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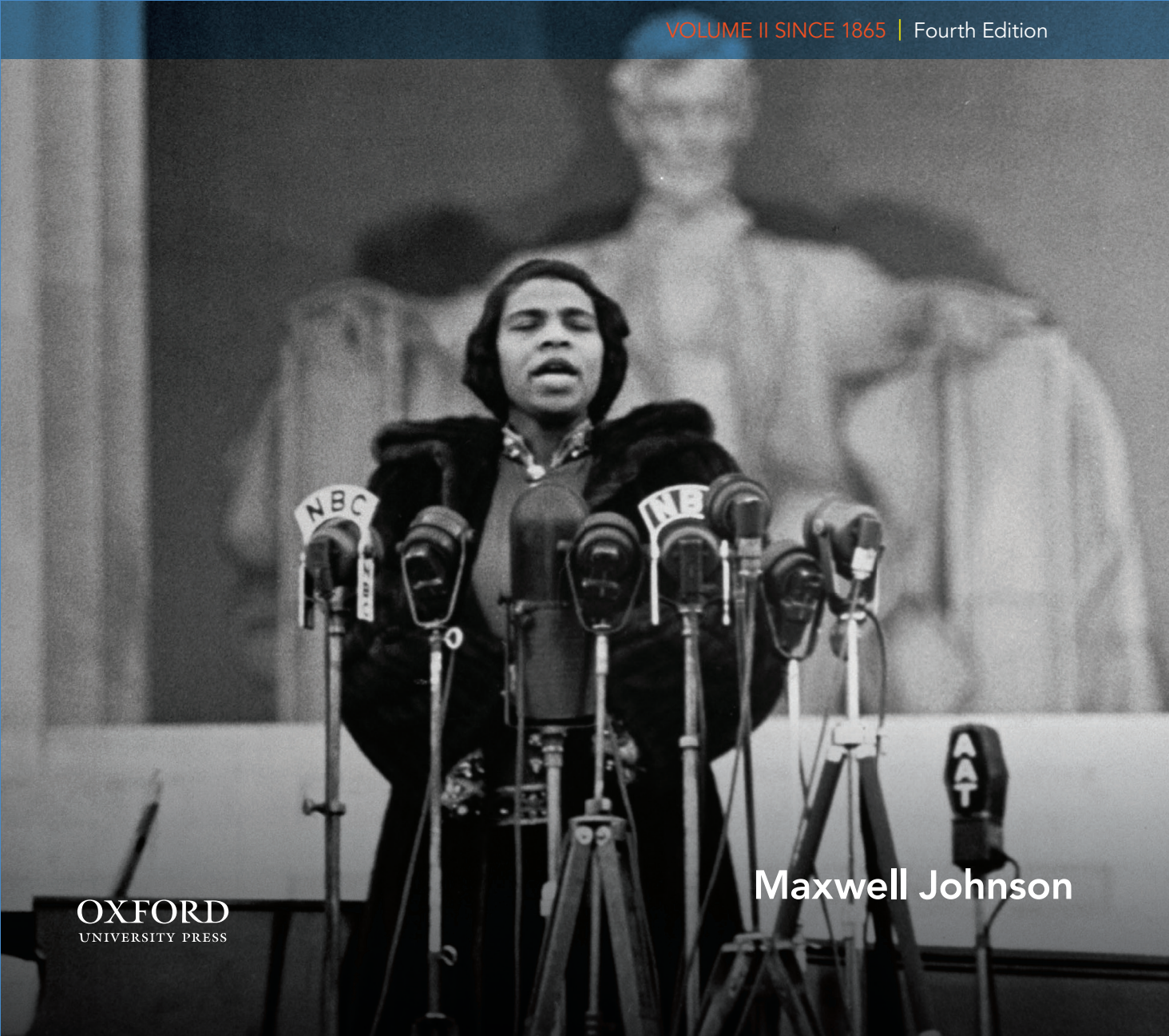
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Sources for Of the People

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# SOURCES FOR OF *THE PEOPLE*

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VOLUME II SINCE 1865

EDITED BY

*Maxwell Johnson*

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# HOW TO READ A PRIMARY SOURCE

**T**his sourcebook is composed of eighty-five primary sources. A primary source is any text, image, or other information that gives us a first-hand account of the past by someone who witnessed or participated in the historical events in question. While such sources can provide significant and fascinating insight into the past, they must also be read carefully to limit modern assumptions about historical modes of thought. Here are a few elements to keep in mind when approaching a primary source.

## **AUTHORSHIP**

Who produced this source of information? A male or a female? A member of the elite or of the lower class? An outsider looking in at an event or an insider looking out? What profession or lifestyle does the author pursue that might influence how he or she is recording his information?

## **GENRE**

What type of source are you examining? Different genres—categories of material—have different goals and stylistic elements. For example, a personal letter meant exclusively for the eyes of a distant cousin might include unveiled opinions and relatively trivial pieces of information, like the writer's vacation plans. On the other hand, a political speech intended to convince a nation of a leader's point of view might subdue personal opinions beneath artful rhetoric and focus on large issues like national welfare or war. Identifying genre can be useful for deducing how the source may have been received by an audience.

## **AUDIENCE**

Who is reading, listening to, or observing the source? Is it a public or a private audience? National or international? Religious or non-religious? The source may be geared toward the expectations of a particular group; it may be recorded in a language that is specific to a

particular group. Identifying audience can help us understand why the author chose a certain tone or included certain types of information.

### **HISTORICAL CONTEXT**

When and why was this source produced? On what date? For what purposes? What historical moment does the source address? It is paramount that we approach primary sources in context to avoid anachronism (attributing an idea or a habit to a past era where it does not belong) and faulty judgment. For example, when considering a medieval history, we must account for the fact that in the Middle Ages, the widespread understanding was that God created the world and could still interfere in the activity of mankind—such as sending a terrible storm when a community had sinned. Knowing the context (Christian, medieval, views of the world) helps us to avoid importing modern assumptions—like the fact that storms are caused by atmospheric pressure—into historical texts. In this way we can read the source more faithfully, carefully, and generously.

### **BIAS AND FRAMING**

Is there an overt argument being made by the source? Did the author have a particular agenda? Did any political or social motives underlie the reasons for writing the document? Does the document exhibit any qualities that offer clues about the author's intentions?

### **STYLISTIC ELEMENTS**

Stylistic features such as tone, vocabulary, word choice, and the manner in which the material is organized and presented should also be considered when examining a source. They can provide insight into the writer's perspective and offer additional context for considering a source in its entirety.

## CHAPTER 15

# RECONSTRUCTING A NATION, 1865–1877

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### 15.1 JOURDON ANDERSON, LETTER TO HIS FORMER SLAVEOWNER (1864)

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Jourdon Anderson (1825–1907) was born in Tennessee, where he was enslaved on various plantations until 1864, when Union soldiers freed him. Subsequently, Anderson moved to Dayton, Ohio, where he worked in various positions and eventually settled as a church maintenance man in 1894. In July 1865, Anderson's former owner, P. H. Anderson, wrote Jourdon to ask him to return to Tennessee and work on the plantation. Jourdon's response became immediately celebrated for Jourdon's careful demands and sarcastic tone. P. H. Anderson later sold his plantation at a major loss in order to escape debt, and he died at age 44 just two years later.

---

*To my old Master, COLONEL P. H. ANDERSON, Big Spring, Tennessee.*

SIR: I got your letter, and was glad to find that you had not forgotten Jourdon, and that you wanted me to come back and live with you again, promising to do better for me than anybody else can. I have often felt uneasy about you. I thought the Yankees would have hung you long before this, for harboring Rebs they found at your house. I suppose they never heard about your going to Colonel Martin's to kill the Union soldier that was left by his company in their stable. Although you shot at me twice before I left you, I did

not want to hear of your being hurt, and am glad you are still living. It would do me good to go back to the dear old home again, and see Miss Mary and Miss Martha and Allen, Esther, Green, and Lee. Give my love to them all, and tell them I hope we will meet in the better world, if not in this. I would have gone back to see you all when I was working in the Nashville Hospital, but one of the neighbors told me that Henry intended to shoot me if he ever got a chance.

I want to know particularly what the good chance is you propose to give me. I am doing tolerably well here. I get twenty-five dollars a month, with

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Source: L. Maria Child, ed., *The Freedmen's Book* (Boston: Ticknor and Fields, 1865), 265–267. Retrieved from the Internet Archive website, <https://babel.hathitrust.org/cgi/pt?id=hvd.32044013553797;view=1up;seq=7> (Accessed June 6, 2018).

victuals and clothing; have a comfortable home for Mandy,—the folks call her Mrs. Anderson,—and the children—Milly, Jane, and Grundy—go to school and are learning well. The teacher says Grundy has a head for a preacher. They go to Sunday School, and Mandy and me attend church regularly. We are kindly treated. Sometimes we overhear others saying, “Them colored people were slaves” down in Tennessee. The children feel hurt when they hear such remarks; but I tell them it was no disgrace in Tennessee to belong to Colonel Anderson. Many darkeys would have been proud, as I used to be, to call you master. Now if you will write and say what wages you will give me, I will be better able to decide whether it would be to my advantage to move back again.

As to my freedom, which you say I can have, there is nothing to be gained on that score, as I got my free papers in 1864 from the Provost-Marshal-General of the Department of Nashville. Mandy says she would be afraid to go back without some proof that you were disposed to treat us justly and kindly; and we have concluded to test your sincerity by asking you to send us our wages for the time we served you. This will make us forget and forgive old scores, and rely on your justice and friendship in the future. I served you faithfully for thirty-two years, and Mandy twenty years. At twenty-five dollars a month for me, and two dollars a week for Mandy, our earnings would amount to eleven thousand six hundred and eighty dollars. Add to this the interest for the time our wages have been kept back, and deduct what you paid for our clothing, and three doctor’s visits to me, and pulling a tooth for Mandy, and the balance will show what we are in justice entitled to. Please send the money by Adams’s

Express, in care of V. Winters, Esq., Dayton, Ohio. If you fail to pay us for faithful labors in the past, we can have little faith in your promises in the future. We trust the good Maker has opened your eyes to the wrongs which you and your fathers have done to me and my fathers, in making us toil for you for generations without recompense. Here I draw my wages every Saturday night; but in Tennessee there was never any pay-day for the negroes any more than for the horses and cows. Surely there will be a day of reckoning for those who defraud the laborer of his hire.

In answering this letter, please state if there would be any safety for my Milly and Jane, who are now grown up, and both good-looking girls. You know how it was with poor Matilda and Catherine. I would rather stay here and starve—and die, if it come to that—than have my girls brought to shame by the violence and wickedness of their young masters. You will also please state if there has been any schools opened for the colored children in your neighborhood. The great desire of my life now is to give my children an education, and have them form virtuous habits.

Say howdy to George Carter, and thank him for taking the pistol from you when you were shooting at me.

*From your old servant,*  
JOURDON ANDERSON.

## QUESTIONS TO CONSIDER

1. Are Anderson’s demands serious?
2. Why do you think Anderson’s letter became so celebrated?

## 15.2 ABRAHAM LINCOLN'S LAST PUBLIC ADDRESS (1865)

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On April 11, 1865, two days after Robert E. Lee surrendered, President Abraham Lincoln spoke from a White House balcony to a crowd of hundreds who had assembled on the lawn below. Far from delivering the joyful speech those in the crowd had expected, Lincoln chose a somber tone in his prepared remarks, and he discussed his strategy toward reincorporating southern states into the Union. Just three days later, John Wilkes Booth shot Lincoln in the back of the head as the President was watching the play "My American Cousin" at Ford's theatre. Lincoln succumbed to his wounds the following morning. This speech, then, provides the clearest hints of Lincoln's potential Reconstruction strategy, one likely more moderate than Radical Republicans would have preferred it to be.

---

We meet this evening, not in sorrow, but in gladness of heart. The evacuation of Petersburg and Richmond, and the surrender of the principal insurgent army, give hope of a righteous and speedy peace whose joyous expression can not be restrained. In the midst of this, however, He, from Whom all blessings flow, must not be forgotten. A call for a national thanksgiving is being prepared, and will be duly promulgated. Nor must those whose harder part gives us the cause of rejoicing, be overlooked. Their honors must not be parcelled out with others. I myself, was near the front, and had the high pleasure of transmitting much of the good news to you; but no part of the honor, for plan or execution, is mine. To Gen. Grant, his skilful officers, and brave men, all belongs. The gallant Navy stood ready, but was not in reach to take active part.

By these recent successes the re-inauguration of the national authority—reconstruction—which has had a large share of thought from the first, is pressed much more closely upon our attention. It is fraught with great difficulty. Unlike the case of a war between independent nations, there is no authorized organ for us to treat with. No one man has authority to give up the rebellion for any other man. We simply must begin

with, and mould from, disorganized and discordant elements. Nor is it a small additional embarrassment that we, the loyal people, differ among ourselves as to the mode, manner, and means of reconstruction.

As a general rule, I abstain from reading the reports of attacks upon myself, wishing not to be provoked by that to which I can not properly offer an answer. In spite of this precaution, however, it comes to my knowledge that I am much censured for some supposed agency in setting up, and seeking to sustain, the new State Government of Louisiana. In this I have done just so much as, and no more than, the public knows. In the Annual Message of Dec. 1863 and accompanying Proclamation, I presented a plan of re-construction (as the phrase goes) which, I promised, if adopted by any State, should be acceptable to, and sustained by, the Executive government of the nation. I distinctly stated that this was not the only plan which might possibly be acceptable; and I also distinctly protested that the Executive claimed no right to say when, or whether members should be admitted to seats in Congress from such States. This plan was, in advance, submitted to the then Cabinet, and distinctly approved by every member of it. One of them

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Source: *Collected Works of Abraham Lincoln, Volume VIII* (Ann Arbor: University of Michigan Digital Library Production Services, 2001), <https://quod.lib.umich.edu/l/lincoln/lincoln8/1:850?rgn=div1;singlegenre=All;sort=occur;subview=detail;type=simple;view=fulltext;q1=April+11%2C+1865> (Accessed June 6, 2018).



suggested that I should then, and in that connection, apply the Emancipation Proclamation to the theretofore excepted parts of Virginia and Louisiana; that I should drop the suggestion about apprenticeship for freed-people, and that I should omit the protest against my own power, in regard to the admission of members to Congress; but even he approved every part and parcel of the plan which has since been employed or touched by the action of Louisiana. The new constitution of Louisiana, declaring emancipation for the whole State, practically applies the Proclamation to the part previously excepted. It does not adopt apprenticeship for freed-people; and it is silent, as it could not well be otherwise, about the admission of members to Congress. So that, as it applies to Louisiana, every member of the Cabinet fully approved the plan. The Message went to Congress, and I received many commendations of the plan, written and verbal; and not a single objection to it, from any professed emancipationist, came to my knowledge, until after the news reached Washington that the people of Louisiana had begun to move in accordance with it. From about July 1862, I had corresponded with different persons, supposed to be interested, seeking a reconstruction of a State government for Louisiana. When the Message of 1863, with the plan before mentioned, reached New-Orleans, Gen. Banks wrote me that he was confident the people, with his military co-operation, would reconstruct, substantially on that plan. I wrote him, and some of them to try it; they tried it, and the result is known. Such only has been my agency in getting up the Louisiana government. As to sustaining it, my promise is out, as before stated. But, as bad promises are better broken than kept, I shall treat this as a bad promise, and break it, whenever I shall be convinced that keeping it is adverse to the public interest. But I have not yet been so convinced.

I have been shown a letter on this subject, supposed to be an able one, in which the writer expresses regret that my mind has not seemed to be definitely fixed on the question whether the seceded States, so called, are in the Union or out of it. It would perhaps, add astonishment to his regret, were he to learn that since I have found professed Union men endeavoring to make that question, I have *purposely* forborne any public expression upon it. As appears to me that question has not

been, nor yet is, a practically material one, and that any discussion of it, while it thus remains practically immaterial, could have no effect other than the mischievous one of dividing our friends. As yet, whatever it may hereafter become, that question is bad, as the basis of a controversy, and good for nothing at all—a merely pernicious abstraction.

We all agree that the seceded States, so called, are out of their proper practical relation with the Union; and that the sole object of the government, civil and military, in regard to those States is to again get them into that proper practical relation. I believe it is not only possible, but in fact, easier, to do this, without deciding, or even considering, whether these states have even been out of the Union, than with it. Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad. Let us all join in doing the acts necessary to restoring the proper practical relations between these states and the Union; and each forever after, innocently indulge his own opinion whether, in doing the acts, he brought the States from without, into the Union, or only gave them proper assistance, they never having been out of it.

The amount of constituency, so to to [*sic*] speak, on which the new Louisiana government rests, would be more satisfactory to all, if it contained fifty, thirty, or even twenty thousand, instead of only about twelve thousand, as it does. It is also unsatisfactory to some that the elective franchise is not given to the colored man. I would myself prefer that it were now conferred on the very intelligent, and on those who serve our cause as soldiers. Still the question is not whether the Louisiana government, as it stands, is quite all that is desirable. The question is "Will it be wiser to take it as it is, and help to improve it; or to reject, and disperse it?" "Can Louisiana be brought into proper practical relation with the Union *sooner* by *sustaining*, or by *discarding* her new State Government?"

Some twelve thousand voters in the heretofore slave-state of Louisiana have sworn allegiance to the Union, assumed to be the rightful political power of the State, held elections, organized a State government, adopted a free-state constitution, giving the benefit of public schools equally to black and white, and empowering the Legislature to confer the elective franchise upon the colored man. Their Legislature has already

voted to ratify the constitutional amendment recently passed by Congress, abolishing slavery throughout the nation. These twelve thousand persons are thus fully committed to the Union, and to perpetual freedom in the state—committed to the very things, and nearly all the things the nation wants—and they ask the nations recognition, and its assistance to make good their committal. Now, if we reject, and spurn them, we do our utmost to disorganize and disperse them. We in effect say to the white men “You are worthless, or worse—we will neither help you, nor be helped by you.” To the blacks we say “This cup of liberty which these, your old masters, hold to your lips, we will dash from you, and leave you to the chances of gathering the spilled and scattered contents in some vague and undefined when, where, and how.” If this course, discouraging and paralyzing both white and black, has any tendency to bring Louisiana into proper practical relations with the Union, I have, so far, been unable to perceive it. If, on the contrary, we recognize, and sustain the new government of Louisiana the converse of all this is made true. We encourage the hearts, and nerve the arms of the twelve thousand to adhere to their work, and argue for it, and proselyte for it, and fight for it, and feed it, and grow it, and ripen it to a complete success. The colored man too, in seeing all united for him, is inspired with vigilance, and energy, and daring, to the same end. Grant that he desires the elective franchise, will he not attain it sooner by saving the already advanced steps toward it, than by running backward over them? Concede that the new government of Louisiana is only to what it should be as the egg is to the fowl, we shall sooner have the fowl by hatching the egg than by smashing it? Again, if we

reject Louisiana, we also reject one vote in favor of the proposed amendment to the national constitution. To meet this proposition, it has been argued that no more than three fourths of those States which have not attempted secession are necessary to validly ratify the amendment. I do not commit myself against this, further than to say that such a ratification would be questionable, and sure to be persistently questioned; while a ratification by three fourths of all the States would be unquestioned and unquestionable.

I repeat the question. “Can Louisiana be brought into proper practical relation with the Union *sooner* by *sustaining* or by *discarding* her new State Government?”

What has been said of Louisiana will apply generally to other States. And yet so great peculiarities pertain to each state; and such important and sudden changes occur in the same state; and, withal, so new and unprecedented is the whole case, that no exclusive, and inflexible plan can safely be prescribed as to details and colaterals. Such exclusive, and inflexible plan, would surely become a new entanglement. Important principles may, and must, be inflexible.

In the present “*situation*” as the phrase goes, it may be my duty to make some new announcement to the people of the South. I am considering, and shall not fail to act, when satisfied that action will be proper.

#### QUESTIONS TO CONSIDER

1. What was Lincoln's view of African American rights in the years to come?
2. Which strategy do you think Lincoln would have taken toward Reconstruction? What do you think of this strategy?

## 15.3 FREEDMEN'S BUREAU BILL TEXT (1865)

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In 1865, Congress established the Freedmen's Bureau, formally titled the Bureau of Refugees, Freedmen, and Abandoned Lands. As you will read, the bill aimed to reunite African American families displaced by the war, provide humanitarian aid to African Americans, educate former slaves, assure fair labor conditions for those who returned to work for wages on plantations, and encourage positive relations between former slaves and whites. For the next seven years, the Bureau became an important, controversial part of Reconstruction. Former Confederate states fought the Bureau by issuing Black Codes, which aimed to keep African Americans in semi-bondage. The Ku Klux Klan terrorized Bureau supporters and employees alike. In 1872, Congress did not renew the program, but it remained an important symbol of attempted Federal Reconstruction action.

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### **CHAP. XC.—AN ACT TO ESTABLISH A BUREAU FOR THE RELIEF OF FREEDMEN AND REFUGEES.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby established in the War Department, to continue during the present war of rebellion, and for one year thereafter, a bureau of refugees, freedmen, and abandoned lands, to which shall be committed, as hereinafter provided, the supervision and management of all abandoned lands, and the control of all subjects relating to refugees and freedmen from rebel states, or from any district of country within the territory embraced in the operations of the army, under such rules and regulations as may be prescribed by the head of the bureau and approved by the President. The Said bureau shall be under the management and control of a commissioner to be appointed by the President, by and with the advice and consent of the Senate, whose compensation shall be three thousand dollars per annum, and such number of clerks as may be assigned to him by the Secretary of War, not exceeding one chief clerk, two of the fourth class, two

of the third class, and five of the first class. And the commissioner and all persons appointed under this act, shall, before entering upon their duties, take the oath of office prescribed in an act entitled "An act to prescribe an oath of office, and for other purposes," approved July second, eighteen hundred and sixty-two, and the commissioner and the chief clerk shall, before entering upon their duties, give bonds to the treasurer of the United States, the former in the sum of fifty thousand dollars, and the latter in the sum of ten thousand dollars, conditioned for the faithful discharge of their duties respectively, with securities to be approved as sufficient by the Attorney-General, which bonds shall be filed in the office of the first comptroller of the treasury, to be by him put in suit for the benefit of any injured party upon any breach of the conditions thereof.

SEC. 2. *And be it further enacted,* That the Secretary of War may direct such issues of provisions, clothing, and fuel, as he may deem needful for the immediate and temporary shelter and supply of destitute and suffering refugees and freedmen and their wives and children, under such rules and regulations as he may direct.

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Source: *An Act to Establish a Bureau for the Relief of Freedmen and Refugees*, 38th Congress, Session II, *Congressional Globe* (March 3, 1865), 507–509.

SEC. 3. *And be it further enacted,* That the President may, by and with the advice and consent of the Senate, appoint an assistant commissioner for each of the states declared to be in insurrection, not exceeding ten in number, who shall, under the direction of the commissioner, aid in the execution of the provisions of this act; and he shall give a bond to the Treasurer of the United States, in the sum of twenty thousand dollars, in the form and manner prescribed in the first section of this act. And any military officer may be detailed and assigned to duty under this act without increase of pay or allowances. The commissioner shall, before the commencement of each regular session of congress, make full report of his proceedings with exhibits of the state of his accounts to the President, who shall communicate the same to congress, and shall also make special reports whenever required to do so by the President or either house of congress; and the assistant commissioners shall make quarterly reports of their proceedings to the commissioner, and also such other special reports as from time to time may be required.

SEC. 4. *And be it further enacted,* That the commissioner, under the direction of the President, shall have authority to set apart, for the use of loyal refugees and freedmen, such tracts of land. Within the insurrectionary states as shall have been abandoned, or to which the United States shall have acquired title by confiscation or sale, or otherwise, and to every male citizen,

whether refugee or freedman, as aforesaid, there shall be assigned not more than forty acres of such land, and the person to whom it was so assigned shall be protected in the use and enjoyment of the land for the term of three years at an annual rent not exceeding six per centum upon the value of such land, as it was appraised by the state authorities in the year eighteen hundred and sixty, for the purpose of taxation, and in case no such appraisal can be found, then the rental shall be based upon the estimated value of the land in said year, to be ascertained in such manner as the commissioner may by regulation prescribe. At the end of said term, or at any time during said term, the occupants of any parcels so assigned may purchase the land and receive such title thereto as the United States can convey, upon paying therefore the value of the land, as ascertained and fixed for the purpose of determining the annual rent aforesaid.

SEC. 5. *And be it further enacted,* That all acts and parts of acts Repealing inconsistent with the provisions of this act, are hereby repealed.

APPROVED, March 3, 1865.

#### QUESTIONS TO CONSIDER

1. What did the Bill do?
2. Do you think the Bill was an overreach of Federal power?

## 15.4 ANDREW JOHNSON DEFENDS PASSIVE RECONSTRUCTION POLICIES (1866)

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Andrew Johnson (1808–875) became President after Lincoln's 1865 assassination. Lincoln had added the Democratic Johnson, a U.S. Senator from Tennessee, to his National Union Party ticket to propagate a bipartisan message during the 1864 election. Upon assuming the Presidency, Johnson quickly tried to reincorporate former Confederate states into the Union. He clashed with Radical Republicans, such as Thaddeus Stevens (see Reading 15.5), who desired a slower reincorporation policy that was more punitive toward previous Confederate politicians and ensured greater African American rights. In 1867, Johnson vetoed the First Reconstruction Act, which placed the Confederacy under martial law and required former Confederate states to ratify the Fourteenth Amendment in order to rejoin the Union. Congress then overrode his veto, and the House of Representatives impeached Johnson, though the Senate later acquitted him. Johnson delivered the following speech during an ill-fated speaking tour he completed in 1866 to try to rouse support for his non-punitive Reconstruction plans. Johnson later failed in his bid to receive the 1868 Democratic nomination for President, but he pardoned all major Confederate officials before leaving office.

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Fellow Citizens of Cleveland:—It is not for the purpose of making a speech I came here to-night. I am aware of the great curiosity that exists on the part of strangers in reference to seeing individuals who are here amongst us. [Louder.] You must remember there are a good many people here to-night, and it requires a great voice to reach the utmost verge of this vast audience. I have used my voice so constantly for some days past that I do know as I shall be able to make you all hear, but I will do my best to make myself heard.

What I am going to say is: There is a large number here who would like to see General Grant, and hear him speak, and hear what he would have to say; but the fact is General Grant is not here. He is extremely ill. His health will not permit of his appearing before this audience to-night. It would be a greater pleasure to me to see him here and have him speak than to make a speech of my own. So then it will not be expected that he will be here to-night, & you cannot see him on account of his extreme indisposition.

Fellow Citizens: In being before you to-night it is not for the purpose of making a speech, but simply to make your acquaintance, and while I am telling you how to do, and at the same time tell you goodbye. We are here to-night on our tour towards a sister State for the purpose of participating in and witnessing the laying of the chief corner stone over a monument to one of our fellow citizens who is no more. It is not necessary for me to mention the name of Stephen A. Douglas to the citizens of Ohio. It is a name familiar to you all, and being on a tour to participate in the ceremonies, and passing through your State and section of country and witnessing the demonstration and manifestation of regard & respect which has been paid to me, I am free to say to you that so far as I am concerned, and I think I am speaking for all the company, when I say we feel extremely gratified and flattered at the demonstration made by the country through which we have passed, and in being flattered, I want to state at the same time that I don't consider that

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Source: Andrew Johnson speech included in 40th Congress, 2d Session, *Supplement to the Congressional Globe* (April 3, 1868), 109–110.

entirely personal, but as evidence of what is pervading the public mind, that there is a great issue before the country, and that this demonstration of feeling, is more than anything else, an indication of a deep interest among the great mass of the people in regard to all these great questions that agitate the public mind. In coming before you to-night, I come before you as an American citizen, and not simply as your Chief Magistrate. I claim to be a citizen of the Southern States, and an inhabitant of one of the States of the Union. I know that it has been said, and contended for on the part of some, that I was an alien, for I did not reside in any one of the States of the Union, and therefore I could not be Chief Magistrate, though the States declared I was.

But all that was necessary was simply to introduce a resolution declaring the office vacant or depose the occupant, or under some pretext to prefer articles of impeachment, & the individual who occupies the Chief Magistracy would be deposed and deprived of power.

But, fellow-citizens, a short time since you had a ticket before you for the Presidency and Vice Presidency; I was placed upon that ticket, in conjunction with a distinguished fellow citizen who is now no more. (Voice, "a great misfortune too"). I know there are some who will exclaim, "unfortunate." I admit the ways of Providence are mysterious and unfortunate but uncontrollable by those who would exclaim unfortunate. I was going to say my countrymen, but a short time since, I was selected and placed upon a ticket. There was a platform prepared and adopted by those who placed me upon it, and now, notwithstanding all kinds of misrepresentation: notwithstanding since after the sluice of misrepresentation has been poured out, notwithstanding a subsidized gang of hirelings have traduced me and maligned me ever since I have entered upon the discharge of my official duties, yet I will say had my predecessor have lived, the vials of wrath would have been poured out on him (cries of never, never, never.) I come here to-night in passing along, and being called upon, for the purpose of exchanging opinions and views as time would permit, and to ascertain if we could who was in the wrong.

I appear before you to-night and I want to say this: that I have lived and been among all American people,

and have represented them in some capacity for the last twenty-five years. And where is the man living, or the woman in the community, that I have wronged, or where is the person that can place their finger upon one single hair breadth of deviation from one single pledge I have made, or one single violation of the Constitution of the country. What tongue does he speak? What religion does he profess? Let him come forward and place his finger upon one pledge I have violated. (A voice, "Hang Jeff Davis"): (Mr. President resumes.) Hang Jeff Davis? Hang Jeff Davis? Why don't you? (Applause.) Why don't you? (Applause.) Have you not got the Court? Have you not got the Court? Have not you got the Attorney General? Who is your Chief Justice—and that refused to sit upon the trial? (Applause.) I am not the Prosecuting Attorney. I am not the jury. But I will tell you what I did do: I called upon your Congress, that is trying to break up the Government, (immense applause.) Yes, did your Congress order hanging Jeff Davis? (Prolonged applause, mingled with hisses.)

But, fellow citizens, we had as well let feelings and prejudices pass; let passion subside; let reason resume her empire. In presenting myself to you in the few remarks I intended to make, my intention was to address myself to your judgment and to your good sense, and not to your anger or the malignity of your hearts. This was my object in presenting myself on this occasion, and at the same time to tell you good-bye. I have heard the remark made in this crowd to-night. "Traitor, traitor!" (Prolonged confusion.) My countrymen, will you hear me for my cause? For the Constitution of my country? I want to know when, where and under what circumstances Andrew Johnson, either as Chief Executive, or in any other capacity over violated the Constitution of his country. Let me ask this large and intelligent audience here to-night, if your Secretary of State, who served four years under Mr. Lincoln, who was placed under the butcher's blow and exposed to the assassin's knife, when he turned traitor. If I were disposed to play orator, and deal in declamation, here to-night. I would imitate one of the ancient tragedies we have such account of—I would take William H Seward and open to you the scars he has received. I would exhibit his bloody garment and show the rent caused by the assassin's knife. [Three cheers for Seward.] Yes, I would unfold his bloody garments here



to-night and ask who had committed treason. I would ask why Jeff Davis was not hung? Why don't you hang Thad Stevens and Wendell Phillips? I can tell you, my countrymen I have been fighting traitors in the South, [prolonged applause,] and they have been whipped, and say they were wrong, acknowledge their error and accept the terms of the Constitution.

And now as I pass around the circle, having fought traitors at the South, I am prepared to fight traitors at the North. God being willing with your help ["You can't have it." and prolonged confusion,] they would be crushed worse than the traitors of the South, and this glorious Union of ours will be preserved. In coming here to-night, it was not coming as Chief Magistrate of twenty-five States, but I come here as the Chief Magistrate of thirty-six States. I came here to-night with the flag of my country in my hand, with a constellation of thirty-six and not twenty-five stars. I came here to-night with the Constitution of my country intact,

determined to defend the Constitution, let the consequences be what they may. I came here to-night for the Union: the entire circle of these States. [A Voice, "How many States made you President?"] How many States made me President? Was you against secession? Do you want to dissolve the Union? [A voice, No.] Then I am President of the whole United States, and I will tell you one thing. I understand the discordant notes in this audience here to-night. And I will tell you furthermore, that he that is opposed to the restoration of the Government and the union of the States, is as great a traitor as Jeff Davis, and I am against both of them. I fought traitors at the South, now I fight them at the North. (Immense applause.)

#### QUESTIONS TO CONSIDER

1. How did Johnson defend himself?
2. Do you find the speech to be persuasive?

## 15.5 THADDEUS STEVENS' SPEECH ON RECONSTRUCTION (1867)

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Thaddeus Stevens (1792–1868) held very different views than Johnson (see Reading 15.4). A member of the U.S. House of Representatives from Pennsylvania, Stevens was a “Radical Republican” who demanded a stronger version of Federal Reconstruction in order to punish prominent Confederates and secure African American rights after the war. Stevens, who found Lincoln’s delayed acceptance of complete abolitionism to be appalling, especially clashed with President Andrew Johnson, who advocated friendly policies toward the former Confederacy. In January 1867, Stevens delivered the following speech. In it, he demanded greater Federal action to quell southern dissent and violence toward Freedmen. Two months later, Stevens led the effort in the House of Representatives to remove Johnson from office via impeachment. Stevens passed away in 1868, shortly after the Senate acquitted Johnson in its impeachment trial.

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**M**r. Speaker, I am very anxious that this bill should be proceeded with until finally acted upon. I desire that as early as possible, without curtailing debate, this House shall come to some conclusion as to what shall be done with the rebel States. This becomes more and more necessary every day; and the late decision of the Supreme Court of the United States has rendered immediate action by Congress upon the question of the establishment of governments in the rebel States absolutely indispensable.

That decision, although in terms perhaps not as infamous as the Dred Scott decision, is yet far more dangerous in its operation upon the lives and liberties of the loyal men of this country. That decision has taken away every protection in every one of these rebel States from every loyal man, black or white, who resides there. That decision has unsheathed the dagger of the assassin, and places the knife of the rebel at the throat of every man who dares proclaim himself to be now, or to have been heretofore, a loyal Union man. If the doctrine enunciated in that decision be true, never were the people of any country anywhere, or at any time, in such terrible peril as are our loyal brethren at the South, whether they be black or white, whether

they go there from the North or are natives of the rebel States.

Now, Mr. Speaker, unless Congress proceeds at once to do something to protect these people from the barbarians who are now daily murdering them; who are murdering the loyal whites daily and daily putting into secret graves not only hundreds but thousands of the colored people of that country; unless Congress proceeds at once to adopt some means for their protection, I ask you and every man who loves liberty whether we will not be liable to the just censure of the world for our negligence or our cowardice or our want of ability to do so?

Now, sir, it is for these reasons that I insist on the passage of some such measure as this. This is a bill designed to enable loyal men, so far as I could discriminate them in these States, to form governments which shall be in loyal hands, that they may protect themselves from such outrages as I have mentioned. . . .

. . . May I ask, without offense, will Congress have the courage to do its duty? Or will it be deterred by the clamor of ignorance, bigotry, and despotism from perfecting a revolution begun without their consent, but which ought not to be ended without their full

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Source: Beverly Wilson Palmer, ed., *The Selected Papers of Thaddeus Stevens, Volume II* (Pittsburgh: University of Pittsburgh Press, 1998), 211–221.

participation and concurrence? Possibly the people would not have inaugurated this revolution to correct the palpable incongruities and despotic provisions of the Constitution; but having it forced upon them, will they be so unwise as to suffer it to subside without erecting this nation into a perfect Republic?

Since the surrender of the armies of the confederate States of America a little has been done toward establishing this Government upon the true principles of liberty and justice; and but a little if we stop here. We have broken the material shackles of four million slaves. We have unchained them from the stake so as to allow them locomotion, provided they do not walk in paths which are trod by white men. We have allowed them the unwonted privilege of attending church, if they can do so without offending the sight of their former masters. We have even given them that highest and most agreeable evidence of liberty as defined by the "great plebeian," the "right to work." But in what have we enlarged their liberty of thought? In what have we taught them the science and granted them the privilege of self-government? We have imposed upon them the privilege of fighting our battles, of dying in defense of freedom, and of bearing their equal portion of taxes; but where have we given them the privilege of ever participating in the formation of the laws for the government of their native land? By what civil weapon have we enabled them to defend themselves against oppression and injustice? Call you this liberty? Call you this a free Republic where four millions are subjects but not citizens? Then Persia, with her kings and satraps, was free; then Turkey is free! Their subjects had liberty of motion and of labor, but the laws were made without and against their will; but I must declare that, in my judgment, they were as really free governments as ours is to-day. I know they had fewer rulers and more subjects, but those rulers were no more despotic than ours, and their subjects had just as large privileges in governing the country as ours have. Think not I would slander my native land; I would reform it. Twenty years ago I denounced it as a despotism. Then, twenty million white men enchained four million black men. I pronounce it no nearer to a true Republic now when twenty-five million of a privileged class exclude five million from all participation in the rights of government.

The freedom of a Government does not depend upon the quality of its laws, but upon the power that has the right to enact them. During the dictatorship of Pericles his laws were just, but Greece was not free. During the last century Russia has been blessed with most remarkable emperors, who have generally decreed wise and just laws, but Russia is not free.

No Government can be free that does not allow all its citizens to participate in the formation and execution of her laws. There are degrees of tyranny. But every other government is despotism. It has always been observed that the larger the number of the rulers the more cruel the treatment of the subject races. It were better for the black man if he were governed by one king than by twenty million. . . .

But it will be said, as it has been said, "This is negro equality!" What is negro equality, about which so much is said by knaves, and some of which is believed by men who are not fools? It means, as understood by honest Republicans, just this much, and no more: every man, no matter what his race or color; every earthly being who has an immortal soul, has an equal right to justice, honesty, and fair play with every other man; and the law should secure him these rights. The same law which condemns or acquits an African should condemn or acquit a white man. The same law which gives a verdict in a white man's favor should give a verdict in a black man's favor on the same state of facts. Such is the law of God and such ought to be the law of man. The doctrine does not mean that a negro shall sit on the same seat or eat at the same table with a white man. That is a matter of taste which every man must decide for himself. The law has nothing to do with it. If there be any who are afraid of the rivalry of the black man in office or in business, I have only to advise them to try and beat their competitor in knowledge and business capacity, and there is no danger that his white neighbors will prefer his African rival to himself. I know there is between those who are influenced by this cry of "negro equality" and the opinion that there is still danger that the negro will be the smartest, for I never saw even a contraband slave that had not more sense than such men.

There are those who admit the justice and ultimate utility of granting impartial suffrage to all men, but they think it is impolitic. An ancient philosopher,

whose antagonist admitted that what he required was just but deemed it impolitic, asked him: "Do you believe in Hades?" I would say to those above referred to, who admit the justice of human equality before the law but doubt its policy: "Do you believe in hell?"

How do you answer the principle inscribed in our political scripture, "That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed?" Without such consent government is a tyranny, and you exercising it are tyrants. Of course, this does not admit malefactors to power, or there would soon be no penal laws and society would become an anarchy. But this step forward is an assault upon ignorance and prejudice, and timid men shrink from it. Are such men fit to sit in the places of statesmen?

There are periods in the history of nations when statesmen can make themselves names for posterity; but such occasions are never improved by cowards. In

the acquisition of true fame courage is just as necessary in the civilian as in the military hero. In the Reformation there were men engaged as able and perhaps more learned than Martin Luther. Melancthon and others were ripe scholars and sincere reformers, but none of them had his courage. He alone was willing to go where duty called though "devils were as thick as the tiles on the houses." And Luther is the great luminary of the Reformation, around whom the others revolve as satellites and shine by his light. We may not aspire to fame. But great events fix the eye of history on small objects and magnify their meanness. Let us at least escape that condition.

#### QUESTIONS TO CONSIDER

1. How did Stevens make his case for greater Federal action?
2. Do you find the speech to be persuasive?

## 15.6 ULYSSES S. GRANT, "USE OF THE ARMY IN CERTAIN OF THE SOUTHERN STATES" (1876)

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Ulysses S. Grant (1822–1885) was the Commanding General of the Union Army at the end of the Civil War and the eighteenth President of the United States. In the 1868 election, Grant defeated Democrat Horatio Seymour by a wide margin and, once in office, worked with his fellow Republicans to secure the rights gained by Union victory in the Civil War. In 1870, he campaigned for the ratification of the Fifteenth Amendment, which prohibited denying suffrage based on "race, color, or previous condition of servitude." Grant continued to struggle, however, with southern violence toward both freed slaves and the state Republican governments that protected them. In 1876, Grant delivered the following speech. In it, he defended sending the military into Virginia, South Carolina, Louisiana, and Florida to protect African American voting right, quell violence, and protect Republican governments in those states. Grant's presidency was undone by a series of corruption strategies that involved senior officials in his administration. His successor, Rutherford B. Hayes, ended the Federal military occupation of the South.

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*To the House of Representatives :*

On the 9th day of December, 1876, the following resolution of the House of Representatives was received, viz :

*Resolved*, That the President be requested, if not incompatible with the public interest, to transmit to this House copies of any and all orders or directions emanating from him or from either of the Executive Departments of the Government to any military commander or civil officer, with reference to the service of the Army, or any portion thereof, in the States of Virginia, South Carolina, Louisiana, and Florida, since the 1st of August last, together with reports, by telegraph or otherwise, from either or any of said military commanders or civil officers.

It was immediately, or soon thereafter, referred to the Secretary of War and the Attorney-General, the custodians of all retained copies of "orders or directions" given by the executive department of the Government covered by the above inquiry, together with

all information upon which such "orders or directions" were given.

The information, it will be observed, is voluminous, and, with the limited clerical force in the Department of Justice, has consumed the time up to the present. Many of the communications accompanying this have been already made public in connection with messages heretofore sent to Congress. This class of information includes the important documents received from the governor of South Carolina, and sent to Congress with my message on the subject of the Hamburg massacre ; also the documents accompanying my response to the resolution of the House of Representatives in regard to the soldiers stationed at Petersburg.

There have also come to me and to the Department of Justice, from time to time, other earnest written communications from persons holding public trusts and from others residing in the South, some of which I append hereto as bearing upon the precarious condition of the public peace in those States. These communications I have reason to regard as made by

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*Source:* Ulysses S. Grant, "Use of the Army in Certain of the Southern States," 44th Congress, 2d Session, *Congressional Globe* (January 24, 1877), 1–4.

respectable and responsible men. Many of them deprecate the publication of their names as involving danger to them personally,

The reports heretofore made by committees of Congress of the results of their inquiries in Mississippi and in Louisiana, and the newspapers of several States recommending "the Mississippi plan," have also furnished important data for estimating the danger to the public peace and order in those States.

It is enough to say that these different kinds and sources of evidence have left no doubt whatever in my mind that intimidation has been used, and actual violence, to an extent requiring the aid of the United States Government, where it was practicable to furnish such aid, in South Carolina, in Florida, and in Louisiana, as well as in Mississippi, in Alabama, and in Georgia.

The troops of the United States have been but sparingly used, and in no case so as to interfere with the free exercise of the right of suffrage. Very few troops were available for the purpose of preventing or suppressing the violence and intimidation existing in the States above named. In no case except that of South Carolina was the number of soldiers in any State increased in anticipation of the election, saving that twenty-four men and an officer were sent from Fort Foote to Petersburg, Va., where disturbances were threatened prior to the election.

No troops were stationed at the voting-places. In Florida and in Louisiana, respectively, the small number of soldiers already in the said States were stationed at such points in each State as were most threatened with violence, where they might be available as a *posse* for the officer whose duty it was to preserve the peace and prevent intimidation of voters. Such a disposition of the troops seemed to me reasonable, and justified by law and precedent, while its omission would have been inconsistent with the constitutional duty of the President of the United States "to take care that the laws be faithfully executed." The statute expressly forbids the bringing of troops to the polls, "except where it is necessary to keep the peace," implying that to keep the peace it may be done. But this even, so far as I am advised, has not in any case been done. The Stationing of a company or part of a company in the vicinity, where they would be available to prevent riot, has been

the only use made of troops prior to and at the time of the elections. Where so stationed, they could be called, in an emergency requiring it, by a marshal or deputy marshal as a *posse* to aid in suppressing unlawful violence. The evidence which has come to me has left me no ground to doubt that if there had been more military force available, it would have been my duty to have disposed of it in several States with a view to the prevention of the violence and intimidation which have undoubtedly contributed to the defeat of the election-law in Mississippi, Alabama, and Georgia, as well as in South Carolina, Louisiana, and Florida.

By article 4, section 4, of the Constitution, "The United States shall guarantee to every State in this Union a republican form of government, and on application of the legislature, or of the executive, (when the legislature cannot be convened,) shall protect each of them against domestic violence."

By act of Congress (R. S. U. S., sec. 1034, 1035) the President, in case of "insurrection in any State," or of "unlawful obstruction to the enforcement of the laws of the United States by the ordinary course of judicial proceedings," or whenever "domestic violence in any State so obstructs the execution of the laws thereof, and of the United States, as to deprive any portion of the people of such State" of their civil or political rights, is authorized to employ such parts of the land and naval forces as he may deem necessary to enforce the execution of the laws and preserve the peace, and sustain the authority of the State and of the United States. Acting under this title (69) of the Revised Statutes, United States, I accompanied the sending of troops to South Carolina with a proclamation such as is therein prescribed.

The President is also authorized by act of Congress "to employ such part of the land or naval forces of the United States" \* \* "as shall be necessary to prevent the violation and to enforce the due execution of the provisions" of Title 24 of the Revised Statutes of the United States for the protection of the civil rights of citizens, among which is the provision against conspiracies "to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President,



or as a member of Congress of the United States." (U. S. Rev. Stat., 1989.)

In cases falling under this title I have not considered it necessary to issue a proclamation to precede or accompany the employment of such part of the Army as seemed to be necessary.

In case of insurrection against a State government, or against the Government of the United States, a proclamation is appropriate ; but in keeping the peace of the United States at an election at which members of Congress are elected, no such call from the State or proclamation by the President is prescribed by statute or required by precedent.

In the case of South Carolina, insurrection and domestic violence against the State government were clearly shown, and the application of the governor founded thereon was duly presented, and I could not deny his constitutional request without abandoning my duty as the Executive of the National Government.

The companies stationed in the other States have been employed to secure the better execution of the laws of the United States and to preserve the peace of the United States.

After the election had been had, and where violence was apprehended by which the returns from the counties and precincts might be destroyed, troops were ordered to the State of Florida, and those already in Louisiana were ordered to the points in greatest danger of violence.

I have not employed troops on slight occasions, nor in any case where it has not been necessary to the enforcement of the laws of the United States. In this I have been guided by the Constitution and the laws which have been enacted and the precedents which have been formed under it.

It has been necessary to employ troops occasionally to overcome resistance to the internal-revenue laws, from the time of the resistance to the collection of the whisky-tax in Pennsylvania, under Washington, to the present time.

In 1854, when it was apprehended that resistance would be made in Boston to the seizure and return to his master of a fugitive slave, the troops there stationed were employed to enforce the master's right under the Constitution, and troops stationed at New York were ordered to be in readiness to go to Boston if it should prove to be necessary.

In 1859, when John Brown with a small number of men made his attack upon Harper's Ferry, the President ordered United States troops to assist in the apprehension and suppression of him and his party, without a formal call of the legislature or governor of Virginia, and without proclamation of the President.

Without citing further instances, in which the Executive has exercised his power as commander of the Army and Navy to prevent or suppress resistance to the laws of the United States, or where he has exercised like authority in obedience to a call from a State to suppress insurrection, I desire to assure both Congress and the country that it has been my purpose to administer the executive powers of the Government fairly, and in no instance to disregard or transcend the limits of the Constitution.

#### QUESTIONS TO CONSIDER

1. How did Grant make the case for Federal military involvement in the South?
2. Do you find the speech to be persuasive?

## CHAPTER 16

# THE TRIUMPH OF INDUSTRIAL CAPITALISM, 1850–1890

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### 16.1 JOHN GAST, *AMERICAN PROGRESS* (1872)

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Artist John Gast's 1872 painting, "American Progress," is a prime example of nascent American Western art and of contemporary views relating to Manifest Destiny. Gast, who lived in Brooklyn, was not particularly well-known except for this painting. In 1872, a publisher of American Western travel guides commissioned the work from Gast, and "American Progress" has since been widely displayed and studied. The woman in the foreground, "Progress," leads the way to the West, and settlers follow in her wake.

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Source: John Gast, "American Progress," <http://www.loc.gov/pictures/item/97507547/> (Accessed June 11, 2018).

## QUESTIONS TO CONSIDER

1. What details do you notice in the painting, and what do you make of them?
2. How did Gast use different colors to make an argument in the painting?

## 16.2 ANDREW CARNEGIE, "WEALTH" (1899)

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The life of Andrew Carnegie (1835–1919) illustrates well the rise of industrial capitalism in America during the mid to late nineteenth century. Carnegie, who was born in Scotland, emigrated to the United States in 1848. During the 1860s, Carnegie purchased investments in railroads and oil. In the 1880s, Carnegie formed a major steel company in the Pittsburgh area and then set about trying to vertically integrate the company by purchasing its supply chains. Carnegie Steel became one of the largest steel companies in the world, and Carnegie one of the world's richest men. In 1901, Carnegie sold Carnegie Steel to banker J. P. Morgan for \$480 million. As he accumulated wealth, Carnegie began to evangelize about the need for the rich to give back to society through philanthropy. His 1899 essay, "Wealth," codified these ideals. In the essay, Carnegie espoused a specific viewpoint about the role of the rich in a healthy society. Indeed, in the early twentieth century, Carnegie donated some \$350 million to charity—around ninety percent of his fortune. Among other ventures, he supported thousands of free libraries, founded the Carnegie Institute of Technology (now Carnegie Mellon University), and created a charitable trust for Scottish universities.

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The problem of our age is the proper administration of wealth, so that the ties of brotherhood may still bind together the rich and poor in harmonious relationship. The conditions of human life have not only been changed, but revolutionized, within the past few hundred years. In former days there was little difference between the dwelling, dress, food, and environment of the chief and those of his retainers. The Indians are to-day where civilized man then was. When visiting the Sioux, I was led to the wigwam of the chief. It was just like the others in external appearance, and even within the difference was trifling between it and those of the poorest of his braves. The contrast between the palace of the millionaire and the cottage of the laborer

with us today measures the change which has come with civilization.

This change, however, is not to be deplored, but welcomed as highly beneficial. It is well, nay, essential for the progress of the race, that the houses of some should be homes for all that is highest and best in literature and the arts, and for all the refinements of civilization, rather than that none should be so. Much better this great irregularity than universal squalor. Without wealth there can be no Maecenas. The "good old times" were not good old times.

Neither master nor servant was well situated then as to-day. A relapse to old conditions would be disastrous to both—not the least so to him who serves and

would sweep away civilization with it. But whether the change be for good or ill, it is upon us, beyond our power to alter, and therefore to be accepted and made the best of. It is a waste of time to criticize the inevitable.

It is easy to see how the change has come. One illustration will serve for almost every phase of the cause. In the manufacture of products we have the whole story. It applies to all combinations of human industry, as stimulated and enlarged by the inventions of this scientific age. Formerly articles were manufactured at the domestic hearth or in small shops which formed part of the household. The master and his apprentices worked side by side, the latter living with the master, and therefore subject to the same conditions. When these apprentices rose to be masters, there was little or no change in their mode of life, and they, in turn, educated in the same routine succeeding apprentices. There was, substantially, social equality, and even political equality, for those engaged in industrial pursuits had then little or no political voice in the State.

But the inevitable result of such a mode of manufacture was crude articles at high prices. To-day the world obtains commodities of excellent quality at prices which even the generation preceding this would have deemed incredible. In the commercial world similar causes have produced similar results, and the race is benefited thereby. The poor enjoy what the rich could not before afford. What were the luxuries have become the necessities of life. The laborer has now more comforts than the farmer had a few generations ago. The farmer has more luxuries than the landlord had, and is more richly clad and better housed. The landlord has books and pictures rarer, and appointments more artistic, than the King could then obtain.

The price we pay for this salutary change is, no doubt, great. We assemble thousands of operatives in the factory, in the mine, and in the counting-house, of whom the employer can know little or nothing, and to whom the employer is little better than a myth. All intercourse between them is at an end. Rigid Castes are formed, and, as usual, mutual ignorance breeds mutual distrust. Each Caste is without sympathy for the other, and ready to credit anything disparaging in regard to it. Under the law of competition, the employer of thousands is forced into the strictest economies, among

which the rates paid to labor figure prominently, and often there is friction between the employer and the employed, between capital and labor, between rich and poor. Human society loses homogeneity.

The price which society pays for the law of competition, like the price it pays for cheap comforts and luxuries, is also great; but the advantages of this law are also greater still, for it is to this law that we owe our wonderful material development, which brings improved conditions in its train. But, whether the law be benign or not, we must say of it, as we say of the change in the conditions of men to which we have referred: It is here; we cannot evade it; no substitutes for it have been found; and while the law may be sometimes hard for the individual, it is best for the race, because it insures the survival of the fittest in every department. We accept and welcome, therefore, as conditions to which we must accommodate ourselves, great inequality of environment, the concentration of business, industrial and commercial, in the hands of a few, and the law of competition between these, as being not only beneficial, but essential for the future progress of the race. Having accepted these, it follows that there must be great scope for the exercise of special ability in the merchant and in the manufacturer who has to conduct affairs upon a great scale. That this talent for organization and management is rare among men is proved by the fact that it invariably secures for its possessor enormous rewards, no matter where or under what laws or conditions. The experienced in affairs always rate the *man* whose services can be obtained as a partner as not only the first consideration, but such as to render the question of his capital scarcely worth considering, for such men soon create capital; while, without the special talent required, capital soon takes wings. Such men become interested in firms or corporations using millions; and estimating only simple interest to be made upon the capital invested, it is inevitable that their income must exceed their expenditures, and that they must accumulate wealth. Nor is there any middle ground which such men can occupy, because the great manufacturing or commercial concern which does not earn at least interest upon its capital soon becomes bankrupt. It must either go forward or fall behind; to stand still is impossible. It is a condition essential for its successful operation that it should be thus far

profitable, and even that, in addition to interest on capital, it should make profit. It is a law, as certain as any of the others named, that men possessed of this peculiar talent for affairs, under the free play of economic forces, must, of necessity, soon be in receipt of more revenue than can be judiciously expended upon themselves; and this law is as beneficial for the race as the others.

Objections to the foundations upon which society is based are not in order, because the condition of the race is better with these than it has been with any others which have been tried. Of the effect of any new substitutes proposed we cannot be sure. The Socialist or Anarchist who seeks to overturn present conditions is to be regarded as attacking the foundation upon which civilization itself rests, for civilization took its start from the day that the capable, industrious workman said to his incompetent and lazy fellow, "If thou dost not sow, thou shalt not reap," and thus ended primitive Communism by separating the drones from the bees. One who studies this subject will soon be brought face to face with the conclusion that upon the sacredness of property civilization itself depends—the right of the laborer to his hundred dollars in the savings bank, and equally the legal right of the millionaire to his millions. To those who propose to substitute Communism for this intense Individualism the answer, therefore, is: The race has tried that. All progress from that barbarous day to the present time has resulted from its displacement. Not evil, but good, has come to the race from the accumulation of wealth by those who have the ability and energy that produce it. But even if we admit for a moment that it might be better for the race to discard its present foundation, Individualism,—that it is a nobler ideal that man should labor, not for himself alone, but in and for a brotherhood of his fellows, and share with them all in common, realizing Swedenborg's idea of Heaven, where, as he says, the angels derive their happiness, not from laboring for self, but for each other,—even admit all this, and a sufficient answer is, This is not evolution, but revolution. It necessitates the changing of human nature itself—a work of aeons, even if it were good to change it, which we cannot know. It is not practicable in our day or in our age. Even if desirable theoretically, it belongs to another and long-succeeding sociological

stratum. Our duty is with what practicable now; with the next step possible in our day and generation. It is criminal to waste our energies in endeavoring to uproot, when all we can profitably or possibly accomplish is to bend the universal tree of humanity a little in the direction most favorable to the production of good fruit under existing circumstances. We might as well urge the destruction of the highest existing type of man because he failed to reach our ideal as to favor the destruction of Individualism, Private Property, the Law of Accumulation of Wealth, and the Law of Competition; for these are the highest results of human experience, the soil in which society so far has produced the best fruit. Unequally or unjustly, perhaps, as these laws sometimes operate, and imperfect as they appear to the Idealist, they are nevertheless, like the highest type of man, the best and most valuable of all that humanity has yet accomplished.

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We start, then, with a condition of affairs under which the best interests of the race are promoted, but which inevitably gives wealth to the few. Thus far, accepting conditions as they exist, the situation can be surveyed and pronounced good. The question then arises,—and, if the foregoing be correct, it is the only question with which we have to deal,—What is the proper mode of administering wealth after the laws upon which civilization is founded have thrown it into the hands of the few? And it is of this great question that I believe I offer the true solution. It will be understood that *fortunes* are here spoken of, not moderate sums saved by many years of effort, the returns from which are required for the comfortable maintenance and education of families. This is not *wealth*, but only *competence*, which it should be the aim of all to acquire.

There are but three modes in which surplus wealth can be disposed of. It can be left to the families of the decedents; or it can be bequeathed for public purposes; or, finally, it can be administered during their lives by its possessors. Under the first and second modes most of the wealth of the world that has reached the few has hitherto been applied. Let us in turn consider each of these modes. The first is the most injudicious. In monarchical countries, the estates and the greatest portion of the wealth are left to the first son, that the vanity of the parent may be gratified by

the thought that his name and title are to descend to succeeding generations unimpaired. The condition of this class in Europe today teaches the futility of such hopes or ambitions. The successors have become impoverished through their follies or from the fall in the value of land. Even in Great Britain the strict law of entail has been found inadequate to maintain the status of an hereditary class. Its soil is rapidly passing into the hands of the stranger. Under republican institutions the division of property among the children is much fairer, but the question which forces itself upon thoughtful men in all lands is: Why should men leave great fortunes to their children? If this is done from affection, is it not misguided affection? Observation teaches that, generally speaking, it is not well for the children that they should be so burdened. Neither is it well for the state. Beyond providing for the wife and daughters moderate sources of income, and very moderate allowances indeed, if any, for the sons, men may well hesitate, for it is no longer questionable that great sums bequeathed oftener work more for the injury than for the good of the recipients. Wise men will soon conclude that, for the best interests of the members of their families and of the state, such bequests are an improper use of their means.

It is not suggested that men who have failed to educate their sons to earn a livelihood shall cast them adrift in poverty. If any man has seen fit to rear his sons with a view to their living idle lives, or, what is highly commendable, has instilled in them the sentiment that they are in a position to labor for public ends without reference to pecuniary considerations, then, of course, the duty of the parent is to see that such are provided for *in moderation*. There are instances of millionaires' sons unspoiled by wealth, who, being rich, still perform great services in the community. Such are the very salt of the earth, as valuable as, unfortunately, they are rare; still it is not the exception, but the rule, that men must regard, and, looking at the usual result of enormous sums conferred upon legatees, the thoughtful man must shortly say, "I would as soon leave to my son a curse as the almighty dollar," and admit to himself that it is not the welfare of the children, but family pride, which inspires these enormous legacies.

As to the second mode, that of leaving wealth at death for public uses, it may be said that this is only

a means for the disposal of wealth, provided a man is content to wait until he is dead before it becomes of much good in the world. Knowledge of the results of legacies bequeathed is not calculated to inspire the brightest hopes of much posthumous good being accomplished. The cases are not few in which the real object sought by the testator is not attained, nor are they few in which his real wishes are thwarted. In many cases the bequests are so used as to become only monuments of his folly. It is well to remember that it requires the exercise of not less ability than that which acquired the wealth to use it so as to be really beneficial to the community. Besides this, it may fairly be said that no man is to be extolled for doing what he cannot help doing, nor is he to be thanked by the community to which he only leaves wealth at death. Men who leave vast sums in this way may fairly be thought men who would not have left it at all, had they been able to take it with them. The memories of such cannot be held in grateful remembrance, for there is no grace in their gifts. It is not to be wondered at that such bequests seem so generally to lack the blessing.

The growing disposition to tax more and more heavily large estates left at death is a cheering indication of the growth of a salutary change in public opinion. The State of Pennsylvania now takes—subject to some exceptions—one-tenth of the property left by its citizens. The budget presented in the British Parliament the other day proposes to increase the death-duties; and, most significant of all, the new tax is to be a graduated one. Of all forms of taxation, this seems the wisest. Men who continue hoarding great sums all their lives, the proper use of which for public ends would work good to the community, should be made to feel that the community, in the form of the state, cannot thus be deprived of its proper share. By taxing estates heavily at death the state marks its condemnation of the selfish millionaire's unworthy life.

It is desirable that nations should go much further in this direction. Indeed, it is difficult to set bounds to the share of a rich man's estate which should go at his death to the public through the agency of the state, and by all means such taxes should be graduated, beginning at nothing upon moderate sums to dependents, and increasing rapidly as the amounts



swell, until of the millionaire's hoard, as of Shylock's at least

"—The other half Comes to the privy coffer of the state."

This policy would work powerfully to induce the rich man to attend to the administration of wealth during his life, which is the end that society should always have in view, as being that by far most fruitful for the people. Nor need it be feared that this policy would sap the root of enterprise and render men less anxious to accumulate, for to the class whose ambition it is to leave great fortunes and be talked about after their death, it will attract even more attention, and indeed, be a somewhat nobler ambition to have enormous sums paid over to the state from their fortunes.

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There remains, then, only one mode of using great fortunes; but in this we have the true antidote for the temporary unequal distribution of wealth, the reconciliation of the rich and the poor—a reign of harmony—another ideal, differing, indeed, from that of the Communist in requiring only the further evolution of existing conditions. It is founded upon the present most intense individualism, and the race is prepared to put it in practice by degrees whenever it pleases. Under its sway we shall have an ideal state, in which the surplus wealth of the few will become, in the best sense, the property of the many, because administered for the common good, and this wealth, passing through the hands of the few, can be made a much more potent force for the elevation of our race than if it had been distributed in small sums to the people themselves. Even the poorest can be made to see this, and to agree that great sums gathered by some of their fellow-citizens and spent for public purposes, from which the masses reap the principal benefit, are more valuable to them than if scattered among them through the course of many years in trifling amounts.

If we consider what results flow from the Cooper Institute, for instance, to the best portion of the race in New York not possessed of means, and compare these with those which would have arisen for the good of the masses from an equal sum distributed by Mr. Cooper in his lifetime in the form of wages, which is the highest form of distribution, being for work done

and not for charity, we can form some estimate of the possibilities for the improvement of the race which lie embedded in the present law of the accumulation of wealth. Much of this sum, if distributed in small quantities among the people, would have been wasted in the indulgence of appetite, some of it in excess, and it may be doubted whether even the part put to the best use, that of adding to the comforts of the home, would have yielded results for the race, as a race, at all comparable to those which are flowing and are to flow from the Cooper Institute from generation to generation. Let the advocate of violent or radical change ponder well this thought.

We might even go so far as to take another instance, that of Mr. Tilden's bequest of five millions of dollars for a free library in the city of New York, but in referring to this one cannot help saying involuntarily, How much better if Mr. Tilden had devoted the last years of his own life to the proper administration of this immense sum; in which case neither legal contest nor any other cause of delay could have interfered with his aims. But let us assume that Mr. Tilden's millions finally become the means of giving to this city a noble public library, where the treasures of the world contained in books will be open to all forever, without money and without price. Considering the good of that part of the race which congregates in and around Manhattan Island, would its permanent benefit have been better promoted had these millions been allowed to circulate in small sums through the hands of the masses? Even the most strenuous advocate of Communism must entertain a doubt upon this subject. Most of those who think will probably entertain no doubt whatever.

Poor and restricted are our opportunities in this life; narrow our horizon; our best work most imperfect; but rich men should be thankful for one inestimable boon. They have it in their power during their lives to busy themselves in organizing benefactions from which the masses of their fellows will derive lasting advantage, and thus dignify their own lives. The highest life is probably to be reached, not by such imitation of the life of Christ as Count Tolstoi gives us, but, while animated by Christ's spirit, by recognizing the changed conditions of this age, and adopting modes of expressing this spirit suitable to the changed

conditions under which we live; still laboring for the good of our fellows, which was the essence of His life and teaching, but laboring in a different manner.

This, then, is held to be the duty of the man of Wealth: First, to set an example of modest, unostentatious living, shunning display or extravagance; to provide moderately for the legitimate wants of those dependent upon him; and after doing so to consider all surplus revenues which come to him simply as trust funds, which he is called upon to administer, and strictly bound as a matter of duty to administer in the manner which, in his judgment, is best calculated to produce the most beneficial result for the community—the man of wealth thus becoming the mere agent and trustee for his poorer brethren, bringing to their service his superior wisdom, experience, and ability to administer, doing for them better than they would or could do for themselves.

We are met here with the difficulty of determining what are moderate sums to leave to members of the family; what is modest, unostentatious living; what is the test of extravagance. There must be different standards for different conditions. The answer is that it is as impossible to name exact amounts or actions as it is to define good manners, good taste, or the rules of propriety; but, nevertheless, these are verities, well known although undefinable. Public sentiment is quick to know and to feel what offends these. So in the case of wealth. The rule in regard to good taste in the dress of men or women applies here. Whatever makes one conspicuous offends the canon. If any family be chiefly known for display, for extravagance in home, table, equipage, for enormous sums ostentatiously spent in any form upon itself,—if these be its chief distinctions, we have no difficulty in estimating its nature or culture. So likewise in regard to the use or abuse of its surplus wealth, or to generous, free-handed cooperation in good public uses, or to unabated efforts to

accumulate and hoard to the last, whether they administer or bequeath. The verdict rests with the best and most enlightened public sentiment. The community will surely judge, and its judgments will not often be wrong. . . .

Thus is the problem of Rich and Poor to be solved. The laws of accumulation will be left free; the laws of distribution free. Individualism will continue, but the millionaire will be but a trustee for the poor; intrusted for a season with a great part of the increased wealth of the community far better than it could or would have done for itself. The best minds will thus have reached a stage in the development of the race in which it is clearly seen that there is no mode of disposing of surplus wealth creditable to thoughtful and earnest men into whose hands it flows save by using it year by year by year for the general good. This day already dawns. But a little while, and although, without incurring the pity of their fellows, men may die sharers in great business enterprises from which their capital cannot be or has not been withdrawn, and is left chiefly at death for public uses, yet the man who dies leaving behind him millions of available wealth, which was his to administer during life, will pass away “unwept, unhonored, and unsung,” no matter to what uses he leaves the dross which he cannot take with him. Of such as these the public verdict will then be: “The man who dies thus rich dies disgraced.”

Such, in my opinion, is the true Gospel concerning Wealth, obedience to which is destined some day to solve the problem of the Rich and the Poor, and to bring “Peace on earth, among men Good-Will.”

#### QUESTIONS TO CONSIDER

1. What did Carnegie see as the role of the rich in society?
2. Do you find his argument convincing?

## 16.3 IDA TARBELL, EXCERPT FROM *THE HISTORY OF THE STANDARD OIL COMPANY* (1904)

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In the late nineteenth and early twentieth centuries, the Standard Oil Company dominated the American oil market. John D. Rockefeller, the company's founder, ensured both vertical integration (Standard Oil controlled its supply chains) and horizontal integration (Standard Oil negotiated for cheaper railroad rates to transport the oil, which kept the company's prices low and eliminated competitors, allowing Rockefeller to monopolize the oil refining business). In 1900, the muckraking journalist Ida Tarbell decided to take on the Standard Oil behemoth. Tarbell, whose father had worked for Standard Oil, started researching Rockefeller and uncovering evidence about the ways in which Standard Oil had rigged railroad rates to its advantage. In 1902, Tarbell began publishing the nineteen articles that would become *The History of the Standard Oil Company* in *McClure's Magazine*. The essays were later collected in one volume. In part because of Tarbell's work, in 1911 the U.S. Supreme Court found that Standard Oil had violated the 1890 Sherman Antitrust Act, which forbid companies from forming monopolies "in restraint of trade or commerce." The Court's decision forced Standard Oil to break into 34 smaller companies.

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Among the many young men of Cleveland who, from the start, had an eye on the oil-refining business and had begun to take an active part in its development as soon as it was demonstrated that there was a reasonable hope of its being permanent, was a young firm of produce commission merchants. Both members of this firm were keen business men, and one of them had remarkable commercial vision—a genius for seeing the possibilities in material things. This man's name was Rockefeller—John D. Rockefeller. He was but twenty-three years old when he first went into the oil business, but he had already got his feet firmly on the business ladder, and had got them there by his own efforts. The habit of driving good bargains and of saving money had started him. He himself once told how he learned these lessons so useful in money-making, in one of his frequent Sunday-school talks to young men on success in business. The value of a good bargain he learned in buying cord-wood for his father: "I knew what a cord of good solid beech and maple

wood was. My father told me to select only the solid wood and the straight wood and not to put any limbs in it or any punky wood. That was a good training for me. I did not need any father to tell me or anybody else how many feet it took to make a cord of wood."

And here is how he learned the value of investing money:

"Among the early experiences that were helpful to me that I recollect with pleasure was one in working a few days for a neighbor in digging potatoes—a very enterprising, thrifty farmer, who could dig a great many potatoes. I was a boy of perhaps thirteen or fourteen years of age, and it kept me very busy from morning until night. It was a ten-hour day. And as I was saving these little sums I soon learned that I could get as much interest for fifty dollars loaned at seven per cent.—the legal rate in the state of New York at that time for a year—as I could earn by digging potatoes for 100 days. The impression was gaining ground with me that it was a good thing to let the money be my slave

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Source: Ida Tarbell, *The History of the Standard Oil Company* (New York: McClure, Phillips & Co., 1904), 39–43, 148–157. Retrieved from the Internet Archive website, <https://archive.org/details/historyofstandar00tarbuoft> (Accessed June 11, 2018).

and not make myself a slave to money." Here we have the foundation principles of a great financial career.

When young Rockefeller was thirteen years old, his father moved from the farm in Central New York, where the boy had been born (July 8, 1839), to a farm near Cleveland, Ohio. He went to school in Cleveland for three years. In 1855 it became necessary for him to earn his own living. It was a hard year in the West and the boy walked the streets for days looking for work. He was about to give it up and go to the country when, to quote the story as Mr. Rockefeller once told it to his Cleveland Sunday-school, "As good fortune would have it I went down to the dock and made one more application, and I was told that if I would come in after dinner—our noon-day meal was dinner in those days—they would see if I could come to work for them. I went down after dinner and I got the position, and I was permitted to remain in the city." The position, that of a clerk and bookkeeper, was not lucrative. According to a small ledger which has figured frequently in Mr. Rockefeller's religious instructions, he earned from September 26, 1855, to January, 1856, fifty dollars. "Out of that," Mr. Rockefeller told the young men of his Sunday-school class, "I paid my washerwoman and the lady I boarded with, and I saved a little money to put away."

He proved an admirable accountant—one of the early-and-late sort, who saw everything, forgot nothing and never talked. In 1856 his salary was raised to twenty-five dollars a month, and he went on always "saving a little money to put away." In 1858 came a chance to invest his savings. Among his acquaintances was a young Englishman, M. B. Clark. Older by twelve years than Rockefeller he had left a hard life in England when he was twenty to seek fortune in America. He had landed in Boston in 1847, without a penny or a friend, and it had taken three months for him to earn money to get to Ohio. Here he had taken the first job at hand, as man-of-all-work, wood-chopper, teamster. He had found his way to Cleveland, had become a valuable man in the houses where he was employed, had gone to school at nights, had saved money. They were two of a kind, Clark and Rockefeller, and in 1858 they pooled their earnings and started a produce commission business on the Cleveland docks. The venture succeeded. Local historians credit Clark and

Rockefeller with doing a business of \$450,000 the first year. The war came on, and as neither partner went to the front, they had full chance to take advantage of the opportunity for produce business a great army gives. A greater chance than furnishing army supplies, lucrative as most people found that, was in the oil business (so Clark and Rockefeller began to think), and in 1862, when an Englishman of ability and energy, one Samuel Andrews, asked them to back him in starting a refinery, they put in \$4,000 and promised to give more if necessary. Now Andrews was a mechanical genius. He devised new processes, made a better and better quality of oil, got larger and larger percentages of refined from his crude. The little refinery grew big, and Clark and Rockefeller soon had \$100,000 or more in it. In the meantime Cleveland was growing as a refining centre. The business which in 1860 had been a gamble was by 1865 one of the most promising industries of the town. It was but the beginning—so Mr. Rockefeller thought—and in that year he sold out his share of the commission business and put his money into the oil firm of Rockefeller and Andrews. . . .

The first intimation that the Oil Region had that Mr. Rockefeller was pushing another combination was in March of 1875, when it was announced that an organization of refiners, called the Central Association, of which he was president, had been formed. Its main points were that if a refiner would lease to the association his plant for a term of months he would be allowed to subscribe for stock of the new company. The lease allowed the owner manufacturing, but gave Mr. Rockefeller's company "irrevocable authority" to make all purchases of crude oil and sales of refined, to decide how much each refinery should manufacture, and *to negotiate for all freight and pipe-line expenses*. The Central Association was a most clever device. It furnished the secret partners of Mr. Rockefeller a plausible proposition with which to approach the firms of which they wished to obtain control.

Little as the Oil Regions knew of the real meaning of the Central Association, the news of its organisation raised a cry of monopoly, and the advocates of the new scheme felt called upon to defend it. The defense took the line that the conditions of the trade made such a combination of refineries necessary. Altogether the ablest explanation was that of H. H. Rogers, of Charles

Pratt and Company, to a reporter of the New York Tribune:

"There are five refining points in the country," said Mr. Rogers, "Pittsburg, Philadelphia, Cleveland, the Oil Regions and New York city. Each of these has certain local advantages which may be briefly stated as follows: Pittsburg, cheap oil; Philadelphia, the seaboard; Cleveland, cheap barrels, and canal as well as railroad transportation; the Oil Regions, crude oil at the lowest figure; and all the products of petroleum have the best market in New York city. The supply of oil is three or four times greater than the demand. If the oil refineries were run to their full capacity, the market would be overstocked. The business is not regular, but spasmodic. When the market is brisk and oil is in demand, all the oil interests are busy and enjoy a fair share of prosperity. At other times, the whole trade is affected by the dullness. It has been estimated that not less than twenty millions of dollars are invested in the oil business. It is therefore to the interest of every man who has put a dollar in it to have the trade protected and established on a permanent footing. Speculators have ruined the market. The brokers heretofore have been speculating upon the market with disastrous effects upon the trade, and this new order of things will force them to pursue their legitimate calling, and realise their profits from their industry and perseverance. Two years ago an attempt was made to organise an oil refiners' association, but it was subsequently abandoned. There was no cohesion of interests, and agreements were not kept. The movement at the present time is a revival of the former idea, and, it is believed, has already secured fully nine-tenths of the oil refiners in the country in its favour. I do not believe there is any intention among the oil men to 'bull' the market. The endeavour is to equalize all around and protect the capital invested. If by common consent, in good faith, the refiners agree to reduce the quantities to an allotment for each, made in view of the supply and demand, and the capacity for production, the market can be regulated with a reasonable profit for all. The price of oil to-day is fifteen cents per gallon. The proposed allotment of business would probably advanced price to twenty cents. To make an artificial increase, with immense profits, would be recognized as speculative instead of legitimate, and the oil interests would suffer accordingly. Temporary capital

would compete with permanent investment and ruin everything. The oil producers to-day are bankrupt. There have been more failures during the last five months than in five years previously. An organisation to protect the oil capital is imperatively needed. Oil to yield a fair profit should be sold for twenty-five cents per gallon. That price would protect every interest and cover every outlay for getting out the crude petroleum, transporting by railroad, refining and the incidental charges of handling, etc. The foreign markets will regulate the price to a great extent, because they are the greatest consumers. The people of China, Germany, and other foreign countries cannot afford to pay high prices. Kerosene oil is luxury to them, and they do not receive sufficient compensation for their labour to enable them to use this oil at an extravagant price. The price, therefore, must be kept within reasonable limits."

The Oil Regions refused flatly to accept this view of the situation. The world would not buy refined at twenty-five cents, they argued. "Your injured the foreign market in 1872 by putting up the price. Our only hope is in increasing consumption. The world is buying more oil to-day than ever before, because it is cheap. We must learn to accept small profits, as other industries do." "The formation of the Refiners' Association has thrust upon the trade an element of uncertainty that has unsettled all sound views as to the general outlook," said the Derrick. "The scope of the Association," wrote a Pittsburg critic, "is an attempt to control the refining of oil, with the ultimate purpose of advancing its price and reaping a rich harvest in profits. This can only be done by reducing the production of refined oil, and this will in turn act on crude oil, making the stock so far in excess of the demand as to send it down to a lower figure than it has yet touched."

"The most important feature of this contract," said a "veteran refiner," "is perhaps that part which provides that the Executive Committee of the Central Association are to have the exclusive power to arrange with the railroads for the carrying of the crude and refined oil. It is intended by this provision to enable the Executive Committee to speak for the whole trade in securing special rates of freight, whereby independent shippers of crude oil, and such refiners as refuse



to join the combination, and any new refining interest that may be started, may be driven out of the trade. The whole general purpose of the combination is to reap a large margin by depressing crude and raising the price of refined oil, and the chief means employed is the system of discrimination in railroad freights to the seaboard."

"The veteran refiner" was right in his supposition that Mr. Rockefeller intended to use the enormous power his combination gave him to get a special rate. . . .

Mr. Rockefeller was certainly now in an excellent condition to work out his plan of bringing under his own control all the refineries of the country. The Standard Oil Company owned in each of the great refining centres, New York, Pittsburg and Philadelphia, a large and aggressive plant run by the men who had built it up. These works were, so far as the public knew, still independent and their only relation that of the "Central Association." As a matter of fact they were the "Central Association." Not only had Mr. Rockefeller brought these powerful interests into his concern; he had secured for them a rebate of ten per cent. On a rate which should always be as low as any one of the roads gave any of his competitors. He had done away with middlemen, that is, he was "paying nobody profit." He had undeniably a force wonderfully constructed for what he wanted to do and one made practically impregnable as things were in the oil business then, by virtue of its special transportation rate.

As soon as his new line was complete the work of acquiring all outside refineries began at each of the oil centres. Unquestionably the acquisitions were made through persuasion when this was possible. If the party approached refused to lease or sell, he was told firmly what Mr. Rockefeller had told the Cleveland refiners when he went to them in 1872 with the South Improvement contracts, that there was no hope for him; that a combination was in progress which was bound to work; and that those who stayed out would inevitably go to the wall. Naturally the first fruits to fall into the hands of the new alliance were those refineries which were embarrassed or discouraged by the conditions which Mr. Rogers explains above. Take as an example the case of the Citizens' Oil Refining Company of Pittsburg, as it was explained in 1888 to the House

Committee on Manufactures in its trust investigation. A. H. Track, a partner in the company, told the story:

"We began in 1869 with a capacity of 1,000 barrels a day. At the start everything was *couleur de rose*, so much so that we put our works in splendid shape. We manufactured all the products. We even got it down to making wax, and using the very last residuum in the boilers. We got the works in magnificent order and used up everything. We began to feel the squeeze in 1872. We did not know what was the matter. Of course we were all affected the same way in Pennsylvania, and of course we commenced shifting about, and meeting together, and forming delegations, and going down to Philadelphia to see the Pennsylvania Railroad, meeting after meeting and delegation after delegation. We suspected there was something wrong, and told those men there was something wrong somewhere; that we felt, so far as position was concerned, we had the cheapest barrels, the cheapest labour, and the cheapest coal, and the route from the crude district was altogether in our favour. We had a railroad and a river to bring us our raw material. We had made our investment based on the seaboard routes, and we wanted the Pennsylvania Railroad to protect us. But none of our meetings or delegations ever amounted to anything. They were always repulsed in some way, put off, and we never got any satisfaction. The consequence was that in two or three years there was no margin or profit. In order to overcome that we commenced speculating, in the hope that there would be a change some time or other for the better. We did not like the idea of giving up the ship. Now, during these times the Standard Oil Company increased so perceptibly and so strong that we at once recognized it as the element. Instead of looking to the railroad I always looked to the Standard Oil Company. In 1874 I went to see Rockefeller to find if we could make arrangements with him by which we could run a portion of our works. It was a very brief interview. He said there was no hope for us at all. He remarked this—I cannot give the exact quotation—"There is no hope for us," and probably he said, "There is no hope for any of us," but he says, "The weakest must go first." And we went."

All over the country the refineries in the same condition as Mr. Track's firm sold or leased. Those who felt the hard times and had any hope of weathering

them resisted at first. With many of them the resistance was due simply to their love for their business and their unwillingness to share its control with outsiders. The thing which a man has begun, cared for, led to a healthy life, from which he has begun to gather fruit, which he knows he can make greater and richer, he loves as he does his life. It is one of the fruits of his life. He is jealous of it—wishes the honour of it, will not divide it with another. He can suffer heavily his own mistakes, learn from them, correct them. He can fight opposition, bear all—so long as the work is his. There were refiners in 1875 who loved their business in this way. Why one should love an oil refinery the outsider may not see; but to the man who had begun with one still and had seen it grow by his own energy and intelligence to ten, who now sold 500 barrels a day where he once sold five, the refinery was the dearest spot on earth save his home. He walked with pride among its evil-smelling places, watched the processes with eagerness, experimented with joy and recounted triumphantly every improvement. To ask such a man to give up his refinery was to ask him to give up the thing which, after his family, meant most in life to him.

To Mr. Rockefeller this feeling was a weak sentiment. To place love of independent work above love of profits was as incomprehensible to him as a refusal to accept a rebate because it was *wrong*! Where persuasion

failed then, it was necessary, in his judgment, that pressure be applied—simply a pressure sufficient to demonstrate to these blind or recalcitrant individuals the impossibility of their long being able to do business independently. It was a pressure varied according to locality. Usually it took the form of cutting their market. The system of “predatory competition” was no invention of the Standard Oil Company. It has prevailed in the oil business from the start. Indeed, it was one of the evils Mr. Rockefeller claimed his combination would cure, but until now it had been used spasmodically. Mr. Rockefeller never did anything spasmodically. He applied underselling for destroying his rivals’ market with the same deliberation and persistency that characterized all his efforts, and in the long run he always won. There were other forms of pressure. Sometimes the independents found it impossible to get oil; again, they were obliged to wait days for cars to ship in; there seemed to be no end to the ways of making it hard for men to do business, of discouraging them until they would sell or lease, and always at the psychological moment a purchaser was at their side. . . .

#### QUESTIONS TO CONSIDER

1. How did Tarbell portray Rockefeller?
2. Do you think the Standard Oil Company should have been broken up?



## 16.4 SUPREME COURT, MAJORITY OPINION IN *LOCHNER V. NEW YORK* (1905)

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Though the U.S. Supreme Court did vote to break up the Standard Oil Company in 1911 (see Reading 16.3), the Court more often deferred to business interests during the early twentieth century. Much of the ideology behind the Court's deference appeared in the 1905 case *Lochner v. New York*. Joseph Lochner owned a small bakery in Utica, New York. Regulators fined Lochner multiple times for violating New York's Bakeshop Act of 1865, which barred employees from working in bakeries for more than 10 hours per day or 60 hours per week. In 1901, after the second fine, Lochner appealed the decision all the way up to the Supreme Court, where he finally received a favorable judgement. Associate Justice Rufus W. Peckham's controversial majority opinion in Lochner's favor, from which the following document is excerpted, ushered in the "Lochner Era" of Supreme Court decisions for the next four decades, during which the Court struck down multiple state and federal laws intended to regulate working conditions.

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**M**R. JUSTICE PECKHAM, after making the foregoing statement of the facts, delivered the opinion of the court.

The indictment, it will be seen, charges that the plaintiff in error violated the one hundred and tenth section of article 8, chapter 415, of the Laws of 1897, known as the labor law of the State of New York, in that he wrongfully and unlawfully required and permitted an employé working for him to work more than sixty hours in one week. There is nothing in any of the opinions delivered in this case, either in the Supreme Court or the Court of Appeals of the State, which construes the section, in using the word "required," as referring to any physical force being used to obtain the labor of an employé. It is assumed that the word means nothing more than the requirement arising from voluntary contract for such labor in excess of the number of hours specified in the statute. There is no pretense in any of the opinions that the statute was intended to meet a case of involuntary labor in any form. All the opinions assume that there is no real distinction, so far as this question is concerned, between the words

"required" and "permitted." The mandate of the statute that "no employé shall be required or permitted to work," is the substantial equivalent of an enactment that "no employé shall contract or agree to work," more than ten hours per day, and as there is no provision for special emergencies the statute is mandatory in all cases. It is not an act merely fixing the number of hours which shall constitute a legal day's work, but an absolute prohibition upon the employer, permitting, under any circumstances, more than ten hours work to be done in his establishment. The employé may desire to earn the extra money, which would arise from his working more than the prescribed time, but this statute forbids the employer from permitting the employé to earn it.

The statute necessarily interferes with the right of contract between the employer and employés, concerning the number of hours in which the latter may labor in the bakery of the employer. The general right to make a contract in relation to his business is part of the liberty of the individual protected by the Fourteenth Amendment of the Federal Constitution.

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Source: "*Lochner v. New York*," <https://cdn.loc.gov/service/ll/usrep/usrep198/usrep198045/usrep198045.pdf> (Accessed June 11, 2018)

*Allgeyer v Louisiana*, 165 U. S. 578. Under that provision no State can deprive any person of life, liberty or property without due process of law[.] The right to purchase or to sell labor is part of the liberty protected by this amendment, unless there are circumstances which exclude the right. There are, however, certain powers, existing in the sovereignty of each State in the Union, somewhat vaguely termed police powers, the exact description and limitation of which have not been attempted by the courts. Those powers, broadly stated and without, at present, any attempt at a more specific limitation, relate to the safety, health, morals and general welfare of the public. Both property and liberty are held on such reasonable conditions as may be imposed by the governing power of the State in the exercise of those powers, and with such conditions the Fourteenth Amendment was not designed to interfere. *Mugler v Kansas*, 123 U. S. 623, *In re Kemmler*, 136 U. S. 436, *Crowley v. Christensen*, 137 U. S. 86, *In re Converse*, 137 U. S. 624.

The State, therefore, has power to prevent the individual from making certain kinds of contracts, and in regard to them the Federal Constitution offers no protection. If the contract be one which the State, in the legitimate exercise of its police power, has the right to prohibit, it is not prevented from prohibiting it by the Fourteenth Amendment. Contracts in violation of a statute, either of the Federal or state government, or a contract to let one's property for immoral purposes, or to do any other unlawful act, could obtain no protection from the Federal Constitution, as coming under the liberty of person or of free contract. Therefore, when the State, by its legislature, in the assumed exercise of its police powers, has passed an act which seriously limits the right to labor or the right of contract in regard to their means of livelihood between persons who are *sui juris* (both employer and employé), it becomes of great importance to determine which shall prevail—the right of the individual to labor for such time as he may choose, or the right of the State to prevent the individual from laboring or from entering into any contract to labor, beyond a certain time prescribed by the State. . . .

It must, of course, be conceded that there is a limit to the valid exercise of the police power by the

State. There is no dispute concerning this general proposition. Otherwise the Fourteenth Amendment would have no efficacy and the legislatures of the States would have unbounded power, and it would be enough to say that any piece of legislation was enacted to conserve the morals, the health or the safety of the people; such legislation would be valid, no matter how absolutely without foundation the claim might be. The claim of the police power would be a mere pretext—become another and delusive name for the supreme sovereignty of the State to be exercised free from constitutional restraint. This is not contended for. In every case that comes before this court, therefore, where legislation of this character is concerned and where the protection of the Federal Constitution is sought, the question necessarily arises: Is this a fair, reasonable and appropriate exercise of the police power of the State, or is it an unreasonable, unnecessary and arbitrary interference with the right of the individual to his personal liberty or to enter into those contracts in relation to labor which may seem to him appropriate or necessary for the support of himself and his family? Of course the liberty of contract relating to labor includes both parties to it. The one has as much right to purchase as the other to sell labor.

This is not a question of substituting the judgment of the court for that of the legislature. If the act be within the power of the State it is valid, although the judgment of the court might be totally opposed to the enactment of such a law[.] But the question would still remain. Is it within the police power of the State? and that question must be answered by the court.

The question whether this act is valid as a labor law, pure and simple, may be dismissed in a few words. There is no reasonable ground for interfering with the liberty of person or the right of free contract, by determining the hours of labor, in the occupation of a baker. There is no contention that bakers as a class are not equal in intelligence and capacity to men in other trades or manual occupations, or that they are not able to assert their rights and care for themselves without the protecting arm of the State, interfering with their independence of judgment and of action. They are in no sense wards of the State. Viewed in the light of a purely labor law, with no reference whatever,

to the question of health, we think that a law like the one before us involves neither the safety, the morals nor the welfare of the public, and that the interest of the public is not in the slightest degree affected by such an act. The law must be upheld, if at all, as a law pertaining to the health of the individual engaged in the occupation of a baker. It does not affect any other portion of the public than those who are engaged in that occupation. Clean and wholesome bread does not depend upon whether the baker works but ten hours per day or only sixty hours a week. The limitation of the hours of labor does not come within the police power on that ground.

It is a question of which of two powers or rights shall prevail—the power of the State to legislate or the right of the individual to liberty of person and freedom of contract. The mere assertion that the subject relates though but in a remote degree to the public health does not necessarily render the enactment valid. The act must have a direct relation, as a means to an end, and the end itself must be appropriate and legitimate, before an act can be held to be valid which interferes with the general right of an individual to be free in his person and in his power to contract in relation to his own labor.

This case has caused much diversity of opinion in the state courts. In the Supreme Court two of the five judges composing the Appellate Division dissented from the judgment affirming the validity of the act. In the Court of Appeals three of the seven judges also dissented from the judgment upholding the statute. Although found in what is called a labor law of the State, the Court of Appeals has upheld the act as one relating to the public health—in other words, as a health law[.] One of the judges of the Court of Appeals, in upholding the law, stated that, in his opinion, the regulation in question could not be sustained unless they were able to say, from common knowledge, that working in a bakery and candy factory was an unhealthy employment. The judge held that, while the evidence was not uniform, it still led him to the conclusion that the occupation of a baker or confectioner was unhealthy and tended to result in diseases of the respiratory organs. Three of the judges dissented from that view, and they thought the occupation of a baker was not to such an extent unhealthy

as to warrant the interference of the legislature with the liberty of the individual.

We think the limit of the police power has been reached and passed in this case. There is, in our judgment, no reasonable foundation for holding this to be necessary or appropriate as a health law to safeguard the public health or the health of the individuals who are following the trade of a baker. If this statute be valid, and if, therefore, a proper case is made out in which to deny the right of an individual, *sui juris*, as employer or employé, to make contracts for the labor of the latter under the protection of the provisions of the Federal Constitution, there would seem to be no length to which legislation of this nature might not go. The case differs widely, as we have already stated, from the expressions of this court in regard to laws of this nature, as stated in *Holden v Hardy* and *Jacobson v Massachusetts*, *supra*. . . .

It is impossible for us to shut our eyes to the fact that many of the laws of this character, while passed under what is claimed to be the police power for the purpose of protecting the public health or welfare, are, in reality, passed from other motives. We are justified in saying so when, from the character of the law and the subject upon which it legislates, it is apparent that the public health or welfare bears but the most remote relation to the law[.] The purpose of a statute must be determined from the natural and legal effect of the language employed; and whether it is or is not repugnant to the Constitution of the United States must be determined from the natural effect of statutes when put into operation, and not from their proclaimed purpose. *Minnesota v Barber*, 136 U. S. 313, *Brimmer v Rebman*, 138 U. S. 78. The court looks beyond the mere letter of the law in such cases. *Yick Wo v Hopkins*, 118 U. S. 356.

It is manifest to us that the limitation of the hours of labor as provided for in this section of the statute under which the indictment was found, and the plaintiff in error convicted, has no such direct relation to and no such substantial effect upon the health of the employé, as to justify us in regarding the section as really a health law. It seems to us that the real object and purpose were simply to regulate the hours of labor between the master and his employés (all being men, *sui juris*), in a private business, not dangerous

in any degree to morals or in any real and substantial degree, to the health of the employés. Under such circumstances the freedom of master and employé to contract with each other in relation to their employment, and in defining the same, cannot be prohibited or interfered with, without violating the Federal Constitution.

The judgment of the Court of Appeals of New York as well as that of the Supreme Court and of the County Court of Oneida County must be reversed and the case

remanded to the County Court for further proceedings not inconsistent with this opinion.

*Reversed.*

#### QUESTIONS TO CONSIDER

1. How did the Court defend its decision?
2. Do you find the opinion convincing? Should states be able to regulate working conditions?

## 16.5 ROSE COHEN, EXCERPT FROM *OUT OF THE SHADOW* (1918)

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Rose Cohen's *Out of the Shadow* gives a detailed look at the life of an ordinary person who experienced the effects of rising immigration and industrial capitalism around the turn of the twentieth century. Cohen (1880–1925) was born in Belarus and immigrated to the United States in 1892 with her aunt, Masha. Rose and Masha joined Rose's father, who had previously settled in the Lower East Side of New York City. In New York, Cohen worked in a sweatshop of the clothing industry and later helped to teach courses at the Manhattan Trade School for Girls. Cohen's 1918 autobiography *Out of the Shadow*, from which the following document is excerpted, depicts her early life and her time in New York City. In the excerpt, Cohen describes the experience of waiting for a boat from Hamburg, Germany, to the United States, along with her travails on the transatlantic journey and her first impressions of America.

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ONE day, I don't remember how soon after we crossed the border, we arrived in Hamburg. We stopped in a large, red building run in connection with the steamship company. We were all shown (really driven) into a large room where many dirty, narrow cots stood along the walls. Aunt Masha shivered as she looked at the one in which we two were to sleep.

"The less we stay in these beds the better," she said. So, although we were dead tired we went to bed quite late. But before we were on our cot very long we saw that sleep was out of the question.

The air in the room was so foul and thick that it felt as if it could be touched. From every corner came sounds of groaning and snoring. But worst of all were the insects in the cot. After battling with these for some time Aunt Masha sat up.

"I feel I'll go mad," she gasped, clutching her hair. After sitting up a while she remembered seeing a wagon with some hay in it under the shed in the yard, and we decided to go there. We took our shoes in our hands and slipped out noiselessly.

It was a dark night and Aunt Masha was almost as much afraid in the dark as I was. With one arm clasped

about each other's waists we groped about an endless time, until we crossed the yard and found the wagon. Fortunately, no one had thought of sleeping in it. Aunt Masha gave a sigh of relief and satisfaction as she nestled comfortably into the hay. Soon she was asleep.

To me sleep did not come so readily. My mind always seemed more active when I lay down at night than at any other time. And since we had been on the journey I could not sleep because of the new and strange things about me.

As I lay thinking, listening, I suddenly caught a whiff of cigarette smoke. I sat up quickly and peered into the darkness. In the direction where I knew the door was I saw a tiny light. My first thought was to wake Aunt Masha. Then it occurred to me that it must be some one like ourselves who could not sleep and so came to stay outside. But as I sat watching the light I saw that it was coming toward the shed, though very slowly.

Nearer and nearer it came and soon I discerned a tall, dark form coming along stealthily. I recognized the slow cat-like tread. It was he with the red eyes and grinning mouth.

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Source: Rose Cohen, *Out of the Shadow* (New York: George H. Doran Company, 1918), 57–74. Retrieved from the Internet Archive website, <https://archive.org/details/outofshadow00cohe> (Accessed June 11, 2018).

I was almost beside myself with fear now that I knew who it was and I pressed closer to Aunt Masha. As he stopped a short distance from the shed and stood listening, I coughed to let him know that some one was in the wagon.

Then only, it seemed as if he realized that the light from his cigarette could be seen and he put his hand behind him. For a minute or so he stood still, listening. Then he went away as stealthily as he came and I saw him crouch down in a corner of the yard.

I sat wondering whether he knew that it was Aunt Masha and I that were in the wagon, and whether he would come again. He did, after a good while passed. Again I coughed to warn him. But this time he came right into the shed and craning his neck he tried to see.

"Why don't you lie down and go to sleep," he whispered feigning friendly concern. Now I saw that he knew us.

"I am not sleepy," I said, loudly.

"But you will fall asleep if you lie down," he insisted.

I noticed that he looked around as if he were uneasy when I spoke loud. So I answered still louder:

"I am not going to lie down. I am going to sit up all night, and if you don't go away at once I'll shout and wake the whole house." Then he turned quickly and tiptoed away, cursing under his breath.

At first I thought I would let Aunt Masha sleep a while and then wake her. But when some time passed it occurred to me that if I could stay up all night without waking Aunt Masha, no one could ever again call me that hated name, "'Fraid-cat.'" So I clasped my hands tightly in my lap and sat watching, listening. At the least sound in the yard I felt my hair rise on my head. Several times Aunt Masha moved restlessly in her sleep. Then I too, moved, half hoping that she would hear me and wake up. But she slept on. At one time it grew so dark and so cold that I could not keep my teeth still and it seemed as if the night would never end.

"Oh, now I must wake her." But at the very thought of it I seemed to hear, "Ah, you are a 'Fraid-cat after all.'" And so I pressed my hand over my mouth and waited.

At last a faint grey light came creeping slowly into the yard. With unspeakable joy I watched the house loom out of the darkness, but it was only when the

smaller objects in the yard took on their natural forms, and people began to come and go, that I lay down.

My head scarcely seemed to have touched the hay when I heard Aunt Masha say, teasingly, "Oh, you sleepy head, the night is never long enough for you. Why, your eyes are actually swollen from too much sleep. Get up."

I sat up, not knowing at first where I was or what had happened. Then recollecting my experience of the night I wondered whether I should tell Aunt Masha or not. She had never invited any confidence from me. And this particularly seemed hard to tell. As I sat, hesitating, I half saw, half felt the red eyes glaring at me from the doorway. And so I jumped out of the wagon and ran to get washed.

Our breakfast, which was boiled potatoes and slices of white bread, was served on long bare tables in a room like the sleeping room. No sooner was the food put on the tables than it was gone, and some of us were left with empty plates. Aunt Masha and I looked at each other and burst out laughing. To see the bread grabbed up and the fingers scorched on the boiled potatoes was ugly and pathetic but also funny.

"To-morrow," Aunt Masha said, "we too shall have to grab. For the money sewed in your waist won't last if we have to buy more than one meal a day for a week." But the next day it was almost the same thing. Going hungry seemed easy in comparison with the shame we felt to put out our hands for the bread while there was such a struggle.

Aunt Masha managed to get one slice which she held out to me. "Here, eat it." When I refused she gave me a look that was as bad as a blow. "Take it at once," she said angrily. I took it. I found it hard to swallow the bread, knowing that she was hungry.

We stayed in Hamburg a week. Every day from ten in the morning until four in the afternoon we stayed in a large, bare hall waiting for our names to be called. On the left side of the hall there was a heavy door leading into the office, where the emigrants were called in one by one.

I used to sit down on the floor opposite the door and watch the people's faces as they came and went into the office. Some looked excited and worried when they came out, and others looked relieved.

When our names were called I rose quickly and followed Aunt Masha. The clerk who always came to the door, which he opened only a little, looked at us and asked our names. Then he let Aunt Masha go in and pushing me away roughly without a word he shut the heavy door in my face.

I stood nearby waiting, until my feet ached. When Aunt Masha came out at last her face was flushed and there were tears in her eyes. Immediately she went over to her friends (she had many friends by that time) and began to talk to them excitedly. I followed her but she stopped talking when she saw me. I understood that I was not to listen. And so I went away.

This went on for almost a week. Each day her face looked more worried and perplexed.

One afternoon the door of the office opened wider than usual and a different clerk came out holding a paper in his hand. He told us that the English steamer for which we had been waiting was in. And then he read the names of those who were to go on it.

I'll never forget Aunt Masha's joy when she heard that we were to sail the next day. She ran from one to the other of her friends, crying and laughing at once.

#### **QUESTIONS TO CONSIDER**

1. What surprised you about Cohen's remembrance?
2. Does it change how you think about late nineteenth-century immigration?



## CHAPTER 17

# THE CULTURE AND POLITICS OF INDUSTRIAL AMERICA, 1870–1892

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### 17.1 KNOW-NOTHING PARTY PLATFORM (1857)

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In the mid-1850s, the American Party, often termed the “Know-Nothing Party,” formed to combat purported issues relating to growing immigration rates. The Know Nothings were extremely xenophobic and very anti-Catholic—they sought to oppose the perceived political power of the Catholic Church in America, which, the Party feared, would only grow as more Catholics immigrated to America. Though the Party faded into obscurity in just a few years, its 1857 Party Platform (the “American Platform of Principles”) illustrates the rising debate in America about immigration and ethnicity.

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1. An humble acknowledgement to the Supreme Being, for his protecting care vouchsafed to our fathers in their successful Revolutionary struggle, and hitherto manifested to us, their descendants, in the preservation of the liberties, the independence and the union of these States.
2. The perpetuation of the Federal Union and Constitution, as the palladium of our civil and religious liberties, and the only sure bulwarks of American Independence.
3. Americans must rule America, and to this end native-born citizens should be selected for all State, Federal, and municipal offices of government employment, in preference to all others. Nevertheless,
4. Persons born of American parents residing temporarily abroad, should be entitled to all the rights of native-born citizens.
5. No person should be selected for political station (whether of native or foreign birth), who recognizes any allegiance or obligation of any description to any foreign prince, potentate or power, or who refuses to recognize the Federal and State Constitution (each within its sphere) as paramount to all other laws, as rules of political action.
6. The unequalled recognition and maintenance of the reserved rights of the several States, and the cultivation of harmony and fraternal good will between the citizens of the several States, and to this end, non-interference by Congress with questions

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Source: “American Platform of Principles,” <https://glc.yale.edu/american-platform-principles> (Accessed May 20, 2018).

appertaining solely to the individual States, and non-intervention by each State with the affairs of any other State.

7. The recognition of the right of native-born and naturalized citizens of the United States, permanently residing in any Territory thereof, to frame their constitution and laws, and to regulate their domestic and social affairs in their own mode, subject only to the provisions of the Federal Constitution, with the privilege of admission into the Union whenever they have the requisite population for one Representative in Congress: Provided, always, that none but those who are citizens of the United States, under the Constitution and laws thereof, and who have a fixed residence in any such territory, ought to participate in the formation of the Constitution, or in the enactment of laws for said Territory or State.
8. An enforcement of the principles that no State or Territory ought to admit others than citizens to the right of suffrage, or of holding political offices of the United States.
9. A change in the laws of naturalization, making a continued residence of twenty-one years, of all not heretofore provided for, an indispensable requisite for citizenship hereafter, and excluding all paupers, and persons convicted of crime, from landing upon our shores; but no interference with the vested rights of foreigners.
10. Opposition to any union between Church and State; no interference with religious faith or worship, and no test oaths for office.
11. Free and thorough investigation into any and all alleged abuses of public functionaries, and a strict economy in public expenditures.
12. The maintenance and enforcement of all laws constitutionally enacted until said laws shall be

repealed, or shall be declared null and void by competent judicial authority.

13. Opposition to the reckless and unwise policy of the present Administration in the general management of our national affairs, and more especially as shown in removing "Americans" (by designation) and Conservatives in principle, from office, and placing foreigners and Ultraists [extremists] in their places; as shown in a truckling subservency to the stronger, and an insolent and cowardly bravado towards the weaker powers; as shown in re-opening sectional agitation; by the repeal of the Missouri Compromise; as shown in granting to unnaturalized foreigners the right of suffrage in [the] Kansas and Nebraska question; as shown in the corruptions which pervade some of the Departments of the Government; as shown in disgracing meritorious naval officers through prejudice or caprice; and as shown in the blundering mismanagement of our foreign relations.
14. Therefore, to remedy existing evils, and prevent the disastrous consequences otherwise resulting therefrom, we would build up the "American Party" upon the principles hereinbefore stated.
15. That each State Council shall have authority to amend their several Constitutions, so as to abolish the several degrees and substitute a pledge of honor, instead of other obligations, for fellowship and admission into the party.
16. A free and open discussion of all political principles embraced in our platform.

#### QUESTIONS TO CONSIDER

1. On what did the platform especially focus?
2. Who, in the American Party's mind, counted as an American during this time?

## 17.2 TEXT OF THE CHINESE EXCLUSION ACT (1882)

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Beginning in the mid-nineteenth century, Chinese laborers increasingly flocked to the American west coast. First lured by the 1848 California Gold Rush, Chinese labor, under harsh conditions, was crucial to completion of the First Transcontinental Railroad. Afterward, many Chinese eventually formed Chinatowns in Los Angeles and San Francisco. After the Civil War, white Californians began to blame Chinese laborers for low wage levels. In Los Angeles on October 24, 1871, for instance, a mob of 500 Anglos stormed into Chinatown and murdered around twenty Chinese immigrants after a white police officer was killed during an altercation in the neighborhood. Rising western animus towards Chinese immigration led the Federal government to pass the Chinese Exclusion Act in 1882. The government did not repeal the act until 1943.

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An Act to execute certain treaty stipulations relating to Chinese.

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the expiration of ninety days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or having so come after the expiration of said ninety days to remain within the United States.

SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land or permit to be landed, any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and maybe also imprisoned for a term not exceeding one year.

SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of this act, and who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place: Provided, That all Chinese laborers brought on such vessel shall depart with the vessel on leaving port.

SEC. 4. That for the purpose of properly identifying Chinese laborers who were in the United States on the seventeenth day of November eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of this act, and in order to furnish them with the

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Source: "Transcript of Chinese Exclusion Act (1882)," <https://www.ourdocuments.gov/doc.php?flash=false&doc=47&page=transcript> (Accessed May 20, 2018).

proper evidence of their right to go from and come to the United States of their free will and accord, as provided by the treaty between the United States and China dated November seventeenth, eighteen hundred and eighty, the collector of customs of the district from which any such Chinese laborer shall depart from the United States shall, in person or by deputy, go on board each vessel having on board any such Chinese laborers and cleared or about to sail from his district for a foreign port, and on such vessel make a list of all such Chinese laborers, which shall be entered in registry-books to be kept for that purpose, in which shall be stated the name, age, occupation, last place of residence, physical marks of peculiarities, and all facts necessary for the identification of each of such Chinese laborers, which books shall be safely kept in the custom-house; and every such Chinese laborer so departing from the United States shall be entitled to, and shall receive, free of any charge or cost upon application therefor, from the collector or his deputy, at the time such list is taken, a certificate, signed by the collector or his deputy and attested by his seal of office, in such form as the Secretary of the Treasury shall prescribe, which certificate shall contain a statement of the name, age, occupation, last place of residence, personal description, and facts of identification of the Chinese laborer to whom the certificate is issued, corresponding with the said list and registry in all particulars. In case any Chinese laborer after having received such certificate shall leave such vessel before her departure he shall deliver his certificate to the master of the vessel, and if such Chinese laborer shall fail to return to such vessel before her departure from port the certificate shall be delivered by the master to the collector of customs for cancellation. The certificate herein provided for shall entitle the Chinese laborer to whom the same is issued to return to and re-enter the United States upon producing and delivering the same to the collector of customs of the district at which such Chinese laborer shall seek to re-enter; and upon delivery of such certificate by such Chinese laborer to the collector of customs at the time of re-entry in the United States said collector shall cause the same to be filed in the custom-house . . .

. . . SEC. 5. That any Chinese laborer mentioned in section four of this act being in the United States, and

desiring to depart from the United States by land, shall have the right to demand and receive, free of charge or cost, a certificate of identification similar to that provided for in section four of this act to be issued to such Chinese laborers as may desire to leave the United States by water; and it is hereby made the duty of the collector of customs of the district next adjoining the foreign country to which said Chinese laborer desires to go to issue such certificate, free of charge or cost, upon application by such Chinese laborer, and to enter the same upon registry-books to be kept by him for the purpose, as provided for in section four of this act.

SEC. 6. That in order to the faithful execution of articles one and two of the treaty in this act before mentioned, every Chinese person other than a laborer who may be entitled by said treaty and this act to come within the United States, and who shall be about to come to the United States, shall be identified as so entitled by the Chinese Government in each case, such identity to be evidenced by a certificate issued under the authority of said government, which certificate shall be in the English language or (if not in the English language) accompanied by a translation into English, stating such right to come, and which certificate shall state the name, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, and place of residence in China of the person to whom the certificate is issued and that such person is entitled, conformably to the treaty in this act mentioned to come within the United States. Such certificate shall be prima-facie evidence of the fact set forth therein, and shall be produced to the collector of customs, or his deputy, of the port in the district in the United States at which the person named therein shall arrive.

SEC. 7. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall,

at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Chinese Government traveling on the business of that government, or their servants, with a note of such facts), and the names and other particulars, as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo. Any willful refusal or neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

SEC. 9. That before any Chinese passengers are landed from any such line vessel, the collector, or his deputy, shall proceed to examine such passenger, comparing the certificate with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law.

SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.

SEC. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall knowingly aid or abet the same, or aid or abet the landing in the United States from any vessel of any Chinese person not lawfully entitled

to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year.

SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate in this act required of Chinese persons seeking to land from a vessel. And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, by direction of the President of the United States, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or remain in the United States.

SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese Government traveling upon the business of that government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons.

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

SEC. 15. That the words "Chinese laborers", wherever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

Approved, May 6, 1882.

## QUESTIONS TO CONSIDER

1. What did the Chinese Exclusion Act do, and how did the government seek to enforce it?
2. How does the Chinese Exclusion Act reflect contemporary tensions about immigration and ethnicity?

## 17.3 FRANCES WILLARD, EXCERPT FROM WOMAN AND TEMPERANCE (1883)

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In the early nineteenth century, the temperance movement came about in conjunction with other movements for moral reform, especially the Second Great Awakening. By the 1870s, however, temperance advocates wanted to create a more powerful, centralized organization to direct their activism. Their efforts culminated in the creation of the Women's Christian Temperance Organization (WCTU) in 1874, which tried to eliminate alcohol from American society as a means to solve larger social problems, such as domestic violence and poverty. Frances Willard (1839–1898) worked for the WCTU and became its president in 1879, a position she would hold until her death. Under Willard's leadership, the WCTU grew from about 22,000 members in 1881 to 138,000 members a decade later. In 1883, Willard published *Women and Temperance*, from which the following excerpt is taken. *Women and Temperance* summarized the work of the WCTU and portrayed the work of specific women involved in the organization on a grassroots level. In the excerpt, Willard discusses one of the early movements that led to the founding of the WCTU.

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THE date is memorable. Some day its anniversaries will be ranked among our national festivals. . . . But the first eddy of that Whirlwind of the Lord, which in a few weeks had swept over the great State of Ohio, and grown to the huge proportions of the Woman's Temperance Crusade, began in Hillsboro', Ohio, December 23, 1873. By common consent of her sisters in the united churches of the village where almost her whole life had been spent, Mrs. Eliza J. Thompson was chosen to lead the first band on its first visit to a saloon. Never did character and circumstance conspire to form a central figure better suited to the significant occasion. "The first Crusader," a gentle-mannered lady of sixty years, had been from her early days a member of Christ's church and always prominent in charitable work, thus endearing herself to the class whose antagonism her new departure would naturally arouse. She is a wife, mother, and grandmother, loving and beloved ; with marks upon her face of the grief which

renders sacred, which disarms criticism, and in this instance, has a significance too deep for tears. She is the only daughter of Governor Trimble, than whom Ohio never had a chief magistrate more true.

Nearly forty years before, she had accompanied that noble father when he went as a delegate to the earliest national temperance convention, which was so small that its opening meeting was held in the dining-room of a Saratoga hotel of that period. Going with him to the door of this dignified assembly, where the white cravats of the clergy were a feature of prominence, the timid Ohio girl whispered, "O, papa, I'm afraid to enter, those gentlemen may think it an intrusion. I should be the only lady, don't you see?" Upon this the Governor replied, "My daughter should never be afraid, even if she is alone in a good cause," and taking her by the arm, he drew her into the convention. What a prophecy was the first entrance of a woman—and *this* woman—upon a temperance convention made up

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Source: Frances Willard, *Women and Temperance: On the Work and Workers of The Woman's Christian Temperance Union* (Hartford, CT: Park Publishing Co., 1883), 52–57. Retrieved from the Internet Archive website, <https://archive.org/details/womantemperanceo00willa> (Accessed June 11, 2018).

of men! Read its fulfillment in her now happy home, her lawyer husband's leadership of the home protection movement in Ohio, and in the procession of white-ribbon workers that belts the world to-day.

Kneeling hand in hand with this dear friend and leader, in the room where first the "Crusade Psalm" was read and prayer of consecration offered, my heart was newly laid upon the altar of our blessed cause. Upon the thousands of faithful temperance women all over the land, let me lovingly urge some special annual commemoration of the twenty-third of December, as a day in which all our hearts shall be warmed with new love, stirred to fresh zeal, and lifted into clearer faith.

It is worth while to preserve in her own language the account of that strange "call" which came to Mrs. Thompson in 1873. She wrote it out for a near friend in the following words :

"On the evening of Dec. 22, 1873, Dio Lewis, a Boston physician and lyceum lecturer, delivered in Music Hall, Hillsboro, Ohio, a lecture on 'Our Girls'.

"He had been engaged by the Lecture Association some months before to fill one place in the winter course of lectures 'merely for the entertainment of the people.' But finding that he could remain another evening and still reach his next appointment (Washington C. H.), he consented to give another lecture on the evening of the 23d. At the suggestion of Judge Albert Matthews, an old-line temperance man and Democrat, a free lecture on Temperance became the order of the evening.

"I did not hear Dio Lewis lecture (although he was our guest), because of home cares that required my presence, but my son, a youth of sixteen, was there, and he came to me upon his return home and in a most excited manner related the thrilling incidents of the evening—how Dr. Lewis told of his own mother and several of her good Christian friends uniting in prayer with and for the liquor sellers of his native town until they gave up their soul-destroying business, and then said,—'Ladies, you might do the same thing in Hillsboro if you had the same faith,'—and, turning to the ministers and temperance men who were upon the platform, added, 'Suppose I ask the ladies of this audience to signify their opinions upon the subject?' They all bowed their consent, and fifty or more women stood up in token of approval. He then asked the gentlemen how many of them would

stand as 'backers,' should the ladies undertake the work, and sixty or seventy arose. 'And now, mother,' said my boy, 'they have got you into business, for you are on a committee to do some work at the Presbyterian Church in the morning at nine o'clock, and then the ladies want you to go out with them to the saloons.'

"My husband, who had returned from Adams County court that evening and was feeling very tired, seemed asleep as he rested upon the couch, while my son in an undertone had given me all the above facts ; but as the last sentence was uttered, he raised himself up upon his elbow and said, 'What tom-foolery is all that?' My son slipped out of the room quietly, and I betook myself to the task of consoling my husband with the promise that I should not be led into any foolish act by Dio Lewis or any association of human beings. But after he had relaxed into a milder mood, continuing to call the whole plan, as he understood it, 'tom-foolery,' I ventured to remind him that the men had been in the 'tom-foolery' business a long time, and suggested that it might be 'God's will' that the women should now take their part. (After this he fell asleep quietly, and I resumed my Bible reading.) Nothing further was said upon the subject that had created such interest the night before until after breakfast, when we gathered in the 'family room.' First, my son approached me and gently placing his hand upon my shoulder, in a very subdued tone said, 'Mother, are you not going over to the church, this morning?' As I hesitated, and doubtless showed in my countenance the burden upon my spirit, he emphatically said, 'But, my dear mother, you know you have to go.' Then my daughter, who was sitting on a stool by my side, leaning over in a most tender manner, and looking up in my face, said, 'Don't you think you will go?' All this time my husband had been walking the floor, uttering not a word. He stopped, and placing his hand upon the family Bible that lay upon my work-table, he said emphatically, 'Children, you know where your mother goes to settle all vexed questions. Let us leave her alone,' withdrawing as he spoke, and the dear children following him. I turned the key, and was in the act of kneeling before God and his 'holy word' to see what would be sent me, when I heard a gentle tap at my door. Upon opening it, I saw my dear daughter, with her little Bible open, and the tears coursing down her



young cheeks, as she said, "I opened to this, mother. It must be for you." She immediately left the room, and I sat down to read the wonderful message of the great 'I Am' contained in the 146th Psalm.

"No longer doubting, I at once repaired to the Presbyterian church, where quite a large assembly of earnest people had gathered.

"I was at once unanimously chosen as the President (or leader) ; Mrs. Gen. McDowell, Vice-President ; and Mrs. D. K. Finner, Secretary of the strange work that was to follow.

"Appeals were drawn up to druggists, saloon-keepers, and hotel proprietors. Then the Presbyterian minister (Dr. McSurely), who had up to this time occupied the chair, called upon the chairman-elect to come forward to the 'post of honor,' but your humble servant could not ; her limbs refused to bear her. So Dr. McSurely remarked, as he looked around upon the gentlemen : 'Brethren, I see that the ladies will do nothing while we remain ; let us adjourn, leaving this new work with God and the women.'

"As the last man closed the door after him, strength before unknown came to me, and without any hesitation or consultation I walked forward to the minister's table, took the large Bible, and, opening it, explained the incidents of the morning ; then read and briefly (as my tears would allow) commented upon its new meaning to me. I then called upon Mrs. McDowell to lead in prayer, and such a prayer! It seemed as though the angel had brought down 'live coals' from off the altar and touched her lips—she who had never before heard her own voice in prayer!

"As we rose from our knees (for there were none sitting on that morning). I asked Mrs. Cowden (our M. E. minister's wife) to start the good old hymn 'Give to the winds thy fears' to a familiar tune, and turning

to the dear women, I said : 'As we all join in singing this hymn, let us form in line, two and two, the small women in front, leaving the tall ones to bring up the rear, and let us at once proceed to our sacred mission, trusting alone in the God of Jacob.' It was all done in less time than it takes to write it ; every heart was throbbing, and every woman's countenance betrayed her solemn realization of the fact that she was "going about her Father's business."

As this band of "mysterious beings" first encountered the outside gaze, and as they passed from the door of the old church and reached the street beyond the large churchyard, they were singing these prophetic words :

"Far, far above thy thought,  
His counsel shall appear,  
"When fully He the work hath wrought  
That caused thy needless fear."

On they marched in solemn silence up Main street, first to Dr. Wm. Smith's drug store. After calling at all the drug stores, four in number, their pledge being signed by all save one, they encountered saloons and hotels with varied success, until by continuous, daily visitations, with persuasion, prayer, song, and Scripture readings, the drinking places of the town were reduced from thirteen to one drug store, one hotel, and two saloons, and they sold 'very cautiously.'

#### QUESTIONS TO CONSIDER

1. How did Mrs. Thompson get involved in the movement?
2. What can you glean about the temperance movement and contemporary America through Mrs. Thompson's story?

## 17.4 HELEN HUNT JACKSON, EXCERPT FROM *RAMONA* (1884)

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In 1881, American writer Helen Hunt Jackson (1830–1885) gained acclaim for her controversial *A Century of Dishonor*, an expose about the Federal government's mistreatment of Native Americans. Just three years later, she delved into popular fiction with her novel *Ramona*, from which the following excerpt is taken. Jackson set *Ramona* in Southern California, just after the Mexican-American War. Ramona, an orphan girl, is raised by Señora Gonzaga Moreno, a formerly powerful figure in the area who has lost much of that power due to the outcome of the war. In the novel, Ramona falls in love with a Native American sheep shearer, Alessandro, and marries him. The couple elopes and finds only hardship in the changing American landscape. Alessandro eventually dies tragically, and Ramona returns to the Moreno estate, where she remarries and lives out her life. *Ramona* was a huge commercial success for Jackson and heavily contributed to a sentimentalized vision of Southern California based in Mexican heritage but removed from the violence of Americanization. This excerpt is from the beginning of the novel, where Jackson recounts Moreno's past.

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THE Senora Moreno's house was one of the best specimens to be found in California of the representative house of the half barbaric, half elegant, wholly generous and free-handed life led there by Mexican men and women of degree in the early part of this century, under the rule of the Spanish and Mexican viceroys, when the laws of the Indies were still the law of the land, and its old name, "New Spain," was an ever-present link and stimulus to the warmest memories and deepest patriotisms of its people.

It was a picturesque life, with more of sentiment and gayety in it, more also that was truly dramatic, more romance, than will ever be seen again on those sunny shores. The aroma of it all lingers there still; industries and inventions have not yet slain it; it will last out its century,—in fact, it can never be quite lost, so long as there is left standing one such house as the Senora Moreno's.

When the house was built, General Moreno owned all the land within a radius of forty miles,—forty miles

westward, down the valley to the sea; forty miles eastward, into the San Fernando Mountains; and a good forty miles more or less along the coast. The boundaries were not very strictly defined; there was no occasion, in those happy days, to reckon land by inches. It might be asked, perhaps, just how General Moreno owned all this land, and the question might not be easy to answer. It was not and could not be answered to the satisfaction of the United States Land Commission, which, after the surrender of California, undertook to sift and adjust Mexican land titles; and that was the way it had come about that the Senora Moreno now called herself a poor woman. Tract after tract, her lands had been taken away from her; it looked for a time as if nothing would be left. Every one of the claims based on deeds of gift from Governor Pio Fico, her husband's most intimate friend, was disallowed. They all went by the board in one batch, and took away from the Senora in a day the greater part of her best pasture-lands. They were lands which had belonged to the Bonaventura Mission, and lay along

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Source: Helen Hunt Jackson, *Ramona* (Champaign-Urbana, IL: Project Gutenberg, 2008) <https://www.gutenberg.org/files/2802/2802-h/2802-h.htm> (Accessed May 20, 2018)