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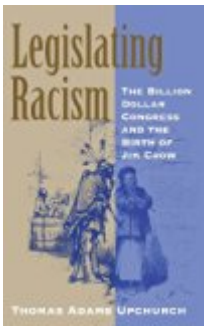
Thomas Adams Upchurch. *Legislating Racism: The Billion Dollar Congress and the Birth of Jim Crow.* Lexington: University Press of Kentucky, 2004. xiv + 302 pp. $40.00, cloth, ISBN 978-0-8131-2311-0.



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As the 1890s approached, African Americans confronted the possibility of losing the limited political rights that Radical Republicans had afforded them during the Reconstruction years. At the beginning of the decade, Mississippi legislators ushered in the era of Jim Crow, a period marked by segregation and the disenfranchisement of African Americans and poor whites throughout the South. Generally speaking, southern politicians and jurists effectively negated the promises that Radical Republicans had made during the latter part of the 1860s and the legal rights that the Fourteenth and Fifteenth Amendments protected. Scholars have thoroughly examined this tragic episode in American history at the state level and have detailed the Supreme Court's willingness to support the idea of white supremacy in cases such as *Plessy v. Ferguson* (1896). However, few scholars have fully appreciated the fact that Congress was just as culpable in destroying African-American civil rights as were the southern states and the courts. Thomas Upchurch's *Legislating Racism* fills this void in the historiography of the Gilded Age.

Focusing primarily on the period between January 1890 and January 1891, the author examines the Fifty-first Congress's debates on bills concerning racial problems in the United States. In his introduction, Upchurch reminds readers that Benjamin Harrison and the Republicans not only retook the White House, but they were also successful in reclaiming a majority in both houses of Congress, making it the first time since 1874 that the GOP controlled the White House and Congress. As scholars of this period have noted, the Fifty-first Congress supported a financial agenda that favored the wealthy, including the passage of the McKinley Tariff Act of 1890. In light of Republican fiscal policies, Democrats began to derisively call the Fifty-first Congress the "Billion Dollar Congress." Despite the GOP's focus on financial matters, Upchurch reveals that some Republicans were still interested in solving racial inequalities in the southern states. Given the Republican majority in both houses, members of the party believed that they could secure legislation that would provide voting rights for African Americans inhabiting the South.

The central focus of Upchurch's work is the Congressional debate over the Federal Election Bill, a bill co-sponsored by two Massachusetts legislators, Representative Henry Cabot Lodge and Senator George Frisbie Hoar. Republicans had remained concerned with election fraud throughout the southern states in the 1880s, but the issue became a matter of intense importance following the elections of 1888. According to Republicans, Democrats fraudulently secured victories in more than a dozen elections in the South by intimidating black voters. The Federal Election Bill proposed to reform the electoral process by ensuring federal supervision of future elections. Democrats, especially in the South, referred to the bill as the "Force Bill," claiming that Republicans were attempting to force black rule on white majorities in the South and that the GOP wanted to reinstate the heinous days of Reconstruction. Speaker Thomas B. Reed of Maine effectively steered the election bill through the House of Representative by implementing what became known as the "Reed Rules" which eliminated filibustering and other tactics of obstruction, such as disappearing quorums and endless roll calling. Reed's modification of parliamentary procedures allowed Republicans to secure passage of partisan bills, unimpeded by Democratic opposition. Though the election bill made it through the House with relative ease, it stalled in the Senate where Democrats were able to postpone and drag out debate on the bill for several months. After the longest filibuster in Senate history (33 days), the bill died when Republicans failed to bring the measure up for a vote.

Upchurch explains that a variety of factors contributed to the GOP's failure. Most obvious of these factors was the political wrangling of Democratic Senators, but the author reminds us that the minority party's opposition was not enough to kill the bill. Just as important was the defection of Republican Senators from western states. Influenced by anti-Native American and anti-Chinese prejudice, western Republican Senators were sympathetic to the white supremacy arguments of southern Democrats. In addition, Social Darwinism gained popularity in the early 1890s, leading many whites throughout the country to abandon the idea of federal intervention as the correct approach to solving the plight of African Americans. Unfortunately, the failure of the Federal Election Bill marked the end of the line for those expecting the federal government to protect African-American civil rights. It would be another half-century before Congress attempted to bring any meaningful change to the political status of the country's black citizenry.

Though this work focuses on the Federal Election Bill, Upchurch is careful to place the bill in the context of the debates raging in Congress over other bills related to race, primarily the Butler Emigration Bill and the Blair Education Bill. In an attempt to offer a southern solution to the race problem, Senator Matthew Butler of South Carolina proposed an emigration bill in 1890. His bill called on Congress to appropriate five million dollars per year to relocate African Americans to Africa. Despite receiving limited support from some leaders in the black community and the availability of resources to fund the proposal, the bill failed. Upchurch reveals that Republicans were partly responsible for the failure of the bill. According to the author, Republican opposition resulted primarily from a belief that acceptance of emigration would be equivalent to admitting that the GOP's Reconstruction policies had been a failure. The Blair Education Bill met a similar fate. Senator Henry Blair of New Hampshire proposed the creation of a federally funded education system which would provide a more equitable education to the undereducated groups in the United States. While the bill was not specifically designed as a solution to racial problems, southern Democrats understood that it called for federal supervision of the country's schools and that the bill would potentially raise the social status of southern blacks. Once again, Republicans were divided on the issue. Some Republican Senators agreed

with southern opponents of the bill that to take money from northern and western states and use it to educate the children of the South was neither fair nor necessary. Thus, the Blair Bill was tabled in the Senate and never brought to a vote.

Legislating Racism is a well-researched and informative work on the Congressional Republicans' last attempt to bring about meaningful change to the political and social status of African Americans living in the South. Through the use of both primary and secondary sources, the author makes a convincing case that "the defeat of the Federal Election Bill marked a turning point in American history ... and marked the exact point in time that the federal government abandoned the cause of finding a solution to the South's race problem and of providing some means to uplift the African American race," at least until the middle of the twentieth century (p. 165). Upchurch's work provides a useful and thought-provoking study of Congress's role in the last gasp of Reconstruction and the beginning of the era of Jim Crow. Serious scholars of the Gilded Age and of the New South will want to add this book to their shelves.