

Shifted Priorities: The Failure of the Lodge Bill in the Senate

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While the Fifteenth Amendment, which prevents Americans from being denied the right to vote on the basis of race, was ratified in 1870, it was regularly subverted in practice for decades. Southern Democrats attempted to restrict African Americans from effectively exercising their right to vote with methods including the secret ballot, which ensured that those who could not read could not vote, violence and counterfeit votes.¹ In 1890, Representative Henry Cabot Lodge, a Republican from Massachusetts, authored H.R. 11045, officially known as the Federal Elections Bill, and commonly referred to as the 'Lodge Bill.' The bill represented an effort to both prevent voter fraud generally and ensure that African Americans specifically were not prevented from voting in congressional elections on the grounds of their race. In theory, the Lodge Bill would have created greater federal oversight of congressional elections by allowing circuit courts to appoint election supervisors who would watch over congressional elections when asked to do so by concerned citizens. In addition, the bill would have given certain federal officials and courts the authority to overturn election results that had already been confirmed by state officials.² In 1890, when the Lodge Bill was proposed, Republicans held majorities in both houses of Congress. However, despite the Republican control of Congress and the passage of the Lodge Bill in the House of Representatives on July 2, 1890, the bill failed to pass the Senate because a number of Western Republicans defected from the majority of their party and joined the Democrats in voting to end discussion of the legislation.³

Historian Thomas Addams Upchurch argues that the defection of the Western Republicans was caused by racism and a fear that supporting African American rights by voting in favor of the Lodge Bill would make the Republicans seem like hypocrites on other racial issues.⁴

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Historian Xi Wang, on the other hand, takes a view based less on the personal convictions of the senators themselves. Wang contends that the fact that the Republican Party as a whole had moved away from prioritizing the issue of African American rights meant that the Lodge Bill was no longer seen as very relevant or necessary to many Republicans.⁵ Therefore, Western Republicans decided to vote in favor of ending the time-consuming debate surrounding the Lodge Bill in order to focus on economic issues such as tariff legislation and free silver. Ultimately, it was this focus on economic issues that led the Western Republicans to vote against the Lodge Bill, a decision made easier by the fact that the Republican Party as a whole during this time had shifted its focus away from helping African Americans and towards building white support in the South.

Fears of Hypocrisy

It is true that many Republicans had no intrinsic interest in supporting the enforcement of African American rights and were instead subscribers to the philosophy of white supremacy. Thomas Addams Upchurch contends that the Lodge Bill was defeated because Southern Democrats were able to exploit this fact to their advantage, convincing Western Republican senators that to vote for increased enforcement of rights for African Americans would show inconsistency on racial issues because Western Republicans were for the most part avowed in their animosity towards the Chinese. In addition, alongside the issue of the Republican politicians' treatment of the Chinese in the West, the American government's policy towards Native Americans also presented a challenge.⁶ Just as with the issue of the treatment of the Chinese, harsh policies towards Native Americans created a situation in which Western Republicans would have been seen as hypocritical if they supported the Lodge Bill while standing by as Native Americans were maltreated.

The statements of James B. Eustis, a Democratic Senator for Louisiana, present an archetypal example of the type of badgering Democrats used to try to convince Western Republicans to vote against enforcing rights for African Americans. Eustis alleged that Republicans would make

“any sacrifice to make war upon the Chinese,” yet asked Congress to treat African Americans to a “lovable embrace.”⁷ Eustis’s rhetorical tactics were an effective method of persuading Western Republicans that they could not vote for legislation such as the Lodge Bill without being seen as inconsistent on other racial issues. Eustis did have a point to a certain extent; the Lodge Bill, which was about securing more rights for African Americans, was being considered at the same time that banning Chinese immigration and forcibly deporting Chinese immigrants already living in the United States was being discussed.⁸ Statements such as those from Eustis could have led Western Republicans to question whether a precedent would be set by the passage of the Lodge Bill that Republicans would have to support minority rights throughout the nation or else be portrayed as hypocrites.

Alongside the issue of Chinese immigration, the stark contrast between the objectives of the Lodge Bill and the treatment of Native Americans presented another incentive for the Western Republicans to vote against the bill. As an 1891 political cartoon from *Puck* magazine illustrated, the Republicans were anything but consistent in their treatment of Native Americans and African Americans (see Appendix). The cartoon depicts Uncle Sam on one side giving handouts to African Americans, while on the other side shooting Native Americans during the Wounded Knee Massacre, an incident on December 29, 1890 in which the United States Army killed almost an entire village of Sioux after a supposed misunderstanding during an attempt to disarm the Native Americans. The *Puck* cartoon illustrates how the hypocrisy of the Western Republicans’ disparate stances on racial issues was heavily publicized, a situation that would likely have helped convince some Western Republicans to reconsider their support of the Lodge Bill, especially if they were concerned that their constituents in the West would see support of the Lodge Bill as evidence that they would be friendly towards minorities in general.

The issues presented by Chinese immigrants and Native Americans could certainly have led Western Republicans to vote against the Lodge Bill out of fear that supporting the bill would both show their own moral inconsistencies and lay groundwork for future rights for

other minority groups. However, to take this argument as the primary reason the Lodge Bill failed would be to ignore both the legislation surrounding the Lodge Bill in the Senate during the 1890s and the greater political trajectory of the Republican Party.

Tariff Prioritization

Proximately, the Lodge Bill failed to pass the Senate because economic priorities took precedence in the eyes of the Western Republicans who voted against it. As Xi Wang argues, the enforcement of voting rights for African Americans in the late 1880s and early 1890s was no longer as important to the Republican Party as a whole as it had been in previous decades. Therefore, the Lodge Bill was only considered to be a bill with “regional effect” and was consequently pushed aside with relatively little trouble by Western Republicans who were anxious to get economic legislation passed before the end of the fifty-first Congress in March of 1891.⁹ Indeed, to Western Republican senators, the Lodge Bill was of little immediate relevance. While the legislation technically would have created rules to prevent election fraud and disenfranchisement throughout the country, African Americans in the South would have felt its greatest effects. Voter fraud was an issue the entire country was facing, but it was the South in which discrimination against African Americans specifically was especially egregious.

Therefore, even after the passage of the Lodge Bill in the House in July of 1890, Western Republicans supported a push to place the McKinley Tariff in front of the Lodge Bill for consideration in the Senate.* On August 12, Senator Matthew S. Quay, a Republican from Pennsylvania, proposed a resolution to postpone debate of the Lodge Bill in favor of focusing on the tariff legislation. The resolution demand-

* *In the House, the vote on the Lodge Bill was 155 in favor, 149 against. No Democrat voted for the bill, and only two Republicans – Hamilton Coleman from Louisiana and Herman Lehlback from New Jersey – voted against it. The general unity of the Republicans in the House can likely be attributed in part to the fact that prior to the introduction of the Lodge Bill to the floor of the House, the Republicans were able to employ a rule that limited the length of argument over the legislation, preventing debate over the Lodge Bill from taking substantial attention away from other bills (Wang, 240).*

ed that that for the remainder of the first session—until the Senate adjourned around September 15th—the Lodge Bill (along with most other legislation) would be banned from debate.¹⁰ The passage of the Lodge Bill in the House of Representatives had already shown that the issue was highly partisan and likely to lead to significant debate in the Senate.¹¹ This suggests that Quay’s motion was a necessary one to ensure prompt consideration of the McKinley Tariff. Quay’s motion succeeded, and the McKinley Tariff was subsequently passed on October 1, 1890. Of the eighteen Republicans who voted in favor of the tariff, ten were Western Republicans.¹² However, even in the aftermath of the passage of the McKinley Tariff, there was still public discontent over the amount of time the Lodge Bill was expected to take on the Senate floor. In a *Washington Post* editorial from November 21, 1890, the author bemoaned the amount of time the Lodge Bill had already taken on the Senate floor, and alleged that the Lodge Bill represented an issue which Republican voters were not generally supportive of, especially given the “bitterness” between Republicans and Democrats created by its debate.¹³ Therefore, with at least some Republican factions of the public against the Lodge Bill, it was relatively easy once again for another economic issue to steal the attention that the Lodge Bill was expected to receive after the passage of the McKinley Tariff.

The Silver Incentive

This other economic issue came in the form of free silver. Xi Wang argues that the growing power of the Populists in the late 1880s and early 1890s was one of the primary reasons Republicans fared poorly in the 1890 off-year election.¹⁴ Therefore, Republican senators throughout the nation would likely have been looking for ways to gain support from Populists in their home states. One of the fundamental demands of the Farmers’ Alliances was the “free and unlimited coinage of silver.”¹⁵ The actions of the Western Republican senators made it clear that they saw free silver as a priority, especially after the 1890 election. In a Senate floor debate from December 30th, 1890, Senator Edward O. Wolcott, a Republican from Colorado, argued that it was a “travesty” that debate should continue on the Lodge Bill when silver currency was a much more pressing issue.¹⁶ The Lodge Bill was still taking up large amounts

of time on the Senate floor at this point; Roger Q. Mills, a Democrat from Texas, told *The Washington Post* that the Democrats were willing to fight as long as necessary to keep the Lodge Bill from becoming law.¹⁷ This revealed itself to be a legitimate threat: the Democrats heavily filibustered the issue, and at one point went as far as to walk out of the Senate to prevent the quorum necessary for the Senate to conduct its business.¹⁸ Given the statement of Mills and the reality of the Democrats' obstructionist behavior, the Western Republicans would have felt pressure to take the Lodge Bill off the table if they wanted to debate or pass other legislation.

To Western Republicans, silver currency would have been seen as both a more relevant topic to their constituents and a more politically advantageous issue to support for two reasons. First, in addition to desiring the expedited passage of silver legislation, some Populist groups were also explicitly hostile towards the Lodge Bill. For example, the Farmers' Alliance of South Carolina publicly asked Northern and Northwestern members to persuade their representatives to vote against the Lodge Bill, as they believed it disrupted the unity of the alliance as a whole by exacerbating the tensions between Northern and Southern groups, thereby weakening the power of the Farmers' Alliances to push as a united entity for the financial reforms they desired.¹⁹ While the views of Farmers' Alliance members in South Carolina were not necessarily representative of the national organization as a whole, this does suggest there was pressure from at least some Populist groups to avoid the sectional conflict created by the Lodge Bill debate. The second primary reason for the Western Republicans' support of a silver bill was that senators from states that produced silver—as many of the Western states did—could hardly afford not to promote the passage of a bill expanding the role of silver currency as quickly as possible; an increase in the amount of silver currency would likely lead to higher silver prices and financial gains for those states.²⁰

On January 5th, Senator William Morris Stewart, a Western Republican, brought a motion to consider bill S.4675, a piece of currency legislation. The motion passed the Senate, thirty-four in favor, twenty-nine

against.²¹ Once again, as with the tariff issue, discussion of the Lodge Bill was deferred in favor of conversation about an economic issue. Even after the passage of that silver bill in the Senate and a subsequent vote to reintroduce discussion of the Lodge Bill, the Western Republicans were still focused on other issues unrelated to voting rights. On January 22, Wolcott moved for discussion of the Lodge Bill to be dropped in favor of debate over an apportionment bill. His motion was successful by one vote and the Lodge Bill was never officially revisited.²²

This continual push to move debate away from the Lodge Bill and towards tariff and silver currency issues provides evidence for the theory that regional political and economic issues took priority over enforcement of the Fifteenth Amendment in the eyes of Western Republicans. The combination of the defection of the Western Republican senators who supported economic legislation over the Lodge Bill and the filibustering and other delaying tactics used by the Democrats ensured that the Lodge Bill was never able to muster the votes it needed to be passed.

Looking Towards the South

Ultimately, Western Republicans were able to vote against the Lodge Bill without severe political ramifications because the Republican Party as a whole, and Harrison's administration particularly, had shifted its focus in the South from enforcing the right to vote for African Americans to gaining white support in the South. Wang Xi contends that during the early 1870s enforcing the Fifteenth Amendment was necessary to ensure that Republican governments in the South would survive and the Republican Party could maintain control of the federal government. However, he asserts, the same was not the case in the late 1880s and early 1890s.²³ By that point, the Republican Party was no longer as fundamentally defined by its support of African American rights, and the issue of enforcement had lost a great deal of its political importance. As historian Stanley P. Hirshon argues, rather than supporting African Americans in the South, every single "Republican president between 1877 and 1893... adopted a scheme which he hoped would attract Southern white men to Republicanism."²⁴

This shift away from prioritizing African American rights is particularly evident if one analyzes the differences between the Republican Party platforms of 1876 and 1888. The Republican Party's platform in 1876 highlighted the party's public commitment to enforcing equal rights, declaring, "the complete protection of all its citizens in the free enjoyment of all their rights, are duties to which the Republican party is sacredly pledged." The platform went on to state that the legislative and executive branches had a "solemn obligation" to use "all their constitutional powers for... securing to every American citizen complete liberty and exact equality in the exercise of all civil, political, and public rights."²⁵ However, the next year marked the infamous Compromise of 1877, which included the federal government's promise to remove federal troops from the South, essentially allowing whites to rule that area of the country with minimal external interference. In the years following that compromise, the Republican Party's platform profoundly shifted. In the Republican Party's platform in 1888, economic issues were stressed to a far greater extent than racial ones. Although the platform of 1888 still affirmed the "personal rights and liberties of citizens," nowhere was the vigorous enforcement language that characterized the platform of 1876.²⁶ This change in party priorities, illustrated by the differences between the two party platforms, provides evidence for why the Western Republicans were able to vote with the Democrats against the Lodge Bill without fear of significant negative consequences.

This defection was also made easier by the fact that President Harrison did not push as hard as he could have for the passage of the Lodge Bill. While historian George Sinkler argues that Harrison was at least publicly a strong supporter of the Lodge Bill—and Harrison's first annual message to Congress would initially seem to support that conclusion—other prominent figures at the time felt that the Harrison Administration was far from a strong ally in the fight for enforcement of the Fifteenth Amendment.²⁷ William Pitt Kellogg, who served as Governor of Louisiana from 1873 to 1877, suggested that the Lodge Bill failed to pass the Senate because the Harrison Administration was fundamentally more interested in "building up a white Republican Party in the South" than it was in helping the progress of minorities in the country. In 1891, after the discussion of the Lodge Bill had permanently ended,

Kellogg alleged that from the beginning of his presidency, Harrison favored policy supported by Southern politicians and told African Americans that their positions would be restricted to those that would not involve contact with whites. Kellogg went as far as to say that in meetings of Harrison's administration, it was proposed that minority voters should be ignored when it came to choosing appointments and members of committees and delegations because minority voters had always and would continue to support the Republican Party regardless of how it treated them.²⁸ Coming from a former radical governor looking to gain relevance once again, these accusations can be seen as overly accusatory and designed to snag headlines rather than tell the true story. However, Kellogg's allegations did not stand alone. Frederick Douglass, a former slave and well-known activist, also accused Harrison's administration directly of failing to effectively enforce the law.²⁹ Because Douglass was more supportive and passionate about enforcement of the Fifteenth Amendment than the Republican Party as a whole, one is forced to question whether Harrison's actions were especially egregious compared to those of previous presidents. Nevertheless, when the statements of Douglass and Kellogg and the change in party priorities from 1876 to 1888 are examined in their totality, there is evidence to support the idea that the Republican Party as whole had moved away from a focus on African American rights by 1890. Therefore, it was easier for Western Republicans to vote against the Lodge Bill, even though the Party technically supported it.

Enforcement Over Time

The Republican Party revealed its true colors regarding enforcement of the Fifteenth Amendment well before the defeat of the Lodge Bill in 1891. The Compromise of 1877 exposed the fact that the Republicans were more interested in maintaining control of the federal government than they were in ensuring that the Constitution was enforced in the South. Nevertheless, the defeat of the Lodge Bill showed definitively that the Republican Party no longer considered enforcement a priority, especially compared to the immediate economic issues the country was contending with in the 1890s. While the bill's passage in the House suggested that there might have still been some momentum behind the

issue of enforcement, its defeat in the Republican-controlled Senate indicated just how low enforcement had sunk on the Republican Party's list of concerns, especially in the eyes of the growing West. In the Senate, unlike the House, each state was (and still is) allotted the same number of representatives, allowing senators from the thinly populated Western states to exercise huge influence and ultimately doom the bill by refusing their support.

While the failure of the Lodge Bill may have ended the Republican Party's fight for African American rights in the 1800s, the issue of enforcement of the Fifteenth Amendment was nowhere close to resolved. In the aftermath of the Lodge Bill, enforcement came up time and time again, but not a single piece of civil rights legislation passed Congress during this period until the Civil Rights Act of 1957, and even that bill was severely limited by compromises that were included in an attempt to appease Southern senators.³⁰ Ultimately, enforcement of the Fifteenth Amendment made huge progress in 1965 when Lyndon B. Johnson signed the Voting Rights Act. However, even with the passage of that legislation, the debate about voting rights has raged on. We see the question of whether there is still voter discrimination against minorities appear in areas such as the recent voter identification laws being passed by state legislatures around the nation and the Supreme Court's ruling in *Shelby County v. Holder* to strike down a crucial section of the Voting Rights Act. As a part of the Constitution, the Fifteenth Amendment is the undeniable law of the United States. However, whether every American who is legally eligible to vote is actually provided with a fair chance to exercise that right is a challenge the United States still faces today. ●

Appendix

Cartoon from *Puck Magazine* entitled “Consistency.” The Wounded Knee Massacre (December 29, 1890) is depicted on the left. On the right, African Americans and other minority groups—with the exception of Native Americans—receive aid from Uncle Sam.

(January, 1891)



Caption reads: “Consistency”

Labels on Containers:

- 1: “Clocks”
- 2: “Cooking Utensils”
- 3: “Rum”
- 4: “\$”

Notes

1. Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000), 107.
2. *Ibid.*, 108.
3. 21 Cong. Rec. 6939-6941 (July 2, 1890); Xi Wang, *The Trial of Democracy: Black Suffrage and Northern Republicans, 1860-1910* (Athens, GA: University of Georgia Press, 1997), 248-249.
4. Thomas Adams Upchurch, *Legislating Racism: The Billion Dollar Congress and the Birth of Jim Crow* (Lexington: University Press of Kentucky, 2004), 184-185.
5. Wang, *The Trial of Democracy*, 251.
6. Upchurch, *Legislating Racism*, 184-185.
7. 21 Cong. Rec. 2980 (April 3, 1890) (statement of Sen. James B. Eustis).
8. Upchurch, *Legislating Racism*, 180.
9. Wang, *The Trial of Democracy*, 247, 251.
10. "Mr. Quay's Resolution," *The Washington Post*, August 13, 1890.
11. Stanley Hirshon, *Farewell to the Bloody Shirt: Northern Republicans and the Southern Negro, 1877-1893* (Bloomington: Indiana University Press, 1962), 211.
12. *Ibid.*, 228.
13. "What of the Force Bill?," editorial, *The Washington Post*, November 21, 1890.

14. Wang, *The Trial of Democracy*, 243-244.
15. "New Demands by the Farmers," *The New York Times*, December 9, 1890.
16. 22 Cong. Rec. 872-873 (Dec. 30, 1890) (statement of Sen. Edward O. Wolcott).
17. "Three Months of Work," *The Washington Post*, November 24, 1890.
18. Gregory John Wawro, *Filibuster: Obstruction and Lawmaking in the U.S. Senate* (Princeton: Princeton University Press, 2006), 2-3; Hirshon, *Farewell to the Bloody Shirt*, 233.
19. "Denounced by Southern Farmers," *Chicago Tribune*, July 26, 1890.
20. Fred Wellborn, "The Influence of the Silver-Republican Senators, 1889-1891," *The Mississippi Valley Historical Review* 14, no. 4 (March 1928): 464.
21. 22 Cong. Rec. 912-913 (Jan. 5, 1891).
22. 22 Cong. Rec. 1740 (Jan. 22, 1891); Keyssar, *The Right to Vote*, 110, 115.
23. Wang, *The Trial of Democracy*, 251.
24. Hirshon, *Farewell to the Bloody Shirt*, 253.
25. "Republican Party Platform of 1876," June 14, 1876.
26. "Republican Party Platform of 1888," June 19, 1888.

27. George Sinkler, "Benjamin Harrison and the Matter of Race," *Indiana Magazine of History* 65, no. 3 (September 1969): 213; Benjamin Harrison to Senate and House of Representatives, memorandum, "First Annual Message," December 3, 1889.
28. "Laid at Harrison's Door," *The New York Times*, January 28, 1891.
29. "Interview with Frederick Douglass," *Chicago Tribune*, April 27, 1889, quoted in Sinkler, "Benjamin Harrison and the Matter of Race," 199.
30. Bruce J. Schulman, *Lyndon B. Johnson and American Liberalism* (Boston: Bedford/St. Martin's, 2007), 54-56.

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