REACTION TO RECONSTRUCTION:
Pennsylvania Republicans in the
Forty-Second Congress, 1871-1873

J. Kent Folmar

General works and most monographs published during the last decade overemphasize the early Reconstruction years, 1865-1870, although the erosion of congressional Republican commitment to the "black and tan" governments (and blacks, in general) was one of the more significant political and social developments of the last half of the nineteenth century.1 Eighteen seventy, after all, was a year of important political activity, especially relative to the Southern Question. With the readmission of Georgia, all of the ex-Confederate states were, finally, a part of the Union again. Also, the controversial Fifteenth Amendment, the last of the "Civil War" amendments, was ratified. Congress enacted the first of three enforcement bills which were aimed at the increasing local, and often violent, opposition in the South to the Republican-controlled governments.2 In the off-year congressional elections, the Democrats gained thirty seats in the House of Representatives (including five from Pennsylvania), reducing the Republican majority to less than two-thirds for the first time since 1867.3 Dissident antiadministration Republicans were be-

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1 An examination of the tables of contents of most Reconstruction studies indicates that approximately 70 or 80 percent of the topics concentrate on the 1865-1868 period; see especially, Kenneth M. Stampp, The Era of Reconstruction, 1865-1877 (New York, 1966) and Avery Craven, Reconstruction: The End of the Civil War (New York, 1969). A notable exception is Rembert W. Patrick, The Reconstruction of the Nation (New York, 1967).

2 James Ford Rhodes, History of the United States . . . . 9 vols. (New York, 1928), 6: 398-404; William Gillette, The Right to Vote: Politics and the Passage of the Fifteenth Amendment (Baltimore, 1965), 77-78; Walter L. Fleming, Documentary History of Reconstruction . . . 1865 to the Present Time, 2 vols. (Cleveland, 1906-1907), 2: 102-11. The First Enforcement Act prohibited states or individuals from abridging anyone's right to vote as guaranteed in the Fourteenth and Fifteenth amendments. Also, federal jurisdiction and penalties were placed over offenses committed by "conspirators."

3 Election data are from The Tribune Almanac and Political Register (New York, 1871-1873). The Democrats gained thirteen seats in the Northern states by a mean majority of only 50.6 percent. These districts were in central and Western Pennsylvania. Ten of the thirteen Republicans represented eastern districts. Erwin Stanley Bradley, The Triumph of Militant Republicanism: A Study of Pennsylvania and Presidential Politics, 1860-1872 (Philadelphia, 1964), 357-58; Alexander K. McClure, Old Time Notes of Pennsyl-
ginning to demand "reforms," including an end to federal support for the Southern "puppet" regimes. Therefore, one would assume that, without reading history backwards, congressional Republicans were greatly interested in sustaining their hard-won successes in the South. That was not the case, however.

Research efforts to fill this historiographical void have been long overdue. There is a need to determine, particularly, how and when Northern Republicans in the House of Representatives became disenchanted with the Southern Question during a period of national political transition — that is, when new national issues began to intrude upon the most significant postwar issue during the emerging Gilded Age. This study focuses on the Forty-second Congress, 1871-1873, with special analytical emphasis on the thirteen-member Pennsylvania Republican delegation. Thus it is possible to examine a major Northern delegation's legislative behavior within the constraints of one issue and compare and contrast that with the entire party's voting configurations.

Social scientists in recent years have developed a number of methodologies that measure the behavior of legislative bodies. One of these, the Guttman scalogram, is often used with roll-call data and forms the basis for this study. By using this technique, one can determine how each representative voted as compared to all other representatives along a unidimensional scale of attitudes relating to the Southern Question. This is accomplished by converting each roll-call division (total number of yeas and nays on each vote) to percentages, determining the "Radical" position (either yea or nay), arranging each roll-call vote in descending order (from easiest-to-vote-for, or highest percentage, to hardest-to-vote-for, or lowest percentage), and subdividing this continuum into numeric scale positions. Each representative is then assigned a scale score based upon the


4 William B. Hesseltine, Ulysses S. Grant: Politician (New York, 1935), 252-58. In late 1870, when North Carolina was "redeemed," the Republicans in the lame duck session of the Forty-first Congress tried to meet this challenge by enacting the Second Enforcement Act. It placed national elections under federal control with judges having the power to appoint supervisors at the polling stations. Senate Radicals asked the president for a report on the "Southern outrages"; the Senate also created a special investigative committee. Pennsylvania experienced an incipient, largely urban, Independent Republican, antimachine reform movement. There were four Independent candidates for the House; however, only John V. Creely (Second District, Philadelphia) was elected. Bradley, Triumph of Militant Republicanism, 368; McClure, Old Time Notes, 281-82.
number of "Radical" votes he cast. Hence, a Democrat usually votes against all or most of the "Radical" positions and is assigned a score of 0, at the top of the scalogram (no "Radical" votes), while a consistent Radical Republican votes the "Radical" stance on all of the measures and, as in the first scalogram (see Table 1), is awarded a scale score of 6 (he voted the "Radical" position on each bill). Those representatives who are scaled between these two extremes "break off" at some point and do not support the "Radical" position any further. This is based upon the notion that most representatives are consistent in their voting behavior; that is, one would not vote for stringent anti-KKK legislation and then join the Democrats in voting for a universal amnesty bill for former Confederates.5 The first session of the Forty-second Congress, which lasted only six weeks, yielded eighteen roll calls related to the Southern Question. Table 1 indicates the basic scalogram format. For this session, it consists of sixteen roll calls and seven scale positions, the number of representatives by party in each scale position, the identifying roll-call numbers, the measures voted on, the "Radical" position and percentage, and the date of each roll call.6

The partisan nature of this issue is significant. Note that only seven of the ninety-seven Democrats are not in the extreme pro-Southern, anti-Republican scale position 0. Roll calls 1 through 3, the intervening cluster, are the least controversial (easiest-to-support) in the scale for 128 scalable Republicans.7 Hence, it was easy for the


6 The roll call data are from U.S., Congress, House, Journal, 42d Cong. (Washington, 1871-1873). Only two Southern Question roll calls did not scale: a resolution to create a thirteen-member investigation committee in the "late insurrectionary states" (Mar. 15) and an amendment to House Bill 6, the amnesty bill, that established "certain exceptions," specified in note 16 (Mar. 14).

The coefficient of reproducibility is used to determine a scalogram's degree of acceptability. It measures the proportion of response in the scale that could be predicted correctly after determining the representatives' scale scores. Conventionally, 90 percent is the minimum tolerance level. The coefficient for this scale is .96.

Since 1867 each new Congress met immediately after the last session of the previous Congress rather than in December. This session lasted from March 4 until April 20.

7 The Tribune Almanac (1872), 52, lists approximately 139 Republicans and 104 Democrats for a total of 243 House members, including 24 from Pennsylvania. The total number of congressmen, however, is always in excess of the official quantity allotted by each census because of resignations, deaths, contested elections, the election of independents, and irregular election dates. For the Forty-second Congress, 253 representatives voted, or 147 Republicans and 106 Democrats.
### TABLE 1

**Southern Question Scalogram, Forty-Second Congress, First Session**

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>90</td>
<td>0</td>
<td>1</td>
<td>To table H. B. 43: to pay for the Arlington Estate. YEA, March 13, 1871. 61%</td>
</tr>
<tr>
<td>1</td>
<td>7</td>
<td>0</td>
<td>2</td>
<td>To swear in the Mississippi Republican delegation. YEA, March 4. 60%</td>
</tr>
<tr>
<td>2</td>
<td>0</td>
<td>7</td>
<td>3</td>
<td>To suspend the rules and introduce a joint resolution to affirm the legality of the 13th-15th amendments. YEA, March 13. 59%</td>
</tr>
<tr>
<td>1</td>
<td>7</td>
<td>0</td>
<td>4</td>
<td>Amendment to H.B. 320: to delete Section 3 giving the president the authority to use the military against domestic violence. NAY, April 6. 56%</td>
</tr>
<tr>
<td>2</td>
<td>0</td>
<td>7</td>
<td>5</td>
<td>To pass H.B. 320 (KKK Bill). YEA, April 6. 56%</td>
</tr>
<tr>
<td>3</td>
<td>0</td>
<td>30</td>
<td>6</td>
<td>Senate amendment to H.B. 320: to expand jurisdiction to any state or territory. YEA, April 15. 56%</td>
</tr>
<tr>
<td>4</td>
<td>0</td>
<td>32</td>
<td>7</td>
<td>To pass the second conference bill, H.B. 320. YEA, April 20. 56%</td>
</tr>
<tr>
<td>5</td>
<td>0</td>
<td>30</td>
<td>8</td>
<td>To suspend the rules and introduce an amnesty bill (with certain exceptions) plus an anti-KKK section. YEA, March 20. 51%</td>
</tr>
<tr>
<td>6</td>
<td>0</td>
<td>30</td>
<td>9</td>
<td>Amendment to H.B. 320: to delete the habeas corpus section. NAY, April 6. 51%</td>
</tr>
<tr>
<td>7</td>
<td>0</td>
<td>30</td>
<td>10</td>
<td>Amendment to H.B. 320: to delete a clause allowing the president to use state militia to enforce the act after the next congressional session. NAY, April 6. 43%</td>
</tr>
<tr>
<td>8</td>
<td>0</td>
<td>30</td>
<td>11</td>
<td>H.B. 6: general amnesty bill (with exceptions). NAY, March 14. 41%</td>
</tr>
<tr>
<td>9</td>
<td>0</td>
<td>30</td>
<td>12</td>
<td>To pass first conference bill, H.B. 320. YEA, April 19. 41%</td>
</tr>
<tr>
<td>10</td>
<td>0</td>
<td>30</td>
<td>13</td>
<td>To adjourn until December 1871. NAY, March 23. 38%</td>
</tr>
</tbody>
</table>
| 11             | 0    | 30   | 14            | House amendment to Senate Resolution creating a Joint Investigation Committee in the "Late Insurrectionary States," to increase the membership, to use Senate funds only, and to delete "to print results from time to
Republicans (and seven Democrats) to vote for a motion that would table a Democratic-sponsored bill to pay for the Arlington Estate when it was already a Union cemetery, to swear in the Republican Mississippi delegation, and to reaffirm the legality of the "Civil War" amendments.  

The second cluster of roll calls, 4 through 7, divide the two parties totally. The reason for this is that all four roll calls pertain to House Bill 320, the so-called Ku Klux Klan Bill, which was the most divisive and the primary issue of this session. Early in the session, Grant's congressional advisors urged him to request additional anti-KKK legislation. Fearing adjournment until the regular session in December, he sent a message to Congress on March 23, 1871, asking for legislation to correct "A condition of affairs . . . rendering life and property insecure. . . ."  

The House referred the message to a newly appointed Select Investigation Committee. Five days later the committee chairman introduced House Bill 320, a measure to enforce the Fourteenth Amendment against "unlawful

8 U.S., Congress, House, Congressional Globe, 42d Cong., 1st sess., 1871, 10, 75-76, 83 (hereafter cited as Congressional Globe, with Congress number, session, and year).

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More than sixty representatives delivered set speeches on the House floor. Opponents stressed the familiar states-rights theme, and there was considerable opposition to the clause that would allow the president to suspend the writ of habeas corpus and to declare martial law. In fact, opposition to the latter was so intense that it was deleted from the bill prior to allowing amendments from the floor on April 6.  

Most of the floor amendments were designed to weaken the bill. For example, roll call 4 would prevent the president from using military force to curb "insurrection and domestic violence." It was negated by a partisan vote. Roll calls 9 and 10, farther down the scale, did divide the party. That is, the Radical vote was 51 percent and 43 percent respectively. The House passed the amended bill, as indicated by roll call 5. One week later, the Senate enacted its amended version. The House accepted most of the Senate amendments, including roll call 6, which expanded the conspiracy jurisdiction of the bill, but it would not agree to the so-called Sherman Amendment (roll call 16). Proposed by Senator John Sherman of Ohio, the amendment would make municipalities and counties liable for damage sustained to life and property by "Klan-like marauders." The Senate insisted that the amendment be retained, and a conference committee was appointed to work out a compromise. However, the compromise bill retained the Sherman Amendment, and the House again refused to accept it (roll call 12). A second conference committee was quickly selected, and the controversial amendment was weakened by providing the legal structure for persons to claim property damages in the federal courts. On April 20, the House accepted the change (roll call 7) by a partisan vote and adjourned. House Bill 320, the last signifi-

10 Congressional Globe, 42d Cong., 1st sess., 1871, 10, 317-20. The Speaker did not appoint the regular standing committees until the second session. House Bill 320, in its original form, would have protected the civil rights of any person against any state law or "conspiracy" within a state, allowed the president to use the military against conspirators if state governments failed to act, and suspended the writ of habeas corpus and established martial law in order to cope with the "unlawful combinations."

11 James A. Garfield, the prominent Ohio Republican, vehemently opposed the martial law clause. He also introduced an amendment to the habeas corpus section that would require trials in civil rather than in military courts. It passed. Ibid., Appendix, 149-55.

12 Ibid., 521-22, 709.

13 The House also refused to accept the Senate amendments relative to the terminal date for the expiration of the writ of habeas corpus and the oath to be required of jurors. Ibid., 724. The Senate amendment which extended the jurisdiction of the act to every state and territory was significant because, ultimately, more federal funds were expended to enforce the act in the North rather than in the South. See Robert A. Horn, "National Control of Congressional Elections" (Ph.D. diss., Princeton University, 1942).
cant enforcement act of the Reconstruction period, was signed into law the same day.\textsuperscript{14}

Scale position 2 marks the end of party and Radical Republican unanimity; that is, the party defeated the Radical position on the remaining roll calls except for roll call 9 (note the percentages). Approximately seven “maverick” conservatives did not vote the Radical position on the balance of the roll calls.\textsuperscript{15} These “mavericks” and the Democrats favored amnesty for those Southerners who were disqualified from holding political office by the Fourteenth Amendment, but they apparently opposed the anti-KKK section of roll call 8.\textsuperscript{16} Both the motion to suspend the rules and the Fourteenth Amendment required a two-thirds majority. Roll call 9 is more important. During the amending struggle concerning the original KKK Bill on April 6, an Ohio Republican attempted to delete the entire habeas corpus section, the most powerful weapon available to control and prevent the alleged “outrages” in the South. The amendment was defeated, but only by the narrow margin of 105-101.\textsuperscript{17}

Scale position 3 indicates a major schism in the party. Approximately thirty moderate-conservative Republicans (plus seven in scale position 2), including four Pennsylvanians, refused to vote the Radical stance further (see Table 2).\textsuperscript{18} This represents almost 30 percent of the scalable Republicans. The significance of this “breaking away” is demonstrated by roll call 10, an amendment that weakened the KKK

\textsuperscript{14} Congressional Globe, 42d Cong., 1st sess., 1871, 10, 800-1, 804-8, 842. The final vote on House Bill 320 was ninety-three to seventy-four, with sixty-three abstentions.

\textsuperscript{15} It is necessary to approximate when making numerical generalizations about the representatives scaled in a particular position. This assumption is unavoidable because of “errors” (inconsistent voting patterns), or excessive absences. The seven “maverick” conservatives included two representatives each from Maine and Illinois, and one each from Ohio, Missouri, and Arkansas. Their mean tenure was .9 terms.

\textsuperscript{16} Note that this roll call is one of three concerning amnesty. Roll calls 11 and 15 were more palatable to the conservatives and moderates and less acceptable to the Radicals. The “exceptions” to the amnesty bills generally excluded members of the United States Congress who had resigned to join the Confederacy, United States Army and Navy officers who had similarly resigned, and members of the secession conventions.

\textsuperscript{17} Ibid., 187-88, 510-20. Jacob A. Ambler (Seventeenth District) introduced the amendment and scales in position 2.

\textsuperscript{18} The thirty Republicans in scale position 3 include eight New Englanders (three each from Massachusetts and Vermont and one each from Maine and Connecticut); seven Middle Atlantic states representatives (four Pennsylvanians, two from New Jersey, and one New Yorker); eight east-north-central Republicans (five from Illinois, two from Michigan, and one from Ohio); and the Southerners were from two border states (one each from Missouri and West Virginia) and the Deep South (two from Mississippi and three from Louisiana).
Bill by deleting a clause which would have extended the president’s power to enforce the act with the state militia. These Republicans also joined the Democrats in voting for roll call 11 (House Bill 6), another general amnesty bill, but, again, the vote was less than the required two-thirds. As noted above, the House rejected the first conference report of House Bill 320 which retained the Sherman Amendment. Roll call 12 shows that the moderate-conservative Republican and Democratic coalition was the deciding factor in defeating the report because only 41 percent of the representatives voted for the measure. This coalition also voted to adjourn on four separate occasions between March 4 and March 23. However, the Senate refused to go along. Roll call 13 is the vote on the latter date.

The four conservative Pennsylvanians in scale position 3 did not comment on any Southern Question legislation from the House floor (or on any other topic, for that matter); therefore, comparative data (age, election percentage, district safeness, and tenure) are included in Table 2 as possible indicators of their legislative behavior. Representing noncontiguous districts, these representatives were slightly older and somewhat more successful in the 1870 election than most of their delegation (though they were less successful than those who also scale in this position). Lazarus Shoemaker was the only member of the delegation to unseat an opponent from a Democratic district. In fact, Shoemaker and John B. Packer were two of only three members of the delegation who did not represent “solid” districts, that is, consistently Republican, between 1862 and 1870. The most significant indicator is tenure. Both Shoemaker and Ebenezer McJunkin were freshmen, while Packer and Washington Townsend were “second termers.” Their mean tenure contrasts sharply with the delegation’s means in the remaining scale positions and especially with the Republicans in scale position 3. Except for Shoemaker, whose con-

19 Ibid., 515.
20 Ibid., 102-7.
21 Ibid., 241-42, 244, 800-1. The vote on roll call 13 was taken only a few minutes before receipt of Grant’s message urging additional anti-KKK legislation.
22 The private papers for William D. Kelley, Leonard Myers, and James S. Negley do not contain substantive biographical data.
23 Washington Townsend’s Seventh District (Chester and Delaware counties) was in southeastern Pennsylvania; Lazarus Shoemaker’s Twelfth District in the northeast consisted of Susquehanna and Luzerne counties; John B. Packer’s oddly-shaped Fourteenth District was the east-central counties of Northumberland, Dauphin, Juniata, Snyder, and Union; and Ebenezer McJunkin represented the Twenty-third District, which included Butler, Armstrong, and Allegheny counties.
<table>
<thead>
<tr>
<th>Name</th>
<th>District</th>
<th>Age</th>
<th>Percent popular vote — 1870</th>
<th>No. Republicans elected in district — 1862-1872</th>
<th>Congressional tenure to 1870</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOWNSEND, W.</td>
<td>7</td>
<td>58</td>
<td>56%</td>
<td>5</td>
<td>1 (41)</td>
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<tr>
<td>SHOEMAKER, L.</td>
<td>12</td>
<td>52</td>
<td>52%</td>
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<tr>
<td>PACKER, J. B.</td>
<td>14</td>
<td>47</td>
<td>55%</td>
<td>4</td>
<td>1 (41)</td>
</tr>
<tr>
<td>McJUNKIN, E.</td>
<td>23</td>
<td>52</td>
<td>59%</td>
<td>5</td>
<td>0</td>
</tr>
</tbody>
</table>

**Mean**

- Age: 52
- Percent popular vote: 55%
- No. Republicans: 3.7
- Congressional tenure: .5 terms

**MEAN—24 Republicans**

- Age: 49
- Percent popular vote: 58%
- No. Republicans: 4.4
- Congressional tenure: 2.2 terms

**SCALE POSITION THREE**

**SCALE POSITION FOUR**

<table>
<thead>
<tr>
<th>Name</th>
<th>District</th>
<th>Age</th>
<th>Percent popular vote — 1870</th>
<th>No. Republicans elected in district — 1862-1872</th>
<th>Congressional tenure to 1870</th>
</tr>
</thead>
<tbody>
<tr>
<td>HARMER, A. C.</td>
<td>5</td>
<td>46</td>
<td>50.3%</td>
<td>5</td>
<td>0</td>
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<tr>
<td>DICKEY, O. J.</td>
<td>9</td>
<td>48</td>
<td>57%</td>
<td>5</td>
<td>2 (40-41)</td>
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<tr>
<td>MERCUR, U.</td>
<td>13</td>
<td>53</td>
<td>50.3%</td>
<td>5</td>
<td>3 (39-41)</td>
</tr>
<tr>
<td>SCOFIELD, G. W.</td>
<td>19</td>
<td>54</td>
<td>51%</td>
<td>5</td>
<td>4 (38-41)</td>
</tr>
<tr>
<td>NEGLEY, J. S.</td>
<td>22</td>
<td>45</td>
<td>54%</td>
<td>5</td>
<td>1 (41)</td>
</tr>
</tbody>
</table>

**Mean**

- Age: 49
- Percent popular vote: 52%
- No. Republicans: 5
- Congressional tenure: 2 terms

**MEAN—25 Republicans**

- Age: 50
- Percent popular vote: 56%
- No. Republicans: 4.8
- Congressional tenure: 1.2 terms
### Scale Position Five

<table>
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<tr>
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<th>Reaction to Reconstruction</th>
</tr>
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<tbody>
<tr>
<td>Killinger, J. W.</td>
<td>10</td>
<td>47</td>
</tr>
<tr>
<td>Kelley, W. D.</td>
<td>4</td>
<td>57</td>
</tr>
</tbody>
</table>

*Mean*

- 52 votes, 53%
- 4 terms
- 3.5 terms

**Mean—24 Republicans**

- 48 votes, 54%
- 4.4 terms
- 1.3 terms

### Scale Position Six

<table>
<thead>
<tr>
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<th>1978</th>
<th>Reaction to Reconstruction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creely, J. V.</td>
<td>2</td>
<td>32</td>
</tr>
<tr>
<td>Myers, L.</td>
<td>3</td>
<td>44</td>
</tr>
</tbody>
</table>

*Mean*

- 38 votes, 53%
- 5 terms
- 2 terms

**Mean—21 Republicans**

- 46 votes, 56%
- 4.7 terms
- 1 term

**Mean—Pennsylvania Delegation**

- 49 votes, 53%
- 4.4 terms
- 1.7 terms

**Mean—Total Republicans**

- 48 votes, 56%
- 4.6 terms
- 1.6 terms

*Southern Republicans and representatives with near-unanimous victories in 1870 are excluded from the total means for each scale position.*
servative record on the Southern Question is almost predictable (he was elected from a Democratic district), one might hypothesize that his three colleagues reflected their constituents' disinterest and possible disapproval of the extreme Radical position.\footnote{Biographical data are from U.S., Congress, \textit{Biographical Directory of the American Congress, 1774-1949} (Washington, 1950). Both Townsend and Packer usually voted the Radical position on Reconstruction roll calls during the Forty-first Congress. Each deviated only twice on thirteen and nine roll calls respectively. See Glenn M. Linden, "Congressmen, 'Radicalism,' and Economic Issues, 1861 to 1873" (Ph.D. diss., University of Washington, 1963), 195-98, 207.}

Scale position 4, the second dividing wedge within the party, separates the conservatives and moderates (including nine from Pennsylvania) from the Radical faction. Five Pennsylvanians and approximately twenty-seven moderates voted the Radical-administration position in the previous cluster and were, therefore, in the minority. They combined with the Democrats and approximately thirty-seven Republicans (scale positions 2 and 3) to vote the anti-Radical position on roll calls 14 through 16.\footnote{\textit{Congressional Globe}, 42d Cong., 1st sess., 1871, 10, 116-17, 180-82, 498-506, 560. Among the thirty-two Republicans in scale position 4 were four New Englanders (one each from Connecticut, Massachusetts, Maine, and Rhode Island); fifteen Middle Atlantic states representatives (nine from New York, five Pennsylvanians, and one from New Jersey); two each from Ohio and Iowa and one each from Michigan and Kansas; plus seven Southerners (two from Mississippi and one each from Arkansas, Georgia, North and South Carolina, and Virginia).}

Beginning his fifth consecutive term, Glenni Scofield, from northwestern Pennsylvania, chaired the Naval Affairs Committee. He was also chosen to serve on the Select Joint Investigation Committee (see roll call 14). From 1863 until 1871, he voted the Radical position on thirty-eight of forty-one Southern Question roll calls; hence, he is somewhat more moderate in this session. His only comment during the entire KKK debate was to assure the Democrats that they would have their fair share of the floor time.\footnote{Ibid., 319. Scofield's huge Nineteenth District consisted of Clearfield, Jefferson, Cameron, Elk, Forest, McKean, Warren, and Erie counties. Professor David Donald characterized Scofield as a Thaddeus Stevens Radical between 1862 and 1866 in \textit{The Politics of Reconstruction, 1863-1867} (Baton Rouge, 1965), 101; Linden, "Congressmen, 'Radicalism,' and Economic Issues," 195-98, 204, 207.} Ulysses Mercur, a three-term representative, also voted the Radical stance on thirty of thirty-three roll calls between 1866 and 1871. He spoke at length on the original House Bill 320. Deploring the fact that some "good, easy Republicans were unwilling to enter into any controversy," he wholeheartedly supported the bill, listed examples of alleged "outrages" in North
Carolina, and thought that the limitations on the president's power to suspend the writ of habeas corpus were satisfactory. He concluded:

. . . if the State authorities combine with or connive at such powerful and armed combinations, so that life and property cannot otherwise be secure, then I desire the President to not only suspend the writ of habeas corpus, but also to suspend the corpus of the Ku Klux himself, to the end that "life, liberty, and the pursuit of happiness" may be secured to the humblest person who resides within the limits of our extensive domain.

Both Oliver J. Dickey, the successor to Radical leader Thaddeus Stevens, and James S. Negley, from Allegheny County, had also voted a consistent Radical pattern prior to this Congress. Neither they nor Alfred C. Harmer commented on the Southern Question from the House floor.\textsuperscript{27}

The comparative data in Table 2 for this quintet indicate that they were slightly younger and had more congressional experience than their more conservative colleagues in scale position 3 and those Republicans who are also scaled in this position. Though their districts were "safe" for the party, Mercur, Harmer, and Scofield experienced very close elections in 1870. In fact, the election percentage mean for this scale position is the lowest of all the means calculated for positions 3 through 6. Interestingly, Negley managed to win handily despite the opposition of a Democrat and an Independent Republican candidate.

The Radical faction in scale positions 5 and 6 is almost equally divided on the content of the last two roll calls. The four Pennsylvanians represented districts from the southeastern portion of the state (three were from Philadelphia County). John W. Killinger and William D. Kelley are among the approximately thirty Radicals in scale position 5 who voted the Radical position on fourteen of sixteen roll calls. Yet they voted for House Bill 380, the first general amnesty bill passed by the House, and against the Sherman Amend-

\textsuperscript{27} Congressional Globe, 42d Cong., 1st sess., 1871, Appendix, 180-82. Mercur's Thirteenth District included the northeastern counties of Bradford, Sullivan, Wyoming, Columbia, and Montour. He was an ultra-Radical between 1864 and 1866 according to Donald, Politics of Reconstruction, 100. Dickey's Ninth District consisted of Lancaster County. He voted the Radical position on nine of eleven roll calls during the latter part of the Fortieth Congress and the Forty-first Congress; however, he voted against the Second Enforcement Act! Negley's Twenty-second District was most of Allegheny County, and he supported the Radical position on ten of thirteen roll calls on the Southern Question during the Forty-first Congress. Harmer represented the Fifth District (Bucks County and a small portion of Philadelphia County). Linden, "Congressmen, 'Radicalism,' and Economic Issues," 204, 207-8.
ment. Killinger, the only prewar Pennsylvania Republican to return to the House, was elected from a less-than-solid Republican district and did not discuss any issue from the floor. Kelley, however, was the dean of the delegation and a prominent Radical; since 1862, he deviated only three of forty-seven times on Southern Question roll calls. He defended Grant's request for additional legislation, and his support for House Bill 320 was a craftsmanlike combination of civil rights for blacks and glorification of the South's economic potential. He said: "Do not dream that you can disenfranchise these [black] men. They know what freedom is, and even the worm will turn and sting . . . . Masses of men once enfranchised, and who have drank freely of the waters of freedom, cannot be enreenslaved. Join with us, then, in giving peace and security to your fertile and beautiful section." That both men participated in the bitter partisan battles during the 1860s might explain their Radicalism in 1871.

Except for their youth, the two Philadelphia Radicals in scale position 6 are dissimilar. John Creely, a freshman, defeated the regular Republican "machine" and was elected as an Independent Republican with Democratic support. Leonard Myers, however, was a four-term veteran. He, too, had voted the Radical position on most Southern Question issues since his first term of office. Neither Creely nor Myers commented on the Southern Question.

28 Benjamin F. Butler, the leading House Radical and administration spokesman, argued that the Democrats and conservative Republicans favored the investigation committee so that the House could then adjourn without additional enforcement legislation. Congressional Globe, 42d Cong., 1st sess., 1871, 10, 558, 561-62. Among the thirty Republicans in scale position 5, only four were from New England (three from Massachusetts and one from Rhode Island). Besides Kelley and Killinger, only one New Yorker is scaled from the Middle Atlantic states, while thirteen were from the east-north-central states (nine Ohioans, three from Indiana, and one from Michigan); in addition, two Iowans and one from Missouri and Minnesota were joined by six Southerners (two from Alabama, two Georgians, and one each from Mississippi and Florida). Killinger's Tenth District included Lebanon and Schuylkill counties.

29 Ibid., 123, 338-41; Linden, "Congressmen, 'Radicalism,' and Economic Issues," 201, 205, 207; Ira V. Brown, "William D. Kelley and Radical Reconstruction," Pennsylvania Magazine of History and Biography 85 (July 1961), 316-29. Donald, Politics of Reconstruction, 101, labeled Kelley a Stevens Radical between 1862 and 1866. Kelley represented his Philadelphia district as chairman of the Committee on Coinage, Weight, and Measures and was third-ranking member of the Ways and Means Committee.

30 Both Creely and Myers were veterans of the Civil War. Myers, who was the chairman of the Committee on Patents and second-ranking Republican on the Foreign Affairs Committee, voted the Radical position on twenty-two of twenty-four Southern Question roll calls between 1864 and 1871. Linden, "Congressmen, 'Radicalism,' and Economic Issues," 201, 205, 206. Among the twenty-nine Republicans in scale position 6 there were only two New Eng-
The second session of the Forty-second Congress convened in December 1871. The Southern Republicans were apparently receiving a new injection of executive and military aid. In October, Grant suspended the writ of habeas corpus in nine South Carolina counties and pledged to end the violence throughout the South. However, his use of force did not prevent a Democratic victory in Georgia nor did his apparent enthusiasm for enforcement “spill over” into the House. There, the Southern Question was relegated to a minor position. Tariff revision, appropriations, the Liberal Republican intraparty fight, and election-year politics were more important issues.

The Southern Question-Reform scalogram for this session has twenty-one roll calls and nine scale positions. Sixteen of the roll calls were to suspend the rules and only four were successful — two resolutions reiterating the validity of the “Civil War Amendments,” a new amnesty bill, and a resolution to investigate the bitter Republican feud in Louisiana. Of fifteen roll calls concerning civil rights and amnesty, ten were to suspend the rules and three were either dilatory motions or efforts to reject legislation.

Proposed civil rights legislation was anathema to the Republicans. House Bill 1647, a strong civil rights measure, and Senate Bill 99, the Senate's civil rights bill, were repeatedly delayed, and there was little opposition to the delays. Obviously, an effort to extend the habeas corpus section of the KKK act failed. Knowing that most of the proposed legislation would not receive the necessary two-thirds vote, 86 percent of the Republicans and the entire Pennsylvania dele-
igation are scaled in the four most "Radical," and politically safe, positions where the content of only three roll calls divides them: an amnesty bill, a bill to dispense with informers in the Internal Revenue Service, and a Democratic motion to print the minority report along with 40,000 extra copies of the politically significant final KKK investigation report. Scofield was the only Pennsylvanian to discuss the Southern Question briefly during this session. Not only was controversial legislation not enacted, it was not even seriously considered by the party leadership.

Election-year politics were responsible, to a large degree, for the passage of a general amnesty bill during this session. The House, of course, had passed an amnesty bill in the first session, but it had died in the Senate. In January 1872, the House passed another general amnesty measure, House Bill 1050. The Senate, however, did not consider it until May, when Charles Sumner of Massachusetts insisted that it be amended with a public accommodations section which would guarantee the integration of public places. Supporters of the administration-backed bill, trying to neutralize this Liberal Republican "demand," introduced and the House passed, without a roll call, House Bill 2761. On May 22, 1872, the Senate enacted the bill during an all-night session without the Sumner amendment. The amnesty bill was the most significant erosive legislation of the entire Congress. Hence, in 1872, the realities of intraparty politics preempted Radical ideology, and Pennsylvania's Republicans were in the mainstream of this milieu.

A weak Democratic party and the vocal Liberal Republican schism characterized the election of 1872. Grant was easily elected, however, despite the exposure of the Credit Mobilier scandal. Opposition to "Grantism" and to the "black and tan" governments was temporarily checked. The Republicans regained their two-thirds majority in the House, winning twenty-two of twenty-seven House seats in Pennsyl-


vania. Nonetheless, when the third or lame duck session convened in December 1872, members of the party were not jubilant about their recent victory, nor were they interested in the Southern Question. The political reverberations caused by the Credit Mobilier investigation, aided and abetted by the Democrats, produced the most politically sensitive issue of the session (particularly for Kelley and Scofield, who were among the accused). Therefore, the Southern Question scalogram consists of thirteen very general roll calls with six scale positions. As in the second session, most of the roll calls were resolutions to table, joint resolutions, trial votes, or resolutions to suspend the rules. There was little or no debate on the roll calls. The Democrats introduced resolutions that forced the Republicans to react, such as, to repeal the 1862 test oath, to table a civil rights bill, and to investigate the Louisiana Republican feud. Proposed civil rights legislation was systematically avoided. The roll calls were noncontroversial to the degree that the Democrats were even divided among themselves on ten of the thirteen roll calls.

The Southern Question was not a contentious issue in this session, nor is it surprising that most of the Republicans scale in the moderate-Radical positions. Pennsylvania Republicans, however, scale in the "Radical" and politically safe positions. They were divided only by a racial integration clause in a bill to reimburse the College of William and Mary for war damages. Nine opposed the integration clause. Harmer, Kelley, and Myers scale in the extreme "Radical" position.

38 Pennsylvania gained three additional seats in the 1870 apportionment of the House. In 1872, these new seats were contested in at-large, state-wide elections.

39 Congressional Globe, 42d Cong., 3rd sess., Feb. 1873, 25-27, passim. Kelley and Scofield escaped censure. Texas was "redeemed" in January 1873, as the House investigated the Credit Mobilier scandal and passed "pork barrel" legislation, including the retroactive salary increase that became the Salary Grab scandal of the Forty-third Congress.

40 Ibid., 91-92, 217-18, 226-27, 541, 607-8, 1304. For the content of the Southern Question scalogram, see Folmar, "Erosion of Republican Support," 76-78, 91-95. The coefficient of reproducibility is .94.

41 Congressional Globe, 42d Cong., 3rd sess., 1873, 85-86. Scofield was the only Pennsylvania Republican to comment on the Southern Question. He opposed establishing another joint investigation committee to look into the party feud in Louisiana.

42 Ibid., 186-88, 694-97, 890-91, 1423-25, 1430. Twelve Pennsylvania Republicans are scaled in the Southern Question scalogram. John V. Creely had disappeared without a trace, and Ulysses Mercur resigned to become a state supreme court justice. Mercur's replacement during the third session was Frank C. Bunnell of Wyoming County.
To summarize, the scalograms in this study provide systematic clues to the decline of the Southern Question as a national issue in the House of Representatives during the Forty-second Congress. It was an important issue only in the first session, where, despite the passage of the KKK act, House Republicans did not enact "stringent" enforcement legislation. A coalition of conservative and moderate Republicans with Democratic support virtually stripped House Bill 320 of its real enforcement power, leaving a weakened habeas corpus section as the most viable part of the bill (which had been barely sustained), refused to accept the Sherman Amendment, and moved toward the idea of general amnesty by enacting the first postwar amnesty bill (though the Senate tabled it). Pennsylvania Republicans tended to vote a middle-of-the-road pattern, although they are skewed toward the Radical wing of the party.

The selected indicators do not provide substantive causal hints for Republican legislative reaction to the Southern Question. The total means for all of the scalable Republicans and for the Pennsylvanians are remarkably similar in the age, district safeness, and tenure categories. However, as noted above, there are interesting, and potentially significant, conclusions that are discernible in the data. They are: (1) with the exception of the conservative-moderate Pennsylvanians in scale position 3, who had far less congressional experience than those scaled with them, the delegation had substantially more tenure than the balance of the party in each scale position; (2) the four Pennsylvanians in scale position 4 tended to vote a less-Radical pattern in this session compared to previous congresses; (3) Radicalism seemed to be centered in southeastern Pennsylvania, particularly Philadelphia County; and (4) it is obvious that after the first session House Republicans definitely opposed further restrictive or controversial Southern Question legislation in the Forty-second Congress.

Finally, this methodology has helped to identify the priorities of the party and how the party reacted to the Southern Question. It demonstrates how legislative attitudes, based almost solely on roll-call votes, were determined for the party and particularly for Pennsylvania Republicans. Through this, we have a better understanding of the factions within the party and how the Pennsylvania delegation fit into the overall legislative behavioral pattern. Similar studies conducted for each state and section will reveal, much more than at the present time, how the Southern Question declined as a national issue in the Gilded Age.43