

The History and Political Economy of Black Officeholding in State Legislatures, 1830s to 2012

Mingus Mapps
Brandeis University

Abstract

This paper tells the story of black officeholding in Congress and state legislatures between the Founding of the nation and the present day. This study fills a unique space in the literature on black officeholding. Many books and articles have explored the history black officeholding in Congress. However, few works have been published on black officeholding in state legislatures. This imbalance in the literature gives rise to a phenomenon I call “iceberg problem.” I argue a singular focus on black political representation at the federal level is problematic because the dynamics of black representation in Congress differ markedly from the dynamics of black representation in state legislatures. This paper addresses that problem by building the most comprehensive database on black officeholding in state legislatures ever assembled.

Introduction

This paper reconstructs the history and political economy of black officeholding in Congress and state legislatures from the Founding to the present day. My work addresses a fundamental flaw in the reasoning used by many histories of African American politics. Much of this literature tells the story of black power in the United States by looking at the evolution of black officeholding in Congress.¹ There is a lot to be learned from that approach and these works. However, too many scholars mistakenly assume that patterns of black officeholding in Congress are replicated at other levels of government. This paper illustrates the dangers of making this assumption. My work shows that the dynamics of black officeholding in Congress often differ from the dynamics of black officeholding in state legislatures. These differences are substantively significant and should force some scholars to revise their narratives about the evolution of black political power in the United States.

Black Officeholding in the House of Representatives, 1860s-2008

The first African American to actually serve in the House of Representatives was Joseph Rainey of South Carolina.² Rainey represented a Charleston area district from 1870 to 1878. He was born in Georgetown, South Carolina to parents who were slaves. His father, Edward

¹ For books on the black officeholding in Congress, see Eric Freedman, Stephen Alan Jones, *African Americans in Congress: A Documentary History*, CQ Press; 1 edition (October 10, 2007); LaVerne McCain Gill, *African American Women in Congress: Forming and Transforming History*, 1997 Rutgers University Press (January 1, 1997); Stephen Middleton, *Black Congressmen During Reconstruction: A Documentary Sourcebook*, Greenwood Press, 2002; Matthew Wasniewski (Editor), *Black Americans in Congress, 1870- 2007*, U.S. House of Representatives, Committee on House Administration, U.S. Government Printing Office, 2008.

² Technically, Rainey was the second African American elected to the House of Representatives. In 1868, John Willis Menard of Louisiana became the first African American elected to the House. But this election result was challenged, and Menard was never seated.

Rainey, was a successful barber who was able to purchase his family's freedom while his son was still an infant. In 1861, Joseph Rainey was drafted by the Confederacy to work on fortifications in Charleston, South Carolina. Shortly thereafter, Rainey and his wife fled to Bermuda, where they prospered. After the American Civil War, Rainey returned to South Carolina and became involved in local Republican politics. He served on the Executive Committee of the state Republican Party and as a delegate to the convention that drafted South Carolina's post-Civil War state constitution. In 1870, Rainey launched an unsuccessful campaign for a seat in the upper chamber of South Carolina's state legislature. While that bid failed, later that same year he won a bigger and unprecedented political prize when he was elected to fill a vacancy in the House of Representatives. Rainey was sworn in on December 12, 1870 and was re-elected to the House four times.

Within a year or so of Rainey's election, five more African American's were elected to the House of Representatives. Figure 1 shows the number of black Republicans and black Democrats elected to the House of Representatives between the 1870s and the early years of the 21st century. Between 1870 and 1900, twenty African Americans were elected to the House. At its 19th century peak, seven African Americans served in the House of Representatives. During Reconstruction, eight different Southern states sent blacks to the House. South Carolina sent the largest number of blacks to Congress, eight over a 27 year period. North Carolina sent the second largest contingent of blacks to the House, four over a 26 year period. Alabama elected three blacks to the House. Louisiana elected two African Americans. Finally Florida, Georgia, Mississippi, and Virginia each sent one African American to the House during Reconstruction.

All of the African Americans elected to Congress during Reconstruction were members of the Republican Party. Blacks of this era supported the GOP because of the party's role in

ending slavery and its support of black civil rights in the post-Civil War South. The end of Republican efforts on behalf of African Americans began with the disputed Presidential election of 1876, which pitted Samuel J. Tilden, the Democratic governor of New York, against the Republican Governor of Ohio, Rutherford B. Hayes. Much like the presidential election of 2000, the election of 1876 ended with the Democrat (Tilden) receiving a majority of the popular vote, while the Electoral College vote remained in doubt because of disputed vote tallies in Florida, Louisiana, South Carolina and Oregon. The “Compromise of 1877” ended this electoral impasse. With this agreement, Democrats conceded the election to the Republican Hayes, and Republicans agreed to end governmental efforts to protect and promote black political interests in the South.

In the decades after the Civil War, black officeholding in the South rested upon a fragile foundation—the active protection of black voting rights and the disenfranchisement of white Southerners. By the late 1870s, both of these conditions dissolved. With the end of Reconstruction, white Democrats quickly regained control of most state legislatures and congressional delegations in the South. By the 1890s, Southern states had largely disenfranchised black voters with devices like literacy tests, poll taxes and white primaries. Southern states and local governments also adopted laws that segregated public spaces by race. Lynchings and race riots increased in frequency. Due to the accumulated weight of developments like these, by the early 1900s African Americans were largely erased as a force in Southern elections.

Between 1901 and the late 1920s, no black American would serve in Congress. In the South, the return of black officeholding would take an additional 40 years. Outside the South, black officeholding in the House only emerged when a “great migration” of Southern blacks

settled in Northern cities like New York and Chicago, where new black neighborhoods large enough to determine the outcome of congressional elections took root. In 1928, the Republican Oscar De Priest became the first black Congressman of the post-Reconstruction era when he won the 1st Congressional District of Illinois on the South Side of Chicago. Between the 1930s and the early 1960s, the number of blacks in the House of Representatives crept up from 1 to 5. (See Figure 1.) The next major shift in black officeholding was ushered in by the Voting Rights Act of 1965, which sparked a sharp jump in the number of African Americans elected to Congress. In the 1964 round of congressional elections, only 5 blacks won House seats. By 1970, 9 African Americans served in the House. Most of these black House members hailed from inner-city districts in the North and West. For example, during the 1970s, black neighborhoods in Baltimore, Chicago, Cleveland, Detroit, Los Angeles, New York City, Newark, New Jersey, Philadelphia and St. Louis all sent at least one African American to the House of Representatives. Black officeholding in Congress continued to increase through the 1970s, 1980s and 1990s.

The vast literature on race and redistricting in the United States is largely devoted to explaining the sharp jump in black officeholding in Congress that coincides with the 1990s round of redistricting (Lublin 1997; Lublin and Voss 1997; Canon 1999; Epstein and O'Halloran 1999; Shotts 2001). In 1990, 23 African Americans served in the House. After new electoral maps were adopted in 1992, black officeholding in the House increased to 38. Some scholars attribute these gains to an increased willingness on the part of whites to cast their ballots for black political candidates. Others attribute these gains to the creation of new majority-black districts. The evidence assembled in this article provides support for both claims. I find that redistricting is largely responsible for gains in black officeholding in the South and increased

crossover voting was largely responsible for gains in black officeholding in the rest of the country. Support for these conclusions can be found in Figures 2 and 3, which contain data on the geographic and temporal distribution of black members of the House of Representatives. In 1990, 7 black Southerners served in the House of Representatives. After new redistricting plans were adopted in 1992, the number of blacks representing Southern states jumped to 19. Levels of Southern black officeholding have bounced around this new mark ever since. The geographic and temporal distribution of black representatives from Northern and Western states looks very different from patterns seen in the South. For instance, in the early 1960s, no blacks were elected to House seats in the South. On the other hand, during that period, four black lawmakers from outside the South served in the House of Representatives. Since 1960, black officeholding outside of the South has increased at a rate that looks linear, especially when compared to the pattern seen in the states of the former Confederacy.

The odd geographic differences in the rates at which black officeholding increased are explained by the region specific impact of the Voting Rights Act. Jurisdictions covered by Section 5 of the VRA are required to get approval from the Justice Department for new electoral maps. Most of the South is covered by section 5, and during the 1990s, the Justice Department interpreted section 5 as a requirement that covered jurisdictions create as many majority-black districts as possible. Figures 2 show that black officeholding increased dramatically in states covered by section 5. On the other hand, in jurisdictions exempt from Section 5, gains in black officeholding after the 1990s round of redistricting were relatively modest. These patterns suggest that increases in black officeholding in the South were largely the product of race-based redistricting, while the more modest increases in black officeholding outside the South were largely the product of increased crossover voting.

America's First Black State Legislator: Alexander Twilight

The history of black officeholding in state legislatures begins in 1836, when voters of Orleans County, which borders on Canada, elected Alexander Lucius Twilight to Vermont's House of Representatives (Bositis 1992, 6). In 1836, Twilight launched his brief political career in order to block a legislative proposal that threatened his personal interests and the school he was in the process of building, "Athenian Hall." In the 1830s the Vermont's state legislature was considering a proposal to open a new school in nearby Craftsberry, a plan Twilight feared would divert funds away from a school he operated in Orleans County. According to one contemporary, "As the matter was likely to come up before the legislature of 1836, Mr. Twilight was elected as representative from this town to defeat the measure." Steward continued:

"A bill was introduced into the house on the 15th of October dividing the funds arising from grammar schools lands in Orleans county. On the 14th of November following the bill came up on its final passage. Twilight did all he could to arrest legislation which he thought would be ruinous to the educational interests of our county but the tide was too strong for him and after a speech by him in opposition he made a motion to dismiss the bill which was lost by a vote of 29 to 141."³

Twilight's interest in politics seems to have been limited to this narrow school funding question, and he did not run for reelection.

Patterns of Black Officeholding in State Legislatures, 1870s to Present Day

After Alexander Twilight term in Vermont's general assembly in 1836, black officeholding in state legislative assemblies disappeared, only to reemerge again in the post-Civil War South. In 1869, no blacks served in state legislatures. By 1873, the 19th century apex of black officeholding, nearly 300 African Americans served in state assembly seats. Almost all of these seats were in the South. (See Figure 5.) In the late 1870s, as laws restricting black suffrage spread, black officeholding in Southern state legislatures withered. By 1902, African Americans

³ Proceedings of the Orleans County Historical Society, August 1888.

completely disappeared from Southern state legislatures. In the South, black officeholding did not reemerge again until the civil rights reforms of the 1960s were signed into law. Since the mid-1960s, growth in black officeholding has been more vigorous in the South than in any other region of the country. And since the 1970s, a majority of blacks elected officials have hailed from the South.

Figure 6 maps black officeholding in state assembly seats between the 1900 and 1960. This map highlights strongholds of black political power that are invisible to scholars who measure black influence solely through the number of congressional seats held by African Americans. In the early 1900s, as black officeholding flickered out in Congress, a wave of African Americans was elected to state legislative seats in outside of the South. These two developments were connected. Jim Crow policies not only pushed African Americans out of electoral politics in the South, they also drove millions of blacks to migrate to the North. By the late 1880s, black populations in places like Chicago, Cincinnati and Detroit had grown large enough to elect black candidates to state legislative seats. Illinois elected its first black state legislator in 1876. In 1879, African Americans were elected to the legislative assemblies in Ohio and Michigan for the first time. And in 1881, James S. Hinton became the first African American elected to Indiana's general assembly. During the first half of the 20th century, these states were home to most African Americans elected to state legislatures.

Scholars have largely ignored this generation of black politicians who served in office from the early 1900s through the 1960s. Instead, most histories of this period focus on the absence of black elected officials in the South. It is true that after being driven out of public office in the late 1800s, blacks would not win a congressional or state legislative seat in the Deep South until the 1960s. However, paying attention to black officeholding in state legislatures changes the contours of these histories in some significant ways. Prior 1960s, at least two African Americans from border states won state legislative seats. In 1919, West Virginia elected an African American, Jheopart Harry Capehart, to the lower chamber of its general assembly.

And in 1936, Charles W. Anderson Junior became the first African American to represent a state legislative district from Kentucky since Reconstruction.

And even in the darkest days of the Jim Crow era, blacks managed to establish and expand footholds in some Northern state legislatures. In 1900, only two African Americans were elected to state assembly seats, one in Illinois and one in Minnesota. By 1940, 19 black assemblymen were elected from nine different states—California, Illinois, Indiana, Kansas, Michigan, New Jersey, New York, Pennsylvania and West Virginia. These states and a few others like Ohio, Wisconsin, California, and Missouri were home to most of the black state legislators who served in office during the first half of the 20th century. From the 1930s through the 1960s, this group of states experienced a slow but steady increase in the number of blacks elected to state legislatures.

As was the case in Congress, the Voting Rights Act of 1965 sparked a revolution in black political representation in state legislatures. This legislation banned most overt forms of racial discrimination at the ballot box and thus allowed Southern blacks to reenter electoral politics. Between 1900 and the signing of this legislation, only one African American was elected to a state assembly seat from the Deep South. (In 1962, Leroy Johnson was elected to a general assembly seat in Georgia.) However, soon after the Voting Rights Act of 1965 was signed into law, Southern blacks began to return to elected office in significant numbers. For example, in 1967, for the first time in nearly 100 years, Louisiana and Mississippi elected an African American to their state assemblies. Other Southern states soon followed. By the 1970s, a majority of black state legislators came from the South.

Between the mid-1970s and 1990, the number of African Americans elected to the lower chamber of state legislatures increased along a steady, nearly linear path, from 276 to 317. After the 1990s round of redistricting, the number of African Americans elected to general assemblies jumped to more than 400. This surge was almost certainly caused by the Justice Department's dictate that states create new majority-black districts during the 1990s round of redistricting.

Since the mid-1990s, the number of blacks in state legislatures has increased in a slow and steady fashion. By 2009 the number of African Americans in the lower chamber of state legislatures reached 467. Most of these black lawmakers represented Southern states.

Discussion

The data presented in this paper make many contributions to our understanding of black political history. At the broadest level, juxtaposing data on black officeholding in Congress and state legislatures illustrates the “iceberg problem,” which I argue plagues the study of black politics. When scholars attempt to tell the story of black electoral politics, they typically base their histories on the experiences of African Americans in Congress. My work shows that studies in this tradition are flawed because the dynamics of black representation in Congress differ from the dynamics of black political representation in state legislatures. The data gathered in this paper also suggest several revisions to the conventional wisdom about black officeholding during the pre-Civil War era and the first half of the 20th century. For example, my work highlights the existence of an era in black electoral politics that has been ignored by scholars—black officeholding prior to the Civil War and black officeholding during the Jim Crow era.

Discussion: The Iceberg Problem

One of the goals of this paper is to highlight and solve what I call the “iceberg problem” in the study of black politics. I contend that too much research on black political representation essentially boils down to studies of black officeholding in Congress. This tendency is problematic because the dynamics of black officeholding in Congress differ from the dynamics of black officeholding at other important levels of government. I attempt to eliminate this

problem by assembling a unique database on every African American elected to a state assembly seat or a seat in the House of Representatives before the year 2012. This database allows me to explore new questions about the political economy of black representation in legislative settings. The answers I find overturn some of the scholarly and conventional wisdom on black political representation in the United States. For example, scholars often assume that the dynamics that characterize black political representation in Congress are mirrored at other levels of government. My work shows that this assumption is false. This paper unearths many differences between the dynamics of black officeholding in Congress and the dynamics of black officeholding in state legislatures. These differences are substantively important because they suggest that the dominant narrative about black political history is at best incomplete.

Discussion: Black Officeholding during the pre-Civil War Era

My work suggests that scholars should write a new opening chapter for the history of black electoral politics, one on black officeholding before the Civil War. Prior to the Civil War, no blacks were elected to the House of Representatives. However, my research has unearthed at least one black man, Alexander Twilight, who was elected to a state legislature prior to the Civil War. During the course of this research, I discovered several other African Americans who were elected to public office during the pre-Civil War period. For example, in 1642 Mathias de Sousa, a black man, was elected to colonial Maryland's legislative assembly. In 1776, Wentworth Cheswell was elected to the school board for Newmarket, New Hampshire, and in 1855 John Mercer Langston, was elected town clerk for Brownhelm Township, Ohio. As of yet, no scholar has examined this group of black politicians to see what their stories tell us about

black electoral politics during the pre-Civil War era. I hope this paper encourages scholars to tackle that project.

Discussion: Black Officeholding during the Jim Crow Era

My work points to a second largely ignored era in American political history—black officeholding during the Jim Crow era. While black officeholders disappeared from Congress in the early 20th century, my work reminds researchers that black officeholding in Northern state legislatures actually grew during the Jim Crow era. Of course, these two developments were related. As Jim Crow settled over the South, millions of African Americans fled North in pursuit of a better and freer life. The communities where there black migrants settled gave rise to a new generation of black elected officials, especially in local offices, which has been largely overlooked by scholars, who mistakenly assume that the demise of black officeholding in Congress, also meant the end of black officeholding in the United States. This paper provides one of the scholarly literature’s first profiles of this forgotten generation of black politicians.

Future Research

In addition to contributing to current debates about black political history and the future of black political representation, this project also paves the way for a new generation of research on black political representation. This paper was motivated in part by the observation that black officeholding in state legislatures is an important but neglected corner of American politics. One of the reasons for this neglect is that basic data on black officeholding in state legislatures never have been assembled in one place, a hurdle that vastly increases the time and expense associated

with researching the political economy of black representation in state governments. My research attempts to eliminate this barrier.

I hope my work paves the way for a new generation of research on black representation, a field in need of revitalization. The literature on black representation in state legislatures is much thinner than the research on black officeholding in Congress. I hope this paper helps close that gap. Researchers interested in building on my work might merge my data with datasets on state legislative elections.⁴ For example, there is a well-known dataset on state legislative election results for the years the years 1967 to 2003.⁵ Combining this voting data with my roster on black officeholding in state legislatures should make it possible to replicate a number of important studies on voting and black political representation in Congress.

Conducting voting studies of black officeholding in state legislatures prior to the 1960s would be fascinating. Even with my datasets, pursuing project like that remain challenging. Typically, Secretary of State offices or state Election Divisions keep records on state legislative elections, reaching back to the first election held after states entered the Union. Unfortunately, assembling this data will not be easy. Researchers are not likely to find many tidy electronic databases on state legislative elections held prior to the 1960s. Instead, most often election results will be found in printed books. Still, this data could be gathered through interlibrary loan, some archival work, and lots of tedious data entry. However, once this data is collected, it would be possible to replicate many of historical voting studies on black officeholding in Congress in the context of state legislatures.

⁴ Electoral data for state legislative elections can be found at Harvard Election Data Archive <http://projects.iq.harvard.edu/eda/pages/about>

⁵ See State Legislative Election Returns, 1967-2003 (ICPSR 21480), <http://www.icpsr.umich.edu/icpsrweb/ICPSR/studies/21480>

The Holy Grail for researchers studying black representation in legislative settings are datasets that contain information on the race of lawmakers, election results, and demographic data on state legislative districts. Obtaining data on the racial composition of state legislative districts is extremely difficult. Demographic data for state legislative districts only began to be widely available in the 21st century. Scholars have painstakingly assembled datasets on the racial composition of state legislative districts the 1980s and the 1990s.⁶ However, data on the racial composition of state legislative districts for the 1970s and earlier are extremely rare and hard to compile. In many cases, this data was never calculated, not even by the people who originally drew the districts. The basic challenge here is to merge census data with information about the boundaries of state legislative districts. This census data can be found through standard sources. Information about the boundaries of state legislative districts are part of state law, and thus can be found in state statutes books. Unfortunately, prior to the 21st century, descriptions of district boundaries were rarely expressed in computer friendly geocodes. Instead for most of American history, boundaries have been described in plain language. Translating loose geographic descriptions into a format computers can process is challenging, but recent technological innovations should make this task easier. Even with these tools, reconstructing the boundaries of legislative districts and merging them with census data is likely to be tricky. Still, once this challenge is overcome, a vast array of congressional studies could be replicated in the context of state legislatures, which would represent a huge step forward for the study of both state legislative politics and the study of minority political representation.

⁶ See Michael Barone, III Lilley William, Laurence J. DeFranco, *State Legislative Elections: Voting Patterns and Demographics*, CQ Press (December 1997); and King, Gary; Palmquist, Bradley; Adams, Greg; Altman, Micah; Benoit, Kenneth; Gay, Claudine; Lewis, Jeffrey B.; Mayer, Russ; and Reinhardt, Eric, 2013, "Record of American Democracy, All Key Data Files", <http://hdl.handle.net/1902.1/01955>
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Conclusion

This paper also fills an important gap in our knowledge about black political power in the first half of the 20th century. There is a small literature on black officeholding in state legislatures during Reconstruction, and there is a larger body of research on black officeholding in state legislatures after the Voting Rights Act of 1965 was passed, but very little has been written on black officeholding in state legislatures between 1900 and the early 1960s. This gap exists because prior to my work, no one had completed the arduous task of assembling a comprehensive list of the black state legislators who served in office during the first half of the 20th century. This gap in the data has held unfortunate consequences for our understanding of the history of black electoral politics in the United States. Missing data has led the conventional wisdom to conclude that black voters and black politicians were not a significant electoral force during the Jim Crow Era. My research shows that this conclusion is wrong and was reached both because scholars tend to focus on black politics in Congress and tend ignore black officeholding at the local level.

Works Cited

- Barone, Michael, William Lilley III, and Laurence J. DeFranco. 1997. *State Legislative Elections: Voting Patterns and Demographics*. CQ Press.
- Bositis, David A. 1992. *Black State Legislators: A Survey and Analysis of Black Leadership in State Capitals*. Washington, D.C.: Joint Center for Political and Economic Studies.
- Canon, David T. 1999. *Race, Redistricting, and Representation: The Unintended Consequences of Black Majority Districts*. Chicago: University of Chicago Press.
- Epstein, David and Sharyn O'Halloran. 1999. "A Social Science Approach to Race, Redistricting, and Representation." *The American Political Science Review* 93: 187-191.
- Freedman, Eric, and Stephen Alan Jones. 2007. *African Americans in Congress: a Documentary History*. CQ Press.
- Gill, LaVerne McCain. 1997. *African American Women in Congress: Forming and Transforming History*. Rutgers University Press.
- King, Gary, Bradley Palmquist, Greg Adams, Micah Altman, Kenneth Benoit, Claudine Gay, Jeffrey B. Lewis, Russ Mayer, and Eric Reinhardt. 2013. "Record of American Democracy, All Key Data Files." <http://hdl.handle.net/1902.1/01955> UNF:3:Of9gjJiO37kI9yvidAQncA== The Harvard Dataverse Network [Distributor] V2 [Version].
- Lublin, David. 1997. *The Paradox of Representation: Racial Gerrymandering and Minority Interests in Congress*. Princeton: Princeton University Press.
- Lublin, David and D. Stephen Voss. 1997. "Racial Redistricting and Realignment in Southern State Legislatures." *American Journal of Political Science* 44: 792-810.
- Middleton, Stephen. 2002. *Black Congressmen during Reconstruction: A Documentary Sourcebook*. Greenwood Press.
- Shotts, Kenneth W. 2001. "The Effect of Majority-Minority Mandates on Partisan Gerrymandering." *American Journal of Political Science* 45: 120-135.
- Wasniewski, Matthew (Editor). 2008. *Black Americans in Congress, 1870- 2007*. U.S. House of Representatives, Committee on House Administration, U.S. Government Printing Office.
- _____. Harvard Election Data Archive <http://projects.iq.harvard.edu/eda/pages/about>
- _____. Proceedings of the Orleans County Historical Society, August 1888.
- _____. State Legislative Election Returns, 1967-2003 (ICPSR 21480), <http://www.icpsr.umich.edu/icpsrweb/ICPSR/studies/21480>

Graphics for Paper

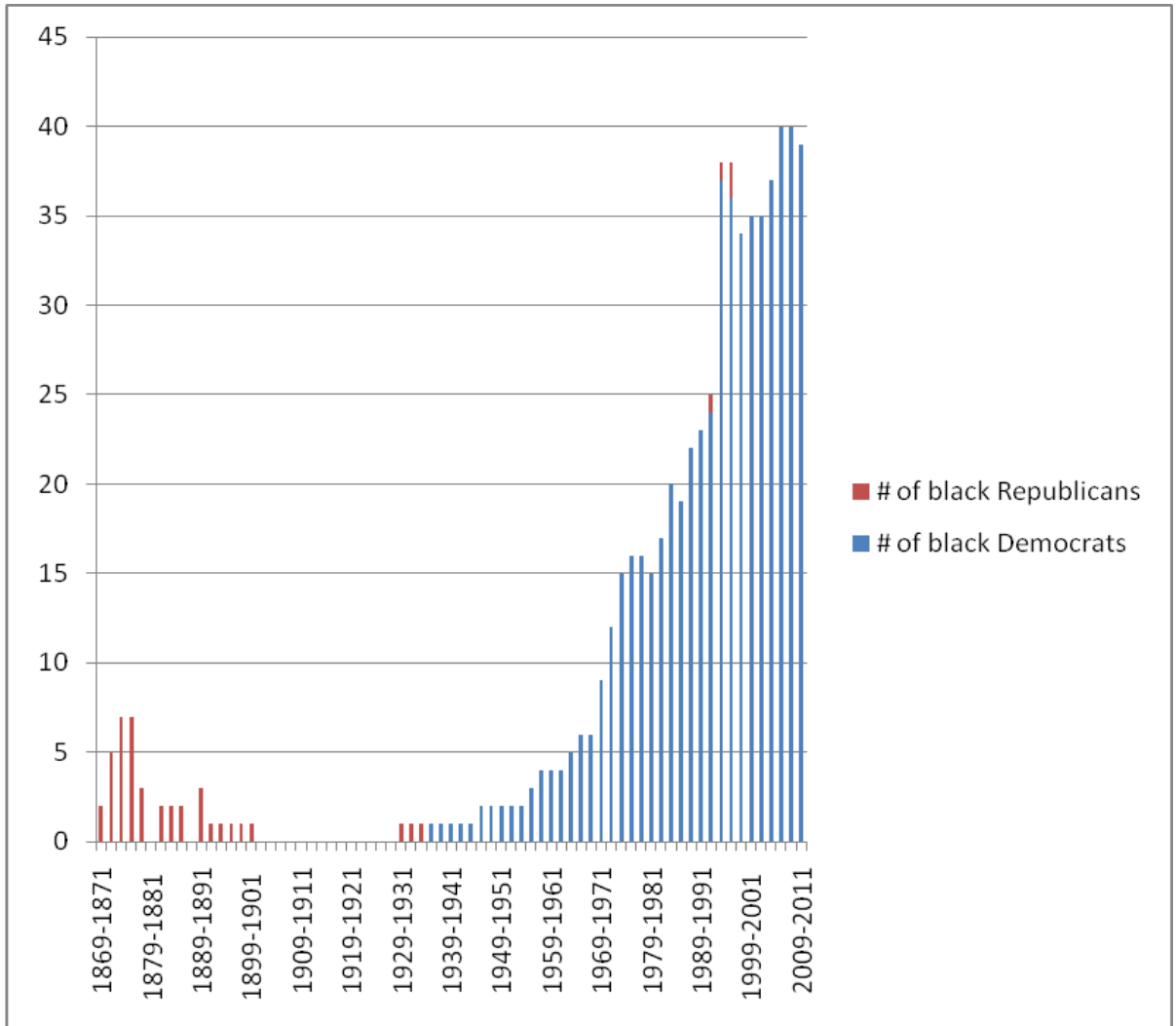


Figure 1) Black Officeholding in the House of Representatives, 1869-2011

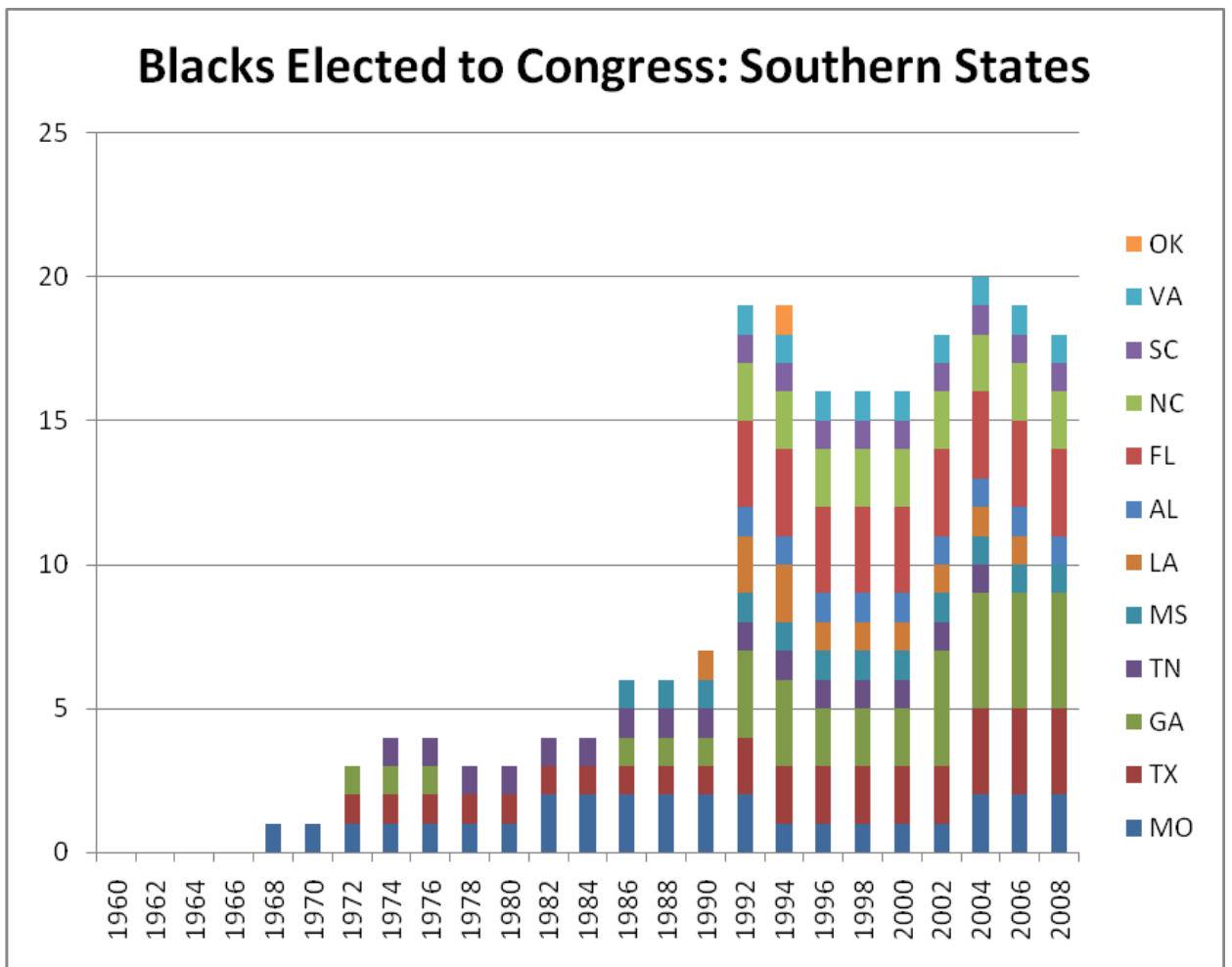


Figure 2) Geographic Distribution of Black Members of the House, Southern States, 1960-2008

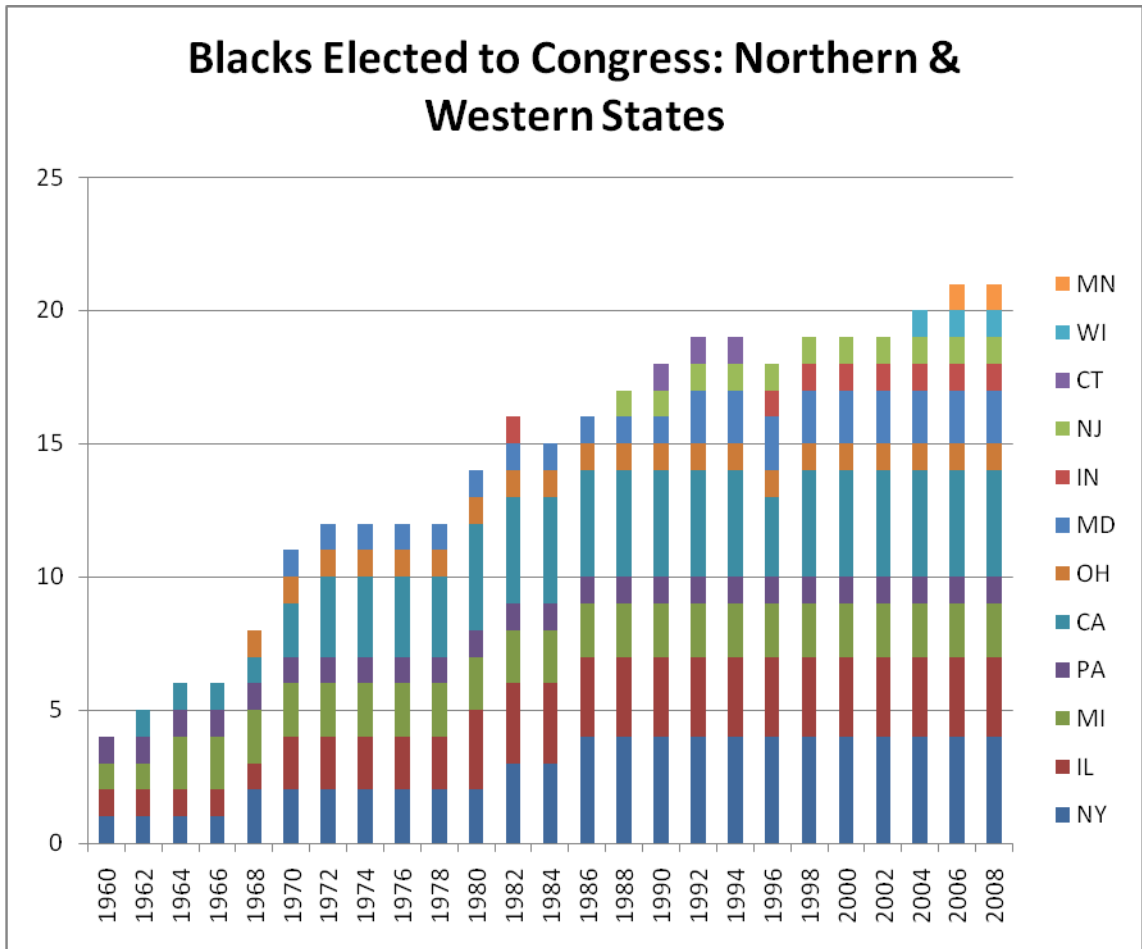


Figure 3) Geographic Distribution of Black Members of the House, Northern and Western States, 1960-2008

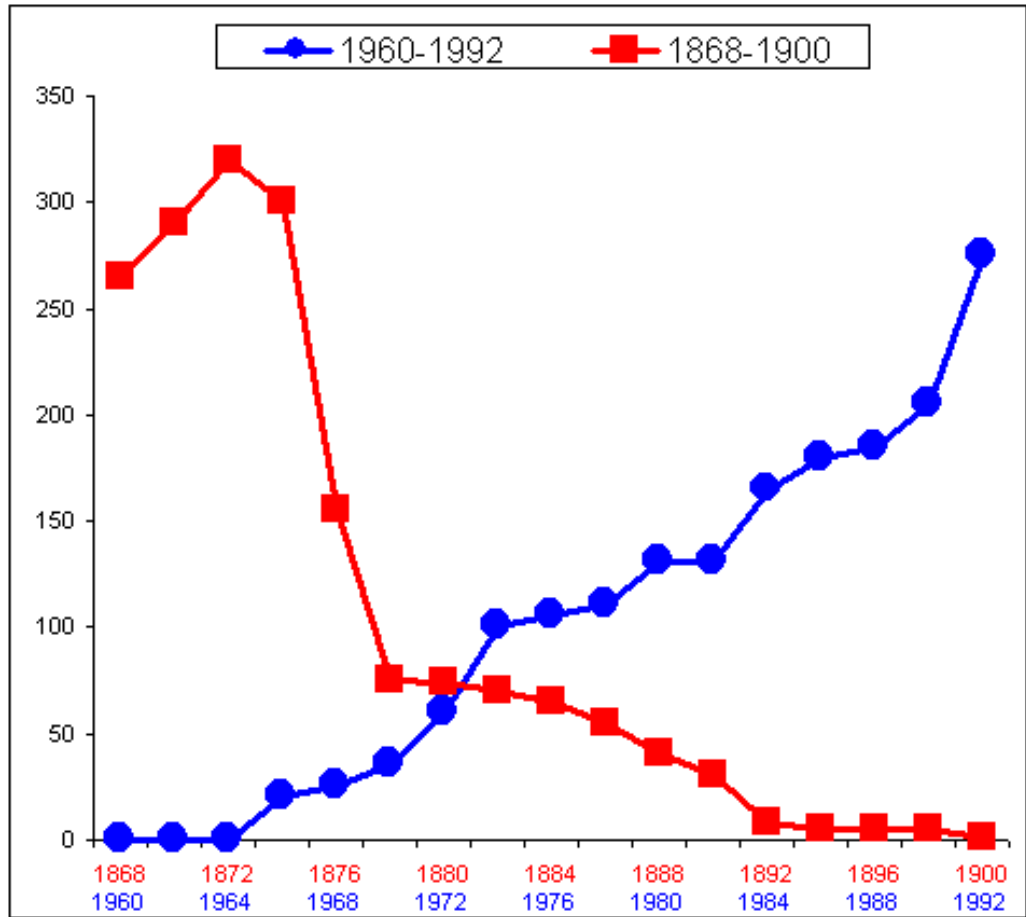


Figure 4: Number of Black Southern State Legislators, 1868-1900 and 1960-1992

Black State Legislators by County: 1866-1899

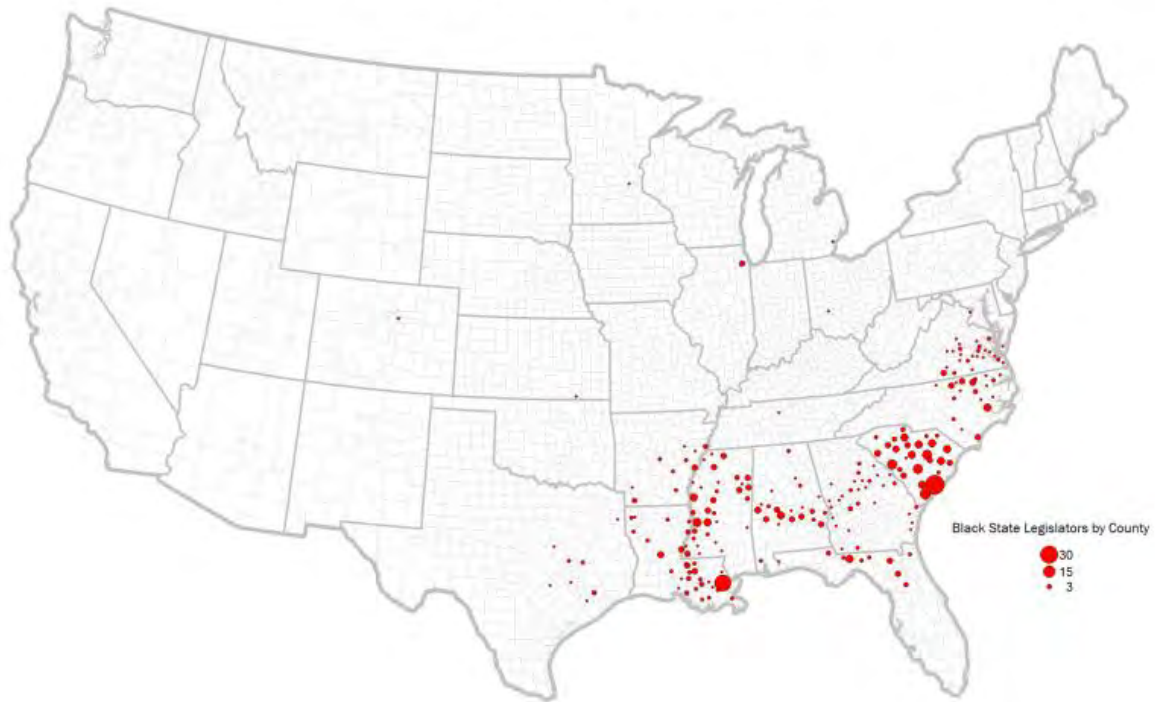


Figure 5: Number of Black Legislators Elected to the Lower Chamber of State Legislatures, 1866-1899

Black State Legislators by County: 1900-1963



Figure 6) Black Officeholding in the Lower Chamber of State Legislatures during the Jim Crow Era