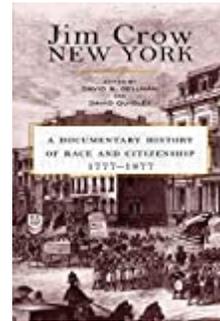


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Jim Crow in the North

Professors David Quigley and David N. Gellman have done a great service for students of nineteenth-century America, especially those who focus on politics, race and African-American History. Further exploding the myth that racism in the first century under the Constitution was strictly a southern phenomenon, Quigley and Gellman have compiled in *Jim Crow New York: A Documentary History of Race and Citizenship, 1777-1877* a valuable and eclectic set of documents, many of them from various state constitutional conventions in New York. The two historians provide much in the way of analysis and commentary, introducing each of the book's three major sections and each individual document as well, along with extended excerpts from convention proceedings and from other sources. In a very real sense they are providing more persuasive arguments and evidence for C. Vann Woodward's provocative thesis, which he first developed in the 1950s, that "one of the strangest things about the career of Jim Crow was that the system was born in the North and reached an advanced age before moving South in force."^[1]

Quigley and Gellman divide their book into three sec-

tions: the first is concerned with slavery and its abolition in the Revolutionary era through 1817; the second is the crucial 1821 New York Constitutional Convention, on which they place much emphasis, arguing that at that key juncture "race became directly tied to citizenship"; and the third is what they call the "Long Reconstruction," stretching from the aftermath of the 1821 convention through the formal end of national reconstruction in 1877 (p. 8). A key overarching theme of their book is that political liberty and progress toward racial justice have not always gone hand in hand in American history; in fact, as the history of nineteenth-century New York suggests, one goal may advance at the expense of the other.

The site of their documentary history is New York, a state at the forefront of political, social, economic, and religious change during the nineteenth century. What is sometimes less appreciated is that New York also has a long history of slavery, dating back to its origins as New Netherlands, a Dutch colony; as early as 1626, enslaved Africans lived in what became New York. Although the province never became a center of staple crop agriculture, as did southern colonies such as Virginia and South

Carolina, slavery was an important part of early New York's society and economy. The colony was home to a significant slave revolt in 1712, and also saw the bizarre slave conspiracy of 1741 erupt within its borders. By the time of the American Revolution, as Quigley and Gellman point out, enslaved persons accounted for nearly 12 percent of colonial New York's total population. When Patriots in New York drafted a constitution for their new state in 1777, they debated who would be recognized as a full citizen of their emerging republican polity, and who was to be denied the rights attendant with such citizenship. During the Revolutionary War itself, African Americans in New York struck a blow for their own freedom when they escaped their masters and fled to British lines, as enslaved persons had also done in Virginia and elsewhere. At war's end, nearly four hundred formerly enslaved New Yorkers sailed away from the Revolution with the British Navy and toward their own new lives and freedom. At the same time, there were slaves remaining in New York who were granted their freedom after the war for serving the Patriot cause as soldiers.

The institution of slavery managed to not only survive the Revolution in New York, the number of enslaved persons actually grew slightly after 1783. However, in other parts of the northeastern United States, slavery was being abolished, and in New York there were the beginnings of the first anti-slavery, or manumission, societies. As parts of central and northern New York were appropriated by the state from the Iroquois, slavery began to appear much less relevant to the economic future of New York. An important first step toward the eventual abolition of the institution in New York occurred in 1799, when the state legislature decreed in an "Act for the Gradual abolition of Slavery," that children of slave mothers born after July 4, 1799 would be one day granted their freedom, but not until they had reached adulthood. And the beginning of the legal end of slavery in the state did mean that African Americans now lived in New York as free citizens. One of the ways they expressed their contested citizenship was by celebrating the end of U.S. participation in the international slave trade in 1808.

In the highly partisan political world of the early republic, most free African Americans appeared to have supported the Federalist Party, which included their former masters and some of the leaders of the Manumission Societies, including notable figures such as Alexander Hamilton. Their Republican rivals in New York (whose number included the powerful Clinton family as well as prominent individuals such as Aaron Burr) by the early nineteenth century had become a defender of the politi-

cal and civil rights of immigrants and Catholics. At the same time, however, the rough egalitarianism of the Republicans had a pronounced racial bias; they castigated their Federalist rivals for encouraging black political participation (albeit that essentially limited to the ballot box) and increasingly saw American politics as something belonging to white men alone. This type of politics notwithstanding, free African Americans, including those whose freedom was newly won, had forged distinct communities in both New York City and Albany by the early nineteenth century. The institutions they created, as Gellman and Quigley note, included churches, schools, and benevolent societies, and also encompassed celebrations of the traditional holiday of Pinkster (a traditional Dutch holiday that, during the eighteenth century, New York's slaves had made their own) although the city government of Albany outlawed such celebrations in 1811. That same year, the Republican state legislature enacted a law which required African Americans, who sought to exercise their right to vote, to prove first that they had not been previously enslaved. Free African Americans living in working class neighborhoods found their employment prospects effectively limited to working as day laborers, sailors, street vendors, and domestic servants, although some black men did earn a living as artisans, many of them continuing to practice crafts they had first learned while enslaved. Finally, in 1817, at the request of Republican Governor Daniel Tompkins (as he prepared to become Vice-President of the United States) the New York legislature did set a final date for the end of slavery in the state, setting it precisely a full decade ahead on July 4, 1827. The text of that law is one of the documents fittingly included in part 1 of *Jim Crow New York*.

A decisive moment in this history, as Quigley and Gellman maintain throughout, was the 1821 New York Constitutional Convention, when the state's political leadership wrote New York's first governing document since the Revolution. Somewhat ironically, as it turned out, delegates were selected to the convention under very liberal voting requirements, with no racial tests or standards applied to prospective male voters over twenty one years of age. Part of the national backdrop to this crucial convention, as the editors explain, was the aftermath of the Missouri Crisis of 1819-21; efforts by New Yorker Republicans (led by Martin Van Buren) to forge an alliance with southern planters were based in part on a shared view of slavery and, by extension, racial politics. Gellman and Quigley also note that New York City's free African American community, by 1821, was the largest such population in the western hemisphere. It was the

Republican Bucktails, then, who took the lead in effectively blocking the extension of the suffrage to the majority of African American men. They sought to justify this action in part on the grounds that black men were not independent republican citizens, but rather should be considered dependents in the way that women and children were. It was Martin Van Buren himself who understood the question of race and citizenship, as he comprehended much of American life, through the lens of partisanship. The emerging Republican politician castigated conservative (and presumably Federalist) delegates to the convention for seeking to maintain property requirements for white voters while also continuing to support “the right of suffrage to the poor, degraded blacks”(p. 166).

At the convention that year, Samuel Young, a Van Buren ally, explicitly made the case for disenfranchisement of black voters, moving that the word “white” be added before “citizen” in language that was intended to broaden the suffrage for some of New York’s adult male population. In defending his stance, Young argued that blacks were in no way considered by whites to be their moral, social, or intellectual equals, asking then why they should be permitted to vote as full citizens, and alleging that in any event, African Americans were prepared to “sell their votes to the highest bidder” (p. 123). Anticipating Roger Taney’s arguments thirty-five years later in the Dred Scott decision, Young claimed that at the time of the writing of New York’s first Constitution in 1777, “there were then few or no free blacks in the state,” which, as it happened (in New York and elsewhere), was not the case (p. 124). Another Republican, John Ross of Genesee County in Western New York echoed Young’s line of thinking: “But why, it will probably be asked, are black[s] to be excluded? I answer, because they are seldom, if ever, required to share in the common burthens or defence of the state” (p. 106). He continued, in more racially charged language, stating that African Americans “are a peculiar people, incapable, in my judgment, of exercising that privilege with any sort of discretion, prudence or independence” (p. 107).

It was the more conservative delegates at the convention, the remnant of New York’s Federalist Party (including James Kent, most known to historians as an opponent of extending the suffrage to a wider pool of white men), who in 1821 opposed the Bucktail Republicans’ efforts at striking at the voting rights of New York’s African American population. Kent declared flatly at the 1821 proceedings that “we did not come to this convention to *disenfranchise* any portion of the community, or to take away their rights” (p. 124). Another conservative de-

fender of African American rights was Peter Augustus Jay, son of Federalist luminary John Jay, who as a delegate to the 1821 convention, asked of black New Yorkers, “why sir, are these men to be excluded from rights which they possess in common with their countrymen? What crime have they committed for which they are to be punished” (p. 112)? Jay denied the claims made by Bucktail delegate Samuel Young, taking to the floor to defend the political rights of African Americans, sometimes with great eloquence and force. Another member of the fading Federalist Party in New York, Jonas Platt, pointed out the inconsistency of the Republicans when it came to race and equality, and speculated that if African Americans were so blatantly denied the vote, they would quite possibly “be degraded, by our constitution, below the rank of freemen—that they never shall emerge from their humble condition—that they shall never assert the dignity of human nature, but shall ever remain a degraded cast [sic] in our republic” (p. 112). In recent decades, especially in the wake of the Civil Rights movement, historians have rethought the long held dichotomy that held Jeffersonian Republicans as democratic populists and Federalists as reactionary conservatives.[2] When race is factored into the equation, that contrast very quickly loses its simplicity.

A significant result of the 1821 Constitution was that Republican legislators, while recognizing the right to vote of virtually all white men, at the same time effectively stripped the vast majority of black males in New York of their voting rights. African American men were now required to meet steep property requirements in order to cast ballots in state and federal elections, which only a small fraction of them were able to do. They were left in a category of persons who were not enslaved, yet who were not full citizens in the republican sense of that word. Gellman and Quigley further remind us that racism and racial discrimination are, and historically have been, not only a southern, but a national, problem.

The final third of the book is given over to what Quigley and Gellman aptly entitle “The Long Reconstruction,” lasting from 1821-77. New York, at this point in its history, foreshadowed what the South would become after the Civil War—a post slavery society where there was a strong racial element to full citizenship and where African Americans, by being denied the right to vote, were thus denied that citizenship. Over this half century, the politics of race and citizenship clearly became a defining question in the United States, and New York underwent its own changes during those decades. White New York politicians remained committed to maintaining the

property requirement which effectively disenfranchised the great majority of black men. John Kennedy, one such delegate to the 1846 State Constitutional Convention, as the United States prepared to fight a war against Mexico, claimed that “nature revolted at the proposal” to “permit the Ethiopian race to become an important question of the governing power of the state” (p. 255). Despite the intransigence of some of the delegates, the convention ultimately sent the question of universal suffrage without regard to race to the state’s voters; they in turn voted overwhelmingly, 224,336 to 85,406, to keep the racial restrictions in place.

On the eve of the Civil War, New York voters cast a majority of their ballots in 1860 for Abraham Lincoln and the Republican Party. Somewhat surprisingly (or is it?), even *after* Appomattox in 1869, New Yorkers returned the same verdict and kept the 1820s racial qualifications for voting in place. Much as was the case in the Southern states of the former Confederacy, it was the 15th Amendment to the Constitution which finally ensured that all New Yorkers, at least those who were male, would not be denied the franchise on strictly racial grounds. This happened only after New York’s resurgent Democratic Party sought to repeal the state’s ratification of the amendment which expressly protected the freedman’s right to vote and, indeed, that of African American men across the nation. As late as 1877, a commission led by defeated Democratic presidential candidate Samuel Tilden sought to require property requirements for urban voters, which was defeated at the polls; but *Jim Crow New York* ends on a somber note. The comparison with at least one other state that remained in the Union is notable. According to Robert Dykstra, Iowa had very strict racial prohibitions before the Civil War, but the experience of that conflict resulted in a changed political culture afterwards, and voters there approved black suffrage in 1868.[3] Why were voting New York men so reluctant to make this change on their own, short of a constitutional amendment, even after the Civil War? Quigley and Gellman point once more to what they call the “Constitutional Convention of 1821’s racialized construction of democracy,” which had brought into being a “slaveless, yet segregated, democracy” (p. 201). New York’s history of slavery and its own version of Jim Crow, along with a significant African American population, was in stark contrast to the situation in Iowa, a much newer state (it had joined the Union in 1846) with no history of slavery and few black people.

A second key theme which Quigley and Gellman highlight is the vigorous efforts of African Americans

on their own behalf, seeking to claim some freedom for themselves in spite of the barriers the state had placed around their political rights and citizenship. Among other endeavors, African Americans began their own newspapers in New York City as early as the 1820s, and in 1840 met in convention in Albany to make their own case regarding their voting rights. Linking their plight to that of “the Irish in Ireland, the degradation of the Greek, the besotted stupidity of the lower castes in India, and the abasement and continual decrease of the aborigines of our own country,” African Americans asserted that since the founding of the nation, “in times of peril our aid has been called for, and our services promptly given” (pp. 242-243). Plaintively they asked, “for no special rights, for no peculiar privileges, for no extraordinary prerogatives do we ask. We merely put forth our appeal for a republican birthright” (p. 247). And yet they would be denied, despite eloquently insisting that their own patriotism and humanity be recognized as such.

One major event in this complex and often tortuous history that warrants more attention is the 1863 Civil War draft riots, in which rioters targeted, attacked, and killed many African Americans on the streets of Manhattan. And the editors might have provided an even more comprehensive history of race and citizenship in New York by including more documents on the social history of Jim Crow as African Americans experienced it on a daily basis in New York. That type of evidence is necessarily more difficult to come by than political documents, but it would have added further support to Quigley and Gellman’s claim that New York was a Jim Crow society in the way that historians generally use and understand that term. Some of the excerpts from the minutes of the various conventions, especially those taken from 1821, might have been shorter. But ultimately, Quigley and Gellman have provided ample documentary evidence for the power of race in Northern politics for the century bracketed by the formal founding of the nation and the official end of the Civil War era.

Notes

[1]. C. Vann Woodward, *The Strange Career of Jim Crow* (Oxford: Oxford University Press, 2002), 17.

[2]. David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820* (Chapel Hill: University of North Carolina, 1997), 332.

[3]. Robert Dykstra, *Bright Radical Star: Black Freedom and White Supremacy on the Hawkeye Frontier* (Cambridge: Harvard University Press, 1993).

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