elections. Although the Union Party retained control of the statehouse, Democrats won important seats in Sacramento, San Francisco and Sonoma. But more valuable than any legislative gains were the lessons learned: race baiting won votes, and more generally, vocal opposition to Reconstruction could provide a way forward for the party. In the legislature of 1865-66, Democrats made up for their slightness in numbers with the force of their attacks on federal policy. They inserted themselves into the national struggle over Reconstruction by issuing a wave of resolutions on federal issues, while also introducing more localized bills to prevent the immigration of blacks into California and to permanently bar them from the franchise. When, in December 1865, Congress refused to seat the recently elected candidates from former Confederate states – including six members of Davis’s cabinet, 58 Confederate Congressmen, and four Confederate generals – California’s Democrats spoke out in opposition.<sup>30</sup>

Support for Andrew Johnson and sympathy for the defeated South became hallmarks of this opposition to Reconstruction. Democrats were jubilant when Johnson vetoed the Freedman’s Bureau bill in February 1866. To celebrate, they held a rally in San Francisco, and issued a series of resolutions, drafted by none other than B.F. Washington. In conjunction with opposition to black suffrage, sectional healing was the order of the day:

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<sup>29</sup> Stockton *Independent*, 18 August 1865, quoted in, Thomas E. Malone, “The Democratic Party in California, 1865-1868 (M.A. Thesis, Stanford University, 1949), 22.

<sup>30</sup> Malone, “Democratic Party in California”, 15, 29-30, 42-46.

Resolved: That American progress and civilization alike demand that friendly feelings should be cultivated between the North and the South; that their citizens should forgive and forget the wrongs of the past; that they should seek to soothe the asperities growing out of the war; that they should 'let the dead past bury the dead,' and shaking hands over the graves of common brothers and countrymen, pledge themselves to a better understanding in the future.<sup>31</sup>

This early paean to reconciliation came at a time when the memory of the war was still fresh in the nation's collective memory, and therefore this impulse to forgive and to forget still lay dormant in most Americans. In their battle against Reconstruction, California's Democrats were amongst the first to embrace the reconciliationist spirit that would, in time, guide much of the nation.<sup>32</sup>

As Democrats united in opposition to Reconstruction, the Union Party began to fray. A coalition of Republicans and loyalist Democrats that came together during the early years of the war, the Union Party clung tenaciously to its old majority in a time of peace. Johnson's vetoes of the Freedmen's Bureau and civil rights bills – triumphs for California's Democrats – exposed fissures within the fragile Union coalition. The party would eventually endorse the civil rights bill – what would become the Fourteenth Amendment – but at the cost of alienating their more conservative allies. Union stalwarts who guided the state during the war years were dismayed to find the party in shambles by 1867. Yet, in many ways, this swift decline was no surprise. Taking the long view of California history, we can see the party as merely the product of wartime exigencies, an aberration in the state's deep association with proslavery politics. Beneath the surface, California remained an intensely conservative state, hostile to the progressive racial

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<sup>31</sup> San Francisco *Bulletin*, 28 February 1866.

<sup>32</sup> California and the West are largely absent from David Blight's important account of Civil War memory and the politics of reconciliation. See David Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, Mass.: Belknap, 2001).

politics of the Republican postwar order. The Union Party simply lacked the blueprint for a political future. That future belonged to the Democrats and their politics of white supremacy. Thus, the Democratic victories of the late 1860s look less like a “political revolution,” as Michael Bottoms has suggested, and more like a return to the political equilibrium that had long reigned in California.<sup>33</sup> This was redemption, not revolution.

### **A Referendum on Reconstruction**

When Congressional Republicans passed three Reconstruction Acts between March and July 1867, they once again invigorated the Democratic cause in California. Here was confirmation of racial conservatives’ worst fears: not only had the acts placed a suffering South under military rule, but they had enfranchised black voters in the former Confederacy while simultaneously barring many whites from the polls. B.F. Washington, in particular, raged against what he called the “great Mongrel military despotism” and the “Five Monarchy Acts,” a reference to the five military districts into which the former Confederacy had been divided. No amount of scorn seemed sufficient for the Republicans behind these policies. “Never before in this or any other country did a more atrocious band of wicked traitors and unconscionable knaves meet together,” Washington seethed.<sup>34</sup> Military Reconstruction was a bald power grab, according to Washington, born out of a vengeful hatred of the South. “Ranting, raving New England Puritans,” Washington wrote, “hate a Southern gentleman and all his belongings, on the

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<sup>33</sup> Bottoms writes of this so-called revolution by “a party that only a year earlier had seemed so blackened by the stain of rebellion that few thought it would ever rise again,” *Aristocracy of Color*, 55. Although Bottoms remains one of the best historians on this period in California’s history, he vastly overplays the strength of the state’s Unionism.

<sup>34</sup> San Francisco *Examiner*, 1 July and 23 July 1867.

same principle that the devil does holy water.”<sup>35</sup> Other Democrats were no less dramatic in their denunciations of Military Reconstruction. An equally irate California Democrat claimed that the recent Congressional measures “crushe[ed] beneath the iron heel of naked power every principle of right and freedom [for which] the revolution [had been] fought.”<sup>36</sup>

Democratic politicians carried this outrage into campaign season that summer and urged California’s voters to join them by casting their ballots in protest of Reconstruction. A quick perusal of the Democratic platform would immediately dismiss any notion that the Far West isolated itself from national issues during this period. In fact, it was precisely upon national issues that Democrats aimed to rebuild the party. Roughly half of their platform resolutions targeted Reconstruction, especially the issues of black suffrage and military rule in the South. Radical Republicans, the state committee argued, had “imperil[ed] the union by their mad and seditious course.” Reflecting growing sympathy for the defeated South, the committee insisted that “the states lately in rebellion should be dealt with in a spirit of kindness and forbearance” rather than Congress’ current “harsh, illiberal, and oppressive” policy. The committee also hammered on the party’s central plank by reminding voters that suffrage for “negroes, Chinese, and Indians... would end in the degradation of the white race and speedy destruction of the government.”<sup>37</sup> The cumulative effect of these resolutions was to present a clear and united front of opposition to Republican national policy. And by linking the Union Party

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<sup>35</sup> San Francisco *Examiner*, 24 July 1867.

<sup>36</sup> Quoted in Berwanger, *Reconstruction and the West*, 106.

<sup>37</sup> Winfield J. Davis, *History of Political Conventions in California, 1849-1892* (Sacramento: California State Library, 1893), 264-266.

with Congressional legislation, California's Democrats turned the September elections into a referendum on Reconstruction.

Opposition to Military Reconstruction, rejection of black suffrage, and sympathy for the defeated South proved a winning formula in the election. Indeed, this grand strategy catapulted California's Democrats to one of the most stunning electoral reversals in the postwar years. While the Union Party held a decisive 65 percent of the seats in previous state legislature, when the polls closed in September 1867 the Democrats had gained a 22-seat majority in the assembly, though still trailing by two votes in the senate. The party was now poised to elect a U.S. senator, two House representatives, and to fill most state offices with Democratic loyalists.<sup>38</sup> Although Union supporters minimized their defeat as merely the fallout from internal party divisions, Democrats recognized that their attacks on Reconstruction had been the deciding factor in the election.<sup>39</sup> By returning the Democrats to power, California's white voters effectively denounced Military Reconstruction in the South and registered their firm opposition to black suffrage.

The Democratic landslide was all the more remarkable coming as it did at the high tide of national Republicanism. In the election of 1866 – what one scholar has called the most important mid-term contest in American history – Republicans extended their massive majority in Congress to ensure that they controlled well over two-thirds of the votes required to override a Johnson veto.<sup>40</sup> Over the next year, Radical Republicans leveraged these gains to advance their program of black suffrage, what amounted to “a

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<sup>38</sup> Berwanger, *The West and Reconstruction*, 202-203; Malone, “Democratic Party in California,” 62-63.

<sup>39</sup> For a representative Unionist response to the election, see *Alta California*, 6 September 1867.

<sup>40</sup> Patrick W. Riddleberger, *1866: The Critical Year Revisited* (Carbondale, IL: Southern Illinois University Press, 1979), 202.

stunning and unprecedented experiment in interracial democracy,” according to Eric Foner.<sup>41</sup> California’s 1867 election returns thus came as a sobering rebuke to Republicans across the nation, still flush from their victories a year earlier. Along with smaller yet still significant Democratic comebacks in Connecticut, Ohio and New York, it was one of the first major warning signs for a party that had seemingly bested President Johnson and his conservative allies. Following California, Oregon’s Democrats took back the statehouse in 1868. And in the coming years, other western states and territories expressed a growing unease over federal encroachment.<sup>42</sup> Anyone attuned to the mood in the West could tell that the struggle against Reconstruction would extend far beyond the former Confederacy.

The 1867 defeat proved fatal to California’s Union Party, which dissolved shortly thereafter. During the election Union candidates largely ignored national issues, never able to parry the damning Democratic critique that they had abandoned the white voter. Their campaign lacked both the coherence and the force of previous efforts. Union Party candidates continued waving the bloody shirt – that is, blaming Democrats for secession and the ravages of the war – but this strategy was clearly yielding diminishing returns.<sup>43</sup> California’s voters had seemingly traded their indignation over secession for a growing sympathy for the South, now chafing under military occupation. Amidst mounting appeals for reconciliation, the Union Party – which was, after all, a product of wartime exigencies – had lost its trump card of anti-Confederate outrage. Those members of the now defunct Union Party who did not defect to the Democrats adopted the Republican

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<sup>41</sup> Foner, *Reconstruction*, 278.

<sup>42</sup> Berwanger, *The West and Reconstruction*, 185-186.

<sup>43</sup> For an example of typical Union Party rhetoric, see the Marysville *Daily Appeal*, 22 June 1867.

banner. And for the remainder of the century they attempted to regain the power and prestige they had once enjoyed during the war years.

### **California's Southern Revival**

By 1867 Californians were eager to bury the past. The Union Party's failure to sufficiently tap wartime bitterness coincided with a sea change in how Californians imagined the former Confederacy. Through a sort of historical alchemy, Democrats had redeemed former rebels and transformed the Party of Lincoln into the enemy of both Union and Constitution. Few Californians would go so far as to defend secession, but many now rendered the South the true victim in postbellum order that was perhaps more destructive to the nation than the carnage of the war years. Sharpening this sympathy for former rebels was a widely shared fear that the state-sponsored depredations afflicted on the South might soon migrate west.<sup>44</sup>

At the center of both the Democratic and the pro-Southern revivals was the newly elected governor, Henry Huntley Haight. Haight's path to Democratic ascendency was hardly a straight one. A supporter of the Republican candidate John C. Fremont in 1856, Haight went on to serve as the Republican state chairman four years later during Lincoln's campaign. But by 1863 he repented of his earlier affiliations and swung hard to the Democratic right. When his adopted party mounted its comeback in the postwar

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<sup>44</sup> Even the fiercest wartime Unionists eventually relinquished their outrage over secession. Henry Dwight Barrows, who waged a tireless campaign against pro-Confederate Californians during the war, came to write highly favorable obituaries for the men he once pursued. See his tributes to both Joseph Lancaster Brent, one of several Californians to rise to the rank of general in the Confederate army, and John S. Griffin, a prominent Los Angeles lawyer and Lincoln-hater. Henry Dwight Barrows, "Joseph Lancaster Brent," *Annual Publication of the Historical Society of Southern California and of the Pioneers of Los Angeles County, 1903*, Vol. VI (Los Angeles: George Rice and Son, 1904); Barrows, "Memorial Sketch of Dr. John S. Griffin," *Publications of the Historical Society of Southern California, 1897-1899*, Vol. IV (Los Angeles, n.d).



years, Haight emerged as one of the Democracy's most forceful speakers, especially on the issues of Military Reconstruction and non-white suffrage. During the 1867 campaign, Haight harped on Radical Reconstruction in a series of rallies held around San Francisco and Sacramento, transforming himself into what historian Eugene Berwanger calls the "anti-black, states' rights spokesman for the West."<sup>45</sup>

Haight may have been born in Rochester, New York, but his sympathies for the defeated South were unmistakable. Before enthusiastic crowds he conjured the image of a vindictive and bullying national government, exacting undue vengeance on former Confederate states long after the war had ended. Haight played to the reconciliationist impulses of his Democratic audience in one of his most celebrated campaign speeches. "The South seceded, was conquered, and now lies helpless and bleeding at every pore," he pleaded.<sup>46</sup> Instead of vengeance, he called for a "a spirit of broad, catholic patriotism that knows no North, no South, no East, no West."<sup>47</sup> This growing, vengeful government, Haight argued, struck at the very heart of American democracy, undermining the constitutional rights of states at every turn. Indeed, Haight was unshakable in his defense of states' rights. Some of his political opponents made note of this – that not even John C. Calhoun went as far as Haight in attempting to limit federal power.<sup>48</sup> In his inaugural address, Haight struck a dire note on this subject. Reconstruction – the policy of black suffrage, the wasteful spending of the Freedmen's Bureau, and the military occupation of the former Confederacy – had brought about a new and highly unconstitutional epoch in

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<sup>45</sup> Berwanger, *The West and Reconstruction*, 108; for a detailed treatment of Haight's racial politics, see Bottoms, *Aristocracy of Color*, 72-84.

<sup>46</sup> Henry H. Haight, *Speech of H.H. Haight, Esq. Democratic Candidate for Governor, Delivered at the Great Democratic Mass Meeting at Union Hall, July 9, 1867*, 2.

<sup>47</sup> Haight, *Speech, July 9, 1867*, 1.

<sup>48</sup> *San Francisco Bulletin*, 22 January 1870. This was in response to Haight's claim that constitutional amendments could only be made to limit, and not to extend, the powers originally granted by the Constitution. According to Republicans in the state legislature, even Calhoun "had no such ideas."

American history, and if the federal government continued to act beyond its delegated powers, the nation would fall victim to “the worst form of despotism.”<sup>49</sup>

States’ rights were sacrosanct, according to Haight, especially when it came to the right of denying suffrage to non-white citizens. He argued that a Republican Congress had effectively sacrificed the white South on the altar of black suffrage, and the result was pure pandemonium. Haight devoted much of his inaugural address to this issue. White Southerners had been stripped of their constitutional rights and subjected to military despotism, which effectively devolved “political control to a mass of negroes just emancipated and almost as ignorant of political duties as the beasts of the field.” The federal policy of Reconstruction, he elaborated, was the “subversion of all civil government under military rule, the abolition of those personal rights guaranteed by the Constitution” and “the subjection of the white population of the Southern States, men, women, and children, to the domination of a mass of ignorant negroes just freed from slavery.” At this point in history, Haight fulminated, the former Confederacy amounted to nothing more than “negro States,” dangerously close to becoming “another St. Domingo on our Southern border.”<sup>50</sup> Haight attempted to bring home the severity of this issue to his California electorate by introducing a thought experiment. “What would you think of the Government, if, to punish you it should disfranchise half your white population, and by military force give the Chinese population the right of suffrage?” Haight provoked at a campaign rally. “What would you think of such legislation? Would

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<sup>49</sup> Henry H. Haight, *Inaugural Address of H.H. Haight, Governor of the State of California, at the Seventeenth Session of the Legislature, and Special Message of Governor H.H. Haight, of California Declining to Transmit Senate Resolutions Condemnatory of President Johnson* (New York: Douglas Taylor’s Democratic Book and Job Printing Office, 1868), 6.

<sup>50</sup> Haight, *Inaugural Address*, 9-10.

you not rather have all the property confiscated and every tenth man hang?”<sup>51</sup> With this nightmare scenario, California’s leading statesman not only prompted outrage amongst his electorate, he implicitly approved the South’s violent resistance to Congressional Reconstruction.

While Haight might have been able to out-Calhoun Calhoun in his bitter denunciations of federal power, no Californian could surpass B.F. Washington in both his opposition Reconstruction and his fierce support for Southern intransigence. Washington had been airing his outrage for years, but the Radical measures of 1867 brought his invective to a fever pitch. In Washington’s eyes, every federal measure was a dire slander on a noble, suffering South. For instance, the imprisonment and trial of the former Confederate president Jefferson Davis was a “shameful, disgraceful and contemptible farce.” “We venture to say,” Washington added, “that the history of jurisprudence presents no parallel to the infamy of these proceedings.”<sup>52</sup> Thanks to Congress the once prosperous South had been reduced to a Yankee thralldom, equal to “a Poland, a worse than Hungary, and a rival for the despotism of a crushed Ireland.”<sup>53</sup> Secession may or may not have been a mistake – Washington was vague on this – but the Southern conscience remained deservedly spotless. “[N]o men ever embarked in a cause with a more thorough conviction of right and justice than did they,” he argued. “No men conscious of wrong could ever have made the heroic and prolonged resistance against such overwhelming odds.”<sup>54</sup> The real rebels, Washington insisted, were Radical Republicans, who threatened to dismember the nation through their crazed

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<sup>51</sup> Haight, *Speech, July 9, 1867*, 3.

<sup>52</sup> San Francisco *Examiner*, 23 November 1868.

<sup>53</sup> *Examiner*, 12 October 1868; see also, *Examiner*, 19 January 1869.

<sup>54</sup> *Examiner*, 23 July 1867. For more tributes to the South and Southerners, see *Examiner*, 8 July 1868; 16 January 1869

Reconstruction policies. To call the current Congress “the hell-spawn of civilization,” he added, is “a slander on the infernal regions.”<sup>55</sup>

As slavery’s staunchest post-mortem apologist within California, Washington infused the *Examiner* with nostalgia for the Old South. The San Francisco *Elevator*, one of California’s leading African American papers, hardly exaggerated when it argued that Washington “would doubtless like to see the old era re-established, and slavery triumphant over the land.”<sup>56</sup> Indeed, just a few days earlier Washington wrote that slavery – the “negro birthright” – had provided each black person in the South with “the protecting care and guardianship of his master who provided for all his wants, and made him a useful member of the community.” Now, “with an insane love for the negro,” Yankees had uprooted this benevolent and prosperous order and attempted to “force” freedom on blacks, which would bring them “nothing but wretchedness and misery.”<sup>57</sup> While most Southerners in the immediate postwar years sought to distance themselves from their slaveholding pasts, Washington came as close to embracing proslavery ideology as any leading figure plausibly could. In this respect, he was perhaps less reconstructed than Jefferson Davis, himself, who all but erased the issue of slavery from his wartime memoir. By insisting on the benignity of slavery and the valor of Confederate soldiers, Washington articulated at an early date two fundamental tenets of the emerging Confederate mythology. Indeed, we can reasonably trace to the *Examiner* the beginnings of the Lost Cause in the American West.

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<sup>55</sup> *Examiner*, April 1, 1869. Similar screeds can be found in other issues of the *Examiner* throughout the postwar period. See, for instance, 12 June 1865; 7 August 1865; 11 August 1865; 1 July 1867; 6 July 1868; 21 April 1869.

<sup>56</sup> San Francisco *Elevator*, 28 July 1865. Raised on a Virginia plantation, a lineal descendent of George Washington’s brother, B.F. Washington’s Old Southern pedigree ran deep.

<sup>57</sup> *Examiner*, 24 July 1865. See also *Examiner*, 11 August, 1865

It should be again stressed that Washington was no mere maverick; he edited the leading Democratic paper in California and therefore could rightfully claim to represent many of the views of the state's most powerful party. To be sure, the overtly proslavery wing of California's Democratic Party disbanded shortly after secession. Yet the continuities between the pre-war and post-war political orders in California were more pronounced than historians have yet recognized. Although the old proslavery leader of the party, William Gwin, had retired to mining, railroading, and lobbying, those that followed in his wake – including his son, a former Confederate – continued to nurture deep connections to the South. The most detailed study of Democratic politics in post-Civil War California reveals that native Southerners continued to yield a disproportionate influence within the state. Of the 17 Democrats that Thomas Malone identifies as the party's most influential leaders, over half hailed from former slave states. Only seven were born in free states, including Haight, while one came from Ireland.<sup>58</sup>

### **Retreat from Reconstruction**

With the public's imprimatur, the ascendant Democratic Party lost little time in attacking federal policy, leading the West in the struggle against Reconstruction. Democrats acted on their campaign pledges to resist Radical Reconstruction, introducing a wave of resolutions in December 1867 opposing the military occupation of the South.<sup>59</sup> Several months later they followed these resolutions with one of their fiercest declarations yet: "Resolved, That it is not only the patriotic duty, but the deliberate purpose of the democratic party *never to submit* to be governed by negroes, nor by those

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<sup>58</sup> See Malone, "Appendix: Biographical Sketches of Men Prominent in the Democratic Party in California, 1865-68," in "Democratic Party in California." While Malone notes each leader's place of birth, he does not reflect on the effects this might have had on the party's Southern bias.

<sup>59</sup> Davis, *Political Conventions*, 268.

claiming to be elected by negro suffrage” (italics theirs).<sup>60</sup> Three years after the Civil War California’s lawmakers were, by all appearances, flirting with rebellion, as determined in their opposition to Reconstruction as any group of legislators reasonably could be. Over the next several years, Democrats were as good as their word, refusing to ratify the Fourteenth Amendment and then overwhelmingly rejecting the Fifteenth.

California Democrats’ battle against the Fourteenth Amendment was hardly a battle at all. After winning two-thirds majorities in Congress, the amendment was sent to the states for ratification, arriving in the summer of 1866 when California’s legislature was in recess. The Union Party governor could have called a special session to consider the amendment but – perhaps realizing that his ailing party could not survive such a contest at that time – he simply left the issue for his successor, Henry Haight. Not surprisingly, Haight sat on the legislation and it never came up for a vote, making California the only free state that did not ratify the Fourteenth Amendment that decade.<sup>61</sup> Meanwhile, Senator Eugene Casserly publicly applauded the former Confederacy’s ongoing resistance to the amendment, a measure he deemed unconstitutional in that it barred some ex-rebels from voting. This was all part of a Radical “negro supremacy” master plan, Casserly insisted, which also included attempts to arm “en masse the negro hordes of the South.” Clearly, the former Confederacy was headed in the direction of “Hayti”, Casserly warned.<sup>62</sup>

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<sup>60</sup> *Alta California*, 2 May 1868

<sup>61</sup> New Jersey, Ohio and Oregon ratified the Fourteenth Amendment in the summer of 1866, only to rescind their ratifications two years later. California would not ratify the amendment until 1959. See Smith, *Freedom’s Frontier*, 210, n287; Bottoms, *Aristocracy of Color*, 71, 86.

<sup>62</sup> Eugene Casserly, *The Issues of the Contest. Speech of Hon. Eugene Casserly, in San Francisco, August 19, 1868, Upon the Invitation of the Young Men’s Central Democratic Club* (San Francisco: Independent Dispatch Print, 1868), 4,5, 8-9.

California would never suffer such a cruel fate – this the Democratic Party pledged in their campaign against the Fifteenth Amendment. Their commitment to keeping non-white voters from the polls clearly played well with their electorate, which gave the Democrats roughly a four-to-one majority in the 1869-1871 state legislature. They used this majority to issue a resounding renunciation of the Fifteenth Amendment, after Congress submitted the measure to the states in late 1869. Not surprisingly, Willie Gwin, the Confederate soldier-cum-California state senator, was the first within the statehouse to speak out against the amendment. He followed the states' rights line of thinking popular with his peers by arguing that the federal government had no power to impose universal manhood suffrage on the states.<sup>63</sup> Democrats were particularly concerned that the amendment might enfranchise California's Chinese workers – who constituted roughly 10 percent of the state population – despite assurances from Republicans that the Chinese could never vote, being legally barred from citizenship. Ultimately, the Democratic majority carried the day, rejecting the amendment by an overwhelming 81 to 16 vote.<sup>64</sup> California would not ratify the measure until 1962, the only free state to withhold for so long.

California's campaign against black suffrage took place not just within the statehouse, but also in polling places across the state. Clerks in Sacramento, San Joaquin, Santa Clara, and San Francisco counties refused to register black voters, in defiance of

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<sup>63</sup> San Francisco *Bulletin*, 7 January 1870 and 17 January 1870. For a brief treatment of Willie Gwin's legislative career, see Roy Bloss "Senator Defiled: The Life of William McKendree Gwin," (unpublished manuscript, 1973), Bancroft Library.

<sup>64</sup> Two other free states initially rejected the Amendment, New Jersey and Oregon. They ratified it in 1871 and 1959, respectively. Such resistance was largely symbolic, however, as three-fourths of the states ratified the document in 1869-70, enabling manhood suffrage to become national law just a few days after the California vote. On the California campaign against the Fifteenth Amendment, see Berwanger, *The West and Reconstruction*, 175-183; Bottoms, *Aristocracy of Color*, 87-93; Smith, *Freedom's Frontier*, 210-213.

the Fifteenth Amendment, which had become national law in February 1870.<sup>65</sup> Their defiance received the firm backing of California's attorney general, Jo Hamilton, a native of Kentucky. In a letter to the clerk of Nevada County, CA, Hamilton advised "against the registration of negroes." According to Hamilton, "the so-called Fifteenth Amendment" was not "self-operative;" that is, it required confirmation in the California constitution itself in order to become enforceable within the state. Until then, "it is not only not the duty of County Clerks to place their [blacks'] names upon the Great Register, but it is their duty *not* to do it."<sup>66</sup> Thus, with the attorney general's blessing, state officials succeeded, for a time, in establishing proto-Jim Crow strategies of disfranchisement on the Pacific Coast.

Despite the best efforts of state legislators and county clerks, by the end of 1870 black men were voting in every western state and territory. This coincided with a slackening interest in Reconstruction amongst whites more generally. As the nation pulled back from the more progressive measures of Congressional Reconstruction during the early 1870s, California Democrats softened their rhetoric. Without a Radical bogeyman guiding national policy, conservatives on the Pacific Coast had lost a key – perhaps *the* key – weapon in their political arsenal. Thus, state Republicans were able to begin a comeback in the 1870s. However, this comeback was devoid of the progressive promise of the immediate postwar era. As Stacey Smith argues, in order to curry favor with the electorate, California Republicans learned to recalibrate their priorities. No longer the party of slave abolition, they were now the party of Chinese exclusion.<sup>67</sup>

Democrats' power may have waned but the ideology of white supremacy that they did so

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<sup>65</sup> Berwanger, *The West and Reconstruction*, 180-181; *Alta California*, 9 April 1870.

<sup>66</sup> Jo Hamilton to J.J. Rogers, 11 April 1870, in *Alta California*, 13 April 1870.

<sup>67</sup> Smith, *Freedom's Frontier*, 215-223.



much to promote in the late 1860s would continue to hold sway in California through the next decade, and indeed beyond. Their rebellion against Reconstruction was complete.