

“The Onward March of Right Principles”

State Legislative Actions on Racial Discrimination in Schools in Nineteenth-Century America

J. MORGAN KOUSSER

*Division of the Humanities and Social Sciences
California Institute of Technology*

Abstract. C. Vann Woodward transformed the history of race relations by focusing on the development of southern state segregation laws and practices. Anchoring his arguments in social science research, Woodward considered such laws to be both indicators and shapers of interpersonal attitudes and behavior. Neither historians nor political scientists have pursued Woodward’s larger project of explaining the course of race relations in America, confining themselves largely to descriptive case studies of individual states or short periods of time or delving into vaguely defined cultures of racial customs and rhetoric.

After showing how social scientific models of attitudes might illuminate not only Woodward’s Jim Crow thesis but also other facets of the history of race relations, the author turns to the analysis of school racial-integration laws considered in 15 northern states and actually passed in 13 of them from 1855 through 1887. Developing gradually, the northern school integration laws amounted, in effect, to mirror images of the southern Jim Crow laws that Woodward highlighted. What social and political factors explain the dates at which each state, beginning with Massachusetts in 1855 and ending with Ohio in 1887, passed such laws, and how could those factors reflect the models of attitudes sketched earlier? As might be expected, surges in support for the Republican or allied parties speeded the passage of integration laws. More surprising, an index of the convenience of segregated schools bore no relation to the date of passage, and the presence of a relatively large percentage of foreign-born people in a state, particularly the Irish or Canadian, actually made the enactment of school integration for African Americans easier than in more homogeneously native-born white states.

In the last section, both methodological and substantive implications are laid out. Systematically studying policies in a number of states over a substantial period of time might further invigorate the political science subfield of American Political Development and help revive the subject of government in American political history. Finally, the conflicts and progressive change sketched here make it difficult to believe in a solid white-supremacist consensus in late-nineteenth-century America, the study of such conflicts promises to restore African Americans to a role as shapers of the country’s race relations, and the events of the First Post-Reconstruction period suggest parallels with the post-1965 era in American race relations, which might be termed the *Second Post-Reconstruction*.

Keywords: American political development, integration, race relations, schools, state legislatures

“The onward march of right principles is slow but sure.”

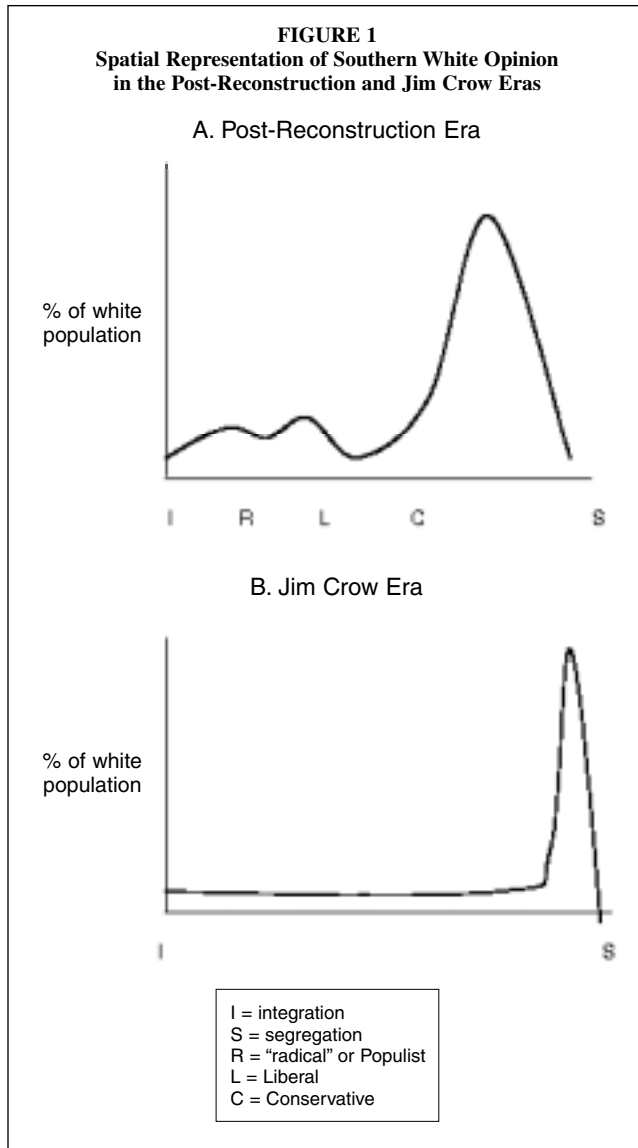
Springfield Ohio Republic, February 17, 1887, celebrating passage of the Arnett Law.¹

Woodward and the Study of Race Relations

The systematic study of the history of race relations in the United States began with C. Vann Woodward’s (1955) *Strange Career of Jim Crow*. A subtle, preliminary, formative book, it and Woodward’s subsequent writings on the subject contain many “forgotten alternatives” for research, to crib a phrase from *Strange Career* itself. After nearly a half-century of controversy, the subject attracts less attention than it once did, not because the scholarly issues are settled but because contemporary racial problems seem less pressing or less tractable. It is time to renew the academic debate by returning to its origins and building on Woodward’s insights.

During the 1950s, Woodward was the historian of change and variation in an age of consensus, continuity historiography. In *Strange Career*, he emphasized that blacks and whites had not always been rigidly segregated from each other in the South; that until the turn-of-the-century passage of Jim Crow laws, the degree of segregation had varied from sphere to sphere of racial interaction and from area to area; and that these facts implied that if the Jim Crow laws were erased, the pattern of omnipresent, absolute segregation would be shattered. Although his predictions turned out to be quite accurate, his conclusions were based entirely on an impressionistic examination of the evidence, and his basic position was sometimes unclear.

Some ambiguities in Woodward’s view are clarified in figure 1 in a one-dimensional spatial model of the sort that is often employed to analyze electoral behavior (Downs 1957). In part A, southern white public opinion in the years from about 1880 to 1896 is represented as predominantly segregationist but with small groups of dissenters and a large amount of variation in views and behavior, even



among those toward the right end of the spectrum. In part B, which describes an era that, according to Woodward, came earlier in the inland states than along the seaboard, the range of attitudes narrowed and shifted rightward. Behavior, constrained by statute, became almost entirely uniform. No doubt Woodward thought that after the passage of segregation laws, attitudes became even more consistently segregationist than before, as the memory of unsegregated practices faded. Regardless of whether these diagrams reflect exactly what Woodward had in mind, they are useful in organizing our thoughts and in suggesting hypotheses that might somehow be tested. Did Woodward mean to say that the dominant trend in the Post-Reconstruction era was for the races to mix or that there was a range of segregated and unsegregated experiences? How important were the liberal and radical strains in southern white racial thought? How wide were the differences between the postbellum conservatives and the turn-of-the-century demagogues?

How tight was the consensus on the eve of the passage of the Jim Crow laws, and how did it change through the 1960s? Different positions on each of these issues could be represented as variations of parts A and B of figure 1; and, having specified the hypotheses more explicitly, analysts might be able to devise more precise tests of them. Although the hypotheses about the Jim Crow thesis will not be tested in this article, they illustrate how suggestive a simple spatial model can be. Conversely, as will subsequently be demonstrated here, different relationships between aggregated variables, such as the date of passage of a law and the proportion of New England-born or southern-born persons in a state, may imply different distributions of public opinion and behavior.

A pathfinder who occasionally took wrong or indistinct trails, as all pioneers do, Woodward was often waylaid by critics, many of whom lacked his breadth and subtlety and therefore misdirected the course of scholarship. Instead of trying to delineate more explicitly than had Woodward the places, times, and manners of segregation and discrimination, and the opinions associated with each behavioral pattern, followed by an explanation of those differences, those who purported to test his thesis usually concentrated on average or modal patterns of race relations in one state, era, or social sphere at a time (e.g., Logan 1964; Smith 2002). Was separation usual in public schools and churches after 1865? Were passengers on railroads in Virginia or South Carolina generally segregated after Reconstruction (Wynes 1961; Williamson 1965)? Were bars and other places of public accommodation in antebellum New Orleans open or closed to interracial contact (Fischer 1974)? Were blacks typically discriminated against in the prewar North (Litwack 1961)? Did segregation replace exclusion from services open to the white public in the Reconstruction and Post-Reconstruction eras (Rabinowitz 1978)? Was the upsurge of lynching and racial discrimination during the 1890s the result of sexual frustrations, exacerbated by the symbolic emasculating effects of economic depression on southern white males (Williamson 1984)? Thus, with some exceptions, such as John W. Cell's (1982) comparison of the American South with South Africa, Woodward's successors narrowed his focus instead of expanding it, and they did so in ways that made a comprehensive evaluation of the Woodward thesis or the development of more general hypotheses about race relations impossible, because they minimized the potential variation in the condition to be explained, the degree of discrimination.

They failed as well to build on social scientific models of race relations or, indeed, to espouse any explicit models, either borrowed or original. This failure was not true of Woodward. In *Strange Career*, he embraced the John Dollard/Gordon Allport "scapegoat" thesis to explain the rise of Jim Crow laws (Dollard et al. 1939; Allport 1954). Conservatives, their honor besmirched by the methods that they used to squelch dissent in the nineties, joined with soured

Populists, he thought then, in taking out their frustrations on blacks. Returning to the problem in his 1971 essay, "The Strange Career of a Historical Controversy," Woodward adumbrated two more schemes drawn from sociology and anthropology—Pierre L. van den Berghe's (1967) "paternalistic" and "competitive" ideal types of race relations and Philip L. Mason's (1962) three stages of race relations: certainty, challenge, and crisis.² "What is needed," Woodward (1971, 242) remarked, "is a theory, a model, perhaps a typology of race relations that would conceive of the historical problem of segregation not as one of dating origins at a point in linear time but of accounting for the phenomenon in whatever degree it appears." Behind the literary façade an inveterate social scientist, Woodward never fully embraced any of these models, but his example points to the need for explicit theoretical discussions in historical treatments of race relations.

If Woodward set out to show that segregation was not the natural order of things, the second trailblazer in race-relations history, Leon Litwack (1961), aimed to demonstrate that the white problem was not purely southern. Whereas the one looked for dissent and differences, the other sought evidence of a white-supremacist consensus. Ironically, perhaps even impishly, the transplanted southerner Woodward (1971, 238) embraced the ineffably Yankee Litwack's findings, judging them ample support for Tocqueville's (1961, 427) famous observation that "the prejudice of race appears to be stronger in the States which have abolished slavery, than in those where it still exists; and nowhere is it so intolerant as in those States where servitude has never been known." But the analyses of many of Litwack's interior chapters, which are often quite nuanced and careful, do not always support his generalizations, expressed most forcefully in the preface and concluding chapter, on the solidity of the racist consensus; he provided little support for his contention that there were no substantial party differences on racial policy; and his temporal endpoint allows him to finesse the problem of change in northern racial attitudes, which began to increase dramatically after 1860.

Litwack, of course, realized that not all northerners agreed on all aspects of racial policy. Most, he thought, favored voluntary or forcible colonization of blacks or segregation, but white abolitionists such as William Lloyd Garrison and political antislavery men such as Charles Sumner, Litwack admitted, were staunch racial egalitarians and integrationists. His conclusions suggest that he implicitly employed a one-dimensional spatial model of white racial attitudes, such as in figure 2, where slavery or perhaps expulsion would appear on one end of a spectrum, which moves from "apprenticeship" statutes through the right to testify in court cases, to jury duty, equal access to public accommodations, voting, school integration, and racial intermarriage. (The placement of policies on the line and the distances between them are meant to be merely illustrative.) Each person or group is assumed to have a preferred

position or "ideal point" on the line expressing his, her, or their attitude(s) on what public policy should be followed. For instance, a racial moderate might believe that although blacks should serve on juries they should not be granted suffrage, whereas an extreme racist would favor exclusion or slavery. Neither position would be contradictory on this scale. What would be illogical—and this shows the accord of spatial models with common understanding—is for one who espoused school integration, for example, to object to letting blacks testify in court.

To represent other facets of racial attitudes, we can extend this one-dimensional model into what I (Kousser 1990) have elsewhere called an "opinion matrix," such as table 1. Entries in the first row correspond to an individual's scale position on each of several attitude dimensions, such as race, religion (perhaps scaled from liturgical to pietist), tariff policy (from protectionist to free trader), liquor regulation (wet to forced dry), and so forth. An individual's attitudes may be highly correlated—for example, he may be an extremist on all issues—or the attitudes may be unrelated or confused—that is, extremist on some, moderate on others. The attitudes of a group or of all individuals in an area can be represented as averages of everyone's first row.

To capture the idea that some views are held more energetically and more doggedly than others, I have added two other rows, one for intensity and one for certainty. Scaling each row of the matrix arbitrarily from 1 to 10, for instance, we note that our hypothetical individual feels very strongly about religion and less intensely but more certainly about

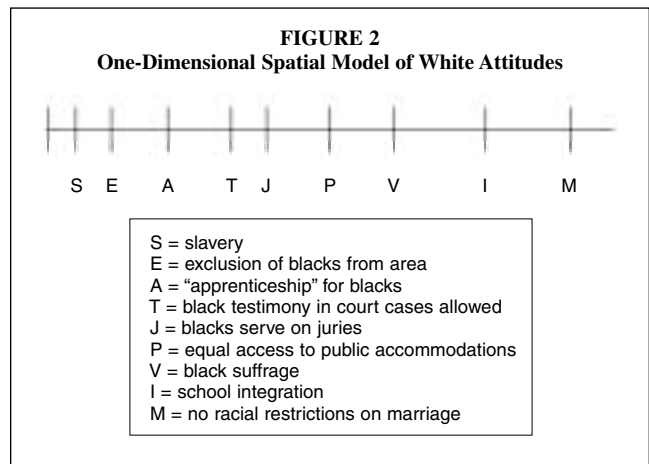


TABLE 1
Hypothetical Individual's Opinion Matrix

Opinion components	Issues			
	Race	Religion	Tariffs	Liquor
Position	4	3	10	9
Intensity	3	2	5	1
Certainty	6	8	2	4

tariffs, an issue on which his or her belief is firmly set, though the matter is not very important to the individual. Even though this matrix representation obviously neither prejudges nor predicts anything, and estimating it fully for any historical group would no doubt be impossible, it does provide a heuristic device for an examination of possible attitude and behavior differences across times, places, groups, and individuals.

Implications of the Heuristic Models

The dimensional and opinion matrix representations help to delineate the six ways in which racial attitudes and behavior can vary: (1) over time, (2) over space, (3) in weight, (4) in strength, (5) in the degree of connectedness of attitudes or actions on subjects identified by various observers as “racial,” and (6) in the correlations between such beliefs and acts and those on other subjects. Let me illustrate each of these types of variation.

The first two variations concern time and space. Individuals might change their positions as they age or move, becoming, for instance, more settled in their partisanship when older or more “southern” if they move to the South (Brown 1988, 61–65; Erikson, Mackuen, and Stimson 2002, 142–44, 174–81). The average person in a region, society, or subgroup might become more liberal as a result of a set of events, such as the civil rights movement (Schuman et al. 1997, 109), or the modal national position on slavery might have shifted as white southerners became a smaller percentage of the late antebellum population in the United States. People who resided in areas with no dominant class or ethnic group might become more tolerant of such differences than those who lived in more homogeneous places and much more so than those whose neighborhoods were composed of two roughly evenly numerous sets of persons (Duckitt 1992, 118–19, 185–86; Blalock 1967).

A third kind of variation lies in the importance of an opinion, either for an individual or for a group (Cantril 1946; Kelman 1961). As the percentage of southern and eastern European immigrants grew markedly in the late nineteenth and early twentieth centuries in the North, the black/white line, one may speculate, simply was no longer so important. Race relations in the region entered a period of comparative neglect, sometimes benign, sometimes malign. Even if Americans of northern European extraction maintained their belief in “white supremacy,” the issue became one of so little significance, given the relatively small number of blacks around, as to be easily compromised.³ Likewise, in the Civil War or World War II, concern with other white American, European, or Asian enemies overrode that with black fellow citizens, and a Thirteenth Amendment or a Fair Employment Practices Commission could pass, regardless of whether white attitudes toward blacks as such shifted very much (Klinkner and Smith 2001).

Fourth, the assurance with which an attitude is held can change dramatically among one or many individuals. In 1956, only 30 percent of white southerners who had attended college favored integrated schools, even in principle; by 1968, 70 percent did. In 1968, the year after the Supreme Court declared laws against racial intermarriage unconstitutional, 80 percent of white southerners still favored such laws; by 1974, only half did (Schuman et al. 1997, 110, 115). What had seemed to Ulrich B. Phillips (1939) in the heyday of segregation as the central theme of southern history now appears but a passing fancy, though it took a long time to pass.

A fifth difference is that people’s beliefs might be disjoint, or they might be tightly constrained so as to form a full-blown racialist ideology (McGuire 1989, 49–51). Before the nineteenth century, for instance, it is doubtful that such an ideology existed, and people may just not have had a detailed racial dimension in their attitude structures as yet, or what we now think of as racial issues may not all have been considered racial then (Gossett 1963, 53; Wright 2000, 193–98). Similarly, after the passage of the Thirteenth Amendment, the proslavery position was no longer viable in the United States, so the range of the spatial dimension narrowed. The extent of a dimension might also be altered in other ways, as the racial scale has been in America since 1965. Today, few white Americans believe that blacks should be prohibited from voting or that segregated public accommodations should be allowed, but most oppose affirmative action in employment and overwhelming majorities are against busing schoolchildren for racial balance (Page and Shapiro 1992, 68–73; Sniderman and Carmines 1997). Thus, the degree of connectedness in attitudes or behavior and the effective extent of the choices can change both for individuals and for societies.

Three examples will show how the relations between issues, the sixth type of difference, can be modified at the macro level. Before Fort Sumter, the desire to preserve the Union and the wish to end slavery worked at cross purposes. Afterward, especially after 1862, most people in the North apparently felt that it was necessary to end slavery to restore the Union (Parish 1975, 226–61). Likewise, black suffrage, as Phyllis Field (1982) has shown, became a party issue in the late 1850s, and by 1869 in New York, the correlation between attitudes on suffrage and those on other issues that divided the Democratic and Republican parties was apparently almost perfect. In 1846, that correlation had approached unity only for members of the antislavery Liberty Party. Thus, by 1860, Democrats who were not against black voting per se might have voted against it in an attempt to assist the Democratic Party, and vice versa for the Republicans. Once it became an accomplished fact, however, the linkage between impartial suffrage and the complex of issues and interests that composed partisanship shifted. This shift helps to explain why, after the ratification of the Fifteenth Amendment in 1870, and again after the passage of the Voting Rights Act in 1965, Democrats such as Clement

L. Vallandigham of Ohio, whose vocabulary had seemed for years to consist solely of the word *nigger*, suddenly took a “new departure” in the 1870s, or demagogues like George C. Wallace began to have their pictures taken with civil rights agitators and to crown black homecoming queens in the 1970s (Grossman 1976, 15–59; Carter 2000, 461).

Finally, it has often been noted that the integration of public accommodations was much less controversial during both the First and Second Reconstructions than was the mixing of schoolchildren (Page and Shapiro 1992, 73–75; Foner 1988, 532–34, 550, 553–56). But if more than one attitudinal dimension is involved in opinions on such issues, the observation becomes much less difficult to explain. Riding alongside black people in streetcars or city buses or even airplanes and trains for a relatively short time represents for whites at most a rather minor symbolic gesture toward equality. Sending one’s children to a school dominated by the recently enslaved, during Reconstruction, or by tough ghetto kids, in more recent times, may reasonably seem to middle-class parents of any ethnic group to be a multidimensional issue involving values other than racial egalitarianism. Thus, opposition to busing may not only represent thinly disguised racism but may also reflect the fact that people’s views on busing tap two or more underlying value dimensions (Sniderman and Piazza 1993).

Partly because particular issues, such as school integration, may pertain to more than one norm, behavior may not perfectly reflect what seems to be the most closely connected attitude. In the present day, for instance, social psychologists have found that many fewer whites favor governmental action to enforce school or public accommodations integration than say they agree with the principle of integration (Schuman et al. 1997, 99–138). Although the explanation of this disjunction is a matter of considerable controversy, the seemingly dominant view is that the “principle/implementation gap” is the result of a clash in positions on the desirability of governmental action (Sears, Sidanius, and Bobo 2000). That is, many who favor integration in principle but oppose enforcement do so not because they are really racists at heart but because of a sincere libertarianism (Sniderman and Piazza 1993). Conversely, to hew to the party line, some Republicans and Democrats in the nineteenth century favored or opposed civil rights for African Americans (Kousser 1999, 38–49). The larger implications for historians are that attitudes and behavior must not be assumed to have been perfectly correlated and that if our ultimate end is to explain how and why people acted as they did, we should not mistake an often imperfect indicator—an attitude—for the true object of attention—a behavior (Duckitt 1992, 25–42).

A flexible scaffolding such as the one previously outlined is appropriate for a period as full of complexities and contradictions as the present. Today, the growth of an educated, affluent class among blacks has allowed many whites to believe that racial discrimination against African Americans

no longer exists (Kluegel and Smith 1986, 185–96; Thernstrom and Thernstrom 1997). Yet, simultaneously, everyone recognizes the existence of a black urban underclass that seems largely trapped in poverty, crime, sickness, unemployment, and crumbling government services (Wilson 1987).

The scaffolding also focuses attention on methodological issues that historians of race relations have too often ignored: questions about the representativeness of statements and the pervasiveness and strength of attitudes and behaviors in particular times and places and across these periods and regions. Ignoring issues of research design has allowed historians to prove what they want to by emphasizing different eras or people. Pessimists can dote on lynchings, the Klan of the 1870s, the “scientific racists” of the 1890s, or the “massive resisters” of the 1950s (Litwack 1998; Nolen 1968; Bartley 1969). They can quote scattered private or defensive or reflective statements by Ben Wade or David Wilmot or George W. Julian or Abraham Lincoln in an effort to undercut their staunch support for emancipation or civil rights laws (Berwanger 1967, 125–26; Voegeli 1967, 180–82). They can spotlight the ravings of Thomas Dixon or Rebecca Latimer Felton without considering their typicality or influence or, as Litwack does at one point, cite Jefferson Davis as an authority on northern attitudes toward school integration (Williamson 1984; Litwack 1961, 116). They can, as most of the authors of “whiteness studies” do, concentrate entirely on vaguely defined cultural trends or sentiments, ignoring, for instance, more concrete political battles that might force them to confront the fact of wide and deep disagreement between subgroups of “whites” over ethnic and “racial” issues. (For critiques of the whiteness studies, see Arnesen 2001; Kolchin 2002.)

Conversely, optimists, though in a minority among historians, can stress the achievements of the abolitionist movement, Reconstruction, and the civil rights movement (Aptheker 1992). They can comfort themselves with empty rhetorical commitments to black rights by postwar southern “paternalists” (Woodward 1955, 53) or their twentieth-century counterparts, North as well as South. Radicals of both left and right can agree that the history of American race relations has been an unending tale of woe, the one to shock white consciences and produce conversions, the other to convince people that governmental action is bound to fail, so why not give up (Litwack 1998; Berger 1977)? If the history of race relations is to become more than the often contradictory expressions of individual historians’ values, it must become more comprehensive, self-conscious, and systematic.

State Regulations of Black Admission to Schools in the Nineteenth-Century North

The spatial-modeling and opinion-matrix frameworks not only illuminate previous scholarship and issues, but also are useful in examining changes in northern laws on racial discrimination in schools in the nineteenth-century North. A

largely unexplored subject, the development of these laws offers a unique window into changing white racial attitudes and behavior. Agitation for local and state school-integration statutes dates from the 1840s and spans all periods—antebellum, Civil War, Reconstruction, and Post-Reconstruction—in the nineteenth century (Kousser 1986, 1988, 1991). The campaigns had varying degrees of success in a range of states that contained appreciable numbers of blacks (more than about half of 1 percent of the state's population), and both the movements and the laws were sufficiently similar to make for an adequate degree of comparability. Because some of these laws have attracted attention from previous historians, an outline of the chief events and some guides to the identity, actions, and motives of proponents and opponents are available. Enough is known, though it will not be presented here, of the effectiveness of the laws to enable us to be sure that these were not merely symbolic, widely evaded, and therefore meaningless legalisms.

Although state laws guaranteeing integrated access to public accommodations represented a nearly uniform northern reaction to the debates over the U.S. civil rights law in 1873–74 or to that law's invalidation by the U.S. Supreme Court a decade later, moves toward equality in public schools in the North differed in time and circumstances sufficiently to rule out obvious and therefore less interesting explanations. Like the enactment of Jim Crow laws in the late-nineteenth and early-twentieth-century South, the northern school statutes cannot be trivially accounted for and, like the Dixie regulations, they had significant effects on behavior. In many respects, reversed images of the growth of southern practices, on which the debate on the history of race relations has heretofore focused, the northern actions on racial discrimination in schools must be part of any thorough analysis of patterns of race relations in U.S. history.

The struggle over state laws began in Massachusetts in 1845, when the abolitionist Wendell Phillips drafted a bill prohibiting local school committees from excluding any child from any school on the basis of race. Watered-down in committee and on the floor of the legislature to guarantee only the right to sue if a child were denied schooling, and implicitly leaving to courts the decision as to whether segregation was "reasonable," the bill is a convenient starting point for considering the provisions of education laws relating to race over the course of the nineteenth century. Massachusetts law in 1845 neither authorized nor forbade school segregation, nor did it mention whether blacks could be excluded from or had to be granted admission to any school at all. Although school boards in some towns had relegated black students to separate, inferior schools from time to time, by 1846 the only outposts of segregation were Boston, Worcester, and Nantucket, and Nantucket fell to the integrationist assault within a year. Apparently, neither courts nor school boards in the Bay State had ever interpreted the silence of state law to allow the total exclusion of black students from public education (Kousser 1988). In such states

as Indiana, on the other hand, legislative inaction was taken to authorize local option on including blacks or at least mulattos (who were sometimes granted the status of their Caucasian rather than their darker forebears in the antebellum Midwest), in either common or segregated schools.

In the North as a whole, state legislatures might guarantee blacks some entry into public education, at least so long as a sufficient number to form a school—usually defined as between 15 and 30 children—resided in a local area. When there were too few black children to segregate, judges might order school districts to combine with neighboring localities, to integrate, or to subsidize private teaching for blacks; even after passage of the Fourteenth Amendment, districts might be allowed to let African American children go without education. Different provisions might govern cities of varying sizes, generally permitting segregation in larger, but not smaller, urban areas. For example, in Kansas, such "first-class"—that is, larger—cities as Topeka (home of the 1954 *Brown* case) were allowed to segregate students after 1879, but "second-class," or smaller, cities were banned from doing so from 1874 on (Kousser 1991). See table A1, which summarizes the basic legislative actions in 15 states.⁴

Because laws are what the courts say they are, and the courts sometimes interpreted statutes containing very similar provisions quite differently or different language as having the same effect, the laws were not always what they seemed. For instance, the racist Massachusetts Supreme Judicial Court ruled in 1850 that legislative silence left the decision to segregate to local authorities, despite general egalitarian language in the state constitution; whereas the liberal Iowa Supreme Court in 1867 interpreted the removal by the legislature of explicit authority to segregate, coupled with grand state constitutional pronouncements similar to those of Massachusetts, as justification for invalidating segregation (*Roberts v. Boston*; *Clark v. Board of Directors*). The Republican-dominated Illinois Supreme Court and the Democratic-controlled New York Court of Appeals glossed very similar civil rights laws that the legislatures of the two states passed in 1873 and 1874 to forbid segregation in Illinois but not in New York (*King v. Gallagher*; Kousser 1986, 1988).

Nonetheless, the basic pattern of the laws seems fairly clear (see table 2). Massachusetts was certainly the first state to act and the only one to take a decisive stand for integration before the Civil War. Iowa, Rhode Island, Michigan, and Connecticut followed by 1868. Kansas outlawed segregation in 1867, only to partially reinstate it later that year, as well as in 1868 and 1872; abolish it again entirely in 1874 and 1876, allow it again in big cities in 1879; and fight over it repeatedly for the rest of the century. During the discussion of the national civil rights bill in the 1870s, a spate of bills were proposed and passed in Illinois, New York, and Kansas. In 1873, Nevada, which at the time had too few African Americans to form a viable school in any town, implicitly accept-

TABLE 2
Racial Liberalism Index: State Ranking for Time and Degree of School-Integration Legislation

State	Year of action	Ranking
Massachusetts	1855	1
Iowa	1860	2
Rhode Island	1866	3
Michigan	1867	4
Connecticut	1868	5
New York	1873	6
Nevada	1873	7
Illinois	1874	8
Kansas	1874	9
California	1880	10
Pennsylvania	1881	11
New Jersey	1881	12
Ohio	1887	13
Indiana	— ^a	14
Missouri	—	15

^aAllowed local-option integration statewide.

ed the logic of an 1871 opinion by its state supreme court to the effect that segregation was infeasible in that almost-deserted state. California, Pennsylvania, and New Jersey all passed school-integration laws in 1880–81, and after a long and bitter struggle Ohio passed one in 1887. The Indiana and Missouri legislatures considered such provisions, and blacks in northern Indiana usually enjoyed free entry into the common schools, but integrationists failed to compel statewide integration in either state until the mid-twentieth century.

Statistical Methods for Explaining Trends in Changes in Laws

In an earlier version of this article, I used ordinary least-squares regression (OLS) to analyze what produced the temporal pattern of adoption of school-integration laws in the nineteenth-century North. The dependent variable was the year of passage in each state, different combinations of quantifiable social and political factors served as independent variables, and each was measured only during the year the law passed. Thus, the total number of cases was only 15 (the number of states), and the amount of data that had to be collected and entered was quite limited. The implicit questions addressed were (1) what social and political conditions were present in the year of the event—and not in any other year—that caused the states to adopt such laws in the order that they did, with Massachusetts first and Indiana and Missouri not at all, and (2) what explained the intervals between passage.

The method was unsatisfactory for three principal reasons: First, it left out data for the years before states adopted the laws. Suppose, for example, that in California the integration law was adopted (as it was) in the year that Republicans gained solid control of the government after a period of divided party rule. Then the year of passage might

correlate highly with a measure of a surge of Republican support. The trouble with this approach is that Republican support might have surged in this or other states at other times without the concomitant passage of an integration law. Is it proper in such circumstances to posit a causal relationship between the two variables?⁵ Second, I was forced to treat the two states that never at all adopted an integration law during the period as if they had done so in the last year considered; otherwise, their values of the dependent variable would have been missing. But to include them with incorrect values is to distort the actual historical relationships, whereas to exclude them is to discard potentially useful data—why states with the same social and political traits as Indiana and Missouri never took action might illuminate the reasons why the other states did adopt these laws. For example, there may have been no Republican surges, or only small ones, in such states, and no school integration law passed. The data for subjects (states, in this example) that never took the action at issue during the time period when they are observed are referred to as “right censored,” and OLS can do nothing to alleviate the problem. Third, OLS may give out-of-range predictions—for instance, that a state with certain traits would adopt a school-integration law in 1915. Nonetheless, because I was using information only for the years 1852 to 1890, such a conclusion would not be supported by the data.

Political scientists and sociologists—though not, so far, historians—have turned to “event-history” methods to deal with such problems (e.g., Pavalko 1989; Kim 1996; McCammon 1998; Zorn 2000; Box-Steffensmeier and Zorn 2001).⁶ Largely developed for biomedical and engineering applications to measure the efficacy of different drugs, treatments, or industrial designs, the techniques are now widely available on such software packages as STATA, which I used (Allison 1984; Yamaguchi 1991). In their application to the problem of the date of passage of a law, the techniques require one to record the values of all independent variables from the beginning of the period until the event (passage, in this case) occurs.⁷ The dependent variable is coded zero for the prepassage years, and one for the passage year. If the law never passed, the value of the dependent variable remains zero throughout. Values of all variables for the state after the year of adoption are ignored. Defining the period as 1852 to 1890 to allow for an election before and one after the passage of each law requires the entry of data for 335 state-years, instead of 15. Thus, the methods cure OLS’s three problems in its application to trends in events.

Although there are many technical problems and choices that are too complicated to be discussed in a primarily substantive article,⁸ one key concept and one assumption must be mentioned. The concept is that of a *hazard ratio*, which in this instance is the probability that in any particular year a law will be adopted by a state with certain characteristics that has not adopted one before. For example, after Massachusetts passed a school-integration law in 1855, there were

14 more states that are said to have been, in a reflection of the biomedical origins of the technique, “at risk.” The “hazard” that Iowa, for instance, would act in 1856 is estimated by measuring all the traits of all the states for all the years until the year that they passed these laws and comparing them with Iowa’s traits in 1856. For any particular variable, a hazard ratio above 1.0 indicates that the variable made a state more likely to pass an integration law, a ratio below 1.0 indicates that the variable made a state less likely to do so, and the usual significance tests are for whether the hazard ratio is above or below 1, not—as is more common with significance tests—whether a coefficient is above or below 0. The key assumption is whether the overall hazard rate is constant—for example, whether the relationship between the percentage Republican and the passage of a law is the same throughout the period, or whether it varies from year to year. One can relax this assumption by splitting the period into subperiods or by including dummy variables for parts of a period, such as variables that take on the value 1 for the two periods, 1866–68 and 1873–74, when several states passed school-integration laws.

Explanations of the Trends

What suggestions have historians and other social scientists offered that might account for the order in which the states adopted school-integration laws? The three theories that attracted Woodward do not apply here. Scapegoating cannot explain a liberalizing trend, and the van den Bergh and Mason schemata are insufficiently fine grained, for all the northern cases fit into the “competitive” and “conflictual” stages. The motif—it will hardly do to term it a theory—of successive waves of reform and reaction or inaction, of dramatic shifts of “policy moods,” simply does not track the evidence (Meier 1976, 207; Stimson 1991). True, the Reconstruction years saw the passage of more school-integration laws than at any other point, but four states acted in the 1880s, and the New York legislature reaffirmed its commitment to integration in 1900. Moreover, because school integration was rarely by itself a major issue in statewide northern political campaigns, it is hard to see it as a major component of any policy mood.

Nor does the historian’s all-purpose null hypothesis, that everything forever remained the same everywhere, deserve more than passing mention in this instance, unless one believes that the laws were completely unenforced, which is demonstrably untrue,⁹ or that integration made no “real” difference in black or white people’s lives, which probably rests on an unstated value judgment about the primacy of economic well-being. Black children in Clermont County, Ohio, who no longer had to walk five miles each way to a “colored” school, passing several “common” schools along the way, would not have doubted that integration made a difference (*U.S. v. Buntin*); neither would black parents in most towns and small cities in the East and Midwest, whose

children’s elementary schools were no longer ignored by school boards in the late nineteenth century because the schools usually contained a majority of white children.

Another possible explanation is that school segregation faded fastest where it was least practicable. In areas with few African Americans, it was so expensive to maintain a dual school system that monetary considerations might have moved whites who would otherwise have opposed integration to acquiesce in it. It was worth only so much to exercise one’s prejudice.¹⁰ For blacks, there were factors of both convenience and cost. Those African Americans who were excluded from schooling entirely because of their race’s small numbers in an area, or who had to walk great distances to get to consolidated colored schools, or whose education was cut short because there were too few black children to justify offering instruction in the “higher grades,” might have been especially likely to demand integration.¹¹ On the other hand, in areas of dense black settlement, such as the largest northern cities, the importance to the community of the black schools and, to black teachers, of the jobs that those schools provided, also might have strengthened the relationship between the ease of segregation and its longevity. In most places, blacks knew they would not be employed to teach in common schools, so integration posed real costs not only to black teachers but also to black students who might find it uncomfortable to have only white teachers (Gerber 1976, 190–208). In terms of the opinion-matrix representation of table 1, costs that were essentially nonracial in themselves might have counted so heavily in white individuals’ considerations as to outweigh prejudicial concerns on the issue of instituting or continuing segregated schools.

However plausible in the abstract and however true of individuals, the cost/convenience hypothesis does not account for the pattern of state legislative actions. Table 2 distills the most important facts of table A1 into a more testable form, ranking the 15 states by the temporal order in which each adopted integration measures. (Hereinafter, to facilitate the detection of patterns of apparent correlation, I listed the states in the tables in the order in which they adopted integration laws.) Table 3 indexes the same states by the percentage of blacks living in urban areas in approximately sufficient concentrations to form separate schools.¹² According to the hypothesis, the greater the percentage that resided in places where segregated schools were feasible, the less the pressure for integration. In fact, the ranking in table 3 comes close to inverting the ranking of table 2. Massachusetts and Rhode Island were two of the first three states to integrate, though they were among the easiest to segregate. Separation was quite inconvenient in rural Missouri and nearly as inconvenient in Indiana, but the legislatures of both those states resisted integration throughout the period.¹³ The bivariate correlation coefficient between the year of integration given in column 1 of table 2 and the 1880 “convenience” percentages is -0.35 , and the compara-

TABLE 3
How Convenient Were Segregated Schools?
State's Black Population in Clusters Large Enough
to Support a Segregated School for Blacks (%)

State	Free people of color in towns containing > 200 free people of color (%)		Blacks in towns > 4,000 total population, with black population > 200 (%)		Black population aged 5–20 in towns > 2,500 total population, with > 29 blacks aged 5–20 (%)
	1850	1860	1870	1880	1890
Massachusetts	46.1	57	58	65.7	75.4
Iowa	0	0	33.1	40.6	54.9
Rhode Island	70.2	77.4	78	75.6	88.8
Michigan	14	38.8	38	36.9	34.6
Connecticut	34	43.2	41.8	48.5	69.6
New York	65	64.1	48.2	59	65.8
Nevada (territory)		0	0	0	15.2
Illinois	14.2	17.8	31.4	39.0	49.7
Kansas (territory)		40.2	42.1	38.5	53.2
California	0	38.4	40.9	44.5	44.5
Pennsylvania	56.7	56.1	53.8	59.3	64.3
New Jersey	39.2	62	24.7	40.8	48.1
Ohio	37.3	43.4	30.5	37.5	51.8
Indiana	18	23.2	31.7	37.6	57.7
Missouri ^a	53.4	49.1	28.6	29.6	41.5

^aSlaves not included for Missouri in 1850 or 1860.

ble event-history hazard ratio is statistically very insignificantly different from 1.0.

The cost/convenience explanation fails here for three reasons: First, the burdens of separate and unequal schools could largely be passed on to blacks. White children were not denied a full education or forced to walk great distances, and most white parents in such areas did not consider integration a positive good per se. Unless courts enforced the equality part of separate but equal, these were, for whites, merely external costs that the blacks had to bear. Second, local successes of individual blacks who suffered the most from segregation reduced the pressure for statewide action. Whatever the causal relationship involved, whites who expressed the most liberal racial attitudes tended to live in areas with the smallest concentrations of blacks, and in those areas integration came early, quietly, and locally. Thus, those blacks with the least stake in segregation and the least to lose by speaking out and those whites who were the blacks' most natural allies lost the incentive to force state-integration mandates. Third, black activism was largely urban, and its traditions, incubated in the abolition and equal rights movements, were inclusionary and egalitarian. In the First Reconstruction, even more than in the Second, black leaders had to be convinced that the ideal of color-blind treatment was unattainable before they settled for the best they could do in a segregated system. That pessimistic conviction never became settled dogma in northern black communities in the last half of the nineteenth century, and any ray of hope—through a court case or petition to a school board, for example—could set off an integrationist move-

ment. Self-interest and the integrationist ideal would have to be redefined to be unequivocally at odds with each other before African Americans would submit to segregation.

Related to the convenience hypothesis is the observation that race relations tend to vary inversely with the percentage of the subordinate class in the population. This often-noted empirical regularity is a correlation in search of a rationale (Blalock 1967). Applied to electoral politics, its unstated premise is that the perceived interests of the two (or more) groups are conflicting and that members of the dominant group will therefore lose governmental offices and/or benefits if the other group(s) participate in politics at full strength (Key 1949). Applied to schools, there are two possible mechanisms for the hypothesis: First, the subordinate class might have traits other than the identifying one (e.g., race, religion, caste, class) that the dominant group fears might damage its children if the two integrated. For instance, a history or tradition of lack of education, perhaps because of past discrimination, might suggest that the minority group would consist disproportionately of low achievers whose presence would reduce the quality of education offered in a newly integrated school. Second, the dominant group might hold "pure" or irrational prejudices that would gain weight with the size and potential degree of contact with the out-group. Rubbing elbows every once in a while with minority group members might be overlooked, but frequent personal interactions with a large number might be considered sufficiently objectionable to the members of the prejudiced majority for them to voice their opinions loudly or to exit from the contact.

Most scholars who have emphasized the minority percentage as a determinant of race relations (e.g., V. O. Key Jr. and Hubert Blalock) have treated cases in which the “minority” actually constituted a majority or a near majority of the populace in certain areas. Why should such small differences and relatively tiny percentages as those revealed in table 4 have caused large differences in cultural outlooks? The percentages of blacks in Massachusetts and Indiana in 1860 were almost exactly the same, but in the one, blacks enjoyed nearly every civil right, whereas in the other, they were barred by law from schools, juries, and the polls. No more than 1 in 12 denizens of any of the 15 states was black after 1870, but much of the edifice of legal proscription remained, and it was dismantled at different rates from state to state.

Yet it should be noted that these populations were not evenly spread over the states. In the Midwest, for instance, black concentrations along the Ohio and Mississippi rivers were often fairly dense, although north of the National Road (approximately the current Interstate 70), there were very few African Americans. Topeka’s black percentage in 1880 was only three points below that of New Orleans. Pockets of black settlement often aroused local politicians to lead the resistance to integration in the legislatures, whereas solons from more “enlightened” regions, whose schools were usually integrated fairly easily and uneventfully, often felt no compulsion to fight. An event-history regression of the date of passage on the percentage black in each state yields a regression coefficient that is just barely significant at the conventional .05 level. The higher the black percentage, the more delayed the integration law. If, however, one deletes the most heavily black state, Missouri, the hazard rate becomes insignificantly different from 1, meaning that the percentage of blacks in a state had no ascertainable effect on the probability of enacting a school-integration law in states with such small percentages of African Americans as the North in the nineteenth century.

Small differences in the black percentages were associated with distinctions in racial attitudes among whites, but at this level of “threat,” the attitudes of whites seem to have been rather malleable. In other words, whites may have been less faithful to their racial attitudes and behavior in the nineteenth century than we have often been led to believe. This finding would be consistent with low numbers in the relevant “firmness” row of the opinion matrix in table 1.

Whatever traits it proxies, whether socialization in places where certain racial, religious, or other attitudes were prevalent, or the existence of otherwise unmeasurable characteristics, such as association with a southern or a New England theological tradition, birthplace in a particular region within the United States has often been associated with a distinctive position on racial issues. The “Little Dixie” or “Egypt” areas of the North, it was said, came by their racial exclusivism as naturally as did the Yankee-dominated districts their comparative openness to blacks (Gerber 1976, 9–14). Those born in the southern or the Mid-Atlantic states bulked fairly large in the Midwest and Far West, sometimes making up a larger percentage of the population than the natives of any single foreign country. For example, Michigan began, in effect, as an outpost of New York, from which it drew a third of its 1850 population.

The evidence for regional effects on the passage of school laws in these 15 states is ambiguous. The percentages of each state’s population born in each region are given in table 5, and the relationships between them and the temporal order of the integration laws are summarized in table 6. Birth in the middling region explains little or none of the variance in the date of passage.¹⁴ The statistically significant effect of having a larger southern-born population in a northern state depends on whether one includes Missouri, the only late-antebellum slave state in the sample. When Missouri is excluded from the sample, the effect of southern birth drops well below statistical significance, whether in an equation by itself or in one also including New England birth. Of greater and more consistent significance is the effect of having a substantial New England-born group in a state. Even excluding the states of Connecticut, Massachusetts, and Rhode Island from the sample does not entirely eliminate the effect of New England birth on the date of passage of a school-integration law. Apparently, something about a New England upbringing—a long experience with abolition and other religious crusades, perhaps—made New England whites more tolerant of intermingling with African Americans.

But the vagueness of the mechanism by which the concept of “region” works makes such regional theses unattractive. Why did traditions of evangelical religion, if that was the relevant facet of regional experience, produce such different results on race-related issues in New England and the South? What percentage of a community did natives of a region have to reach before they dominated its value system? How did the region of origin and political-party choice combine to shape attitudes and behavior on race relations? It is also

TABLE 4
Black Residents in 15 Northern States, 1850–1890 (%)

State	1850	1860	1870	1880	1890
Massachusetts	0.9	0.8	1.0	1.0	1.0
Iowa	0.2	0.2	0.5	0.6	0.6
Rhode Island	2.5	2.2	2.3	2.3	2.2
Michigan	0.6	0.9	1.0	0.9	0.7
Connecticut	2.1	1.9	1.8	1.9	1.7
New York	1.6	1.3	1.2	1.3	1.2
Nevada (territory)	0.6	0.6	0.9	0.9	0.6
Illinois	0.6	0.4	1.1	1.5	1.5
Kansas (territory)	0.6	0.6	4.7	4.3	3.6
California	1.0	1.2	0.8	0.8	1.0
Pennsylvania	2.3	2.0	1.9	2.0	2.1
New Jersey	4.9	3.8	3.4	3.4	3.4
Ohio	1.3	1.6	2.4	2.5	2.4
Indiana	1.1	0.8	1.5	2.0	2.1
Missouri	13.2	10.0	6.9	6.7	5.9

TABLE 5
Regional Birthplaces of Whites in 15 Northern States (%)

State of residence	1850	1860	1870	1880	1890
<i>A. New England</i>					
Massachusetts	11.4 ^a	32.4 ^a	28.6 ^a	27.2 ^a	22.7 ^a
Iowa	2.9	3.7	3.2	2.4	1.5
Rhode Island	12.1 ^a	36.4 ^a	31.1 ^a	30.4 ^a	25.1 ^a
Michigan	7.8	5.1	3.5	2.3	1.4
Connecticut	5.7 ^a	20.3 ^a	17.3 ^a	17.5 ^a	14.1 ^a
New York	6.7	14.5	3.2	2.6	5.7
Nevada	(territory)	(territory)	8.2	6.1	4
Illinois	4.3	3.9	2.8	2.0	1.3
Kansas	(territory)	3.9	2.9	2.0	1.2
California	12.7	8.6	7.4	6.2	4.3
Pennsylvania	1.1	4.5	0.8	0.6	1.9
New Jersey	1	4.9	1.9	1.6	3.3
Ohio	3.3	2.3	1.6	1.0	0.7
Indiana	1.1	0.9	0.7	0.5	0.3
Missouri	0.5	1.4	0.9	0.7	1.2
<i>B. South or border^b</i>					
Massachusetts	1	1	0.3	0.3	1.5
Iowa	16.4	8.1	5.5	4.1	2.2
Rhode Island	2.2	1.7	0.4	0.4	2.2
Michigan	0.9	0.8	0.5	0.5	0.5
Connecticut	1.7	1.4	0.4	0.4	2.1
New York	1.3	1.2	0.4	0.5	2.5
Nevada	(territory)	(territory)	9.1	6.4	3.1
Illinois	17.7	10.5	8.3	6.1	3.9
Kansas	(territory)	25.7	17.7	13.0	7.7
California	26.3	12.1	8.8	7.3	4.2
Pennsylvania	10	8.7	1.4	1.6	9.5
New Jersey	4	3.3	0.8	0.9	4.7
Ohio	7.8	5.8	4.2	3.3	3.6
Indiana	18.1	12	9.3	6.9	5.7
Missouri	57.4 ^a	46.6 ^a	32.6 ^a	30.7 ^a	25.1 ^a
<i>C. Mid-Atlantic^c</i>					
Massachusetts	5.6	5.3	2.0	2.4	6.1
Iowa	12.5	15.2	13.3	10.3	7.1
Rhode Island	5.9	6	2.3	2.9	6.3
Michigan	37.7	29.1	22.9	16.9	11.1
Connecticut	21.3	20.3	6.3	7.4	18.4
New York	6.4 ^a	5.4 ^a	4.8 ^a	6.6 ^a	6.3 ^a
Nevada	(territory)	(territory)	13.1	9.7	14.2
Illinois	13.2	12.9	9.9	7.1	5.2
Kansas	(territory)	12.5	11.4	10.9	7.5
California	17.1	11.2	9.4	8.1	6.5
Pennsylvania	18.7 ^a	17.9 ^a	15.9 ^a	16.5 ^a	11.1 ^a
New Jersey	34.3 ^a	35.4 ^a	32.5 ^a	35.0 ^a	30.9 ^a
Ohio	15.8	11.6	8.8	6.8	5.1
Indiana	7.8	7.2	5.6	4.3	3
Missouri	4.4	5.9	4.3	3.6	6.3

^aSame-state-born population excluded from numerator and denominator.

^bAla., Ark., Del., Fla., Ga., Ky., La., Md., Miss., Mo., N.C., S.C., Tenn., Tex., Va., W. Va.

^cN.J., N.Y., Pa.

possible that people moved to areas where they felt ideologically compatible or that they adopted the social thinking of their destinations, rather than imposing that of the areas that they had come from. And, of course, the cultural patterns of both origin and destination areas may not have been uni-

form, thus undercutting this culturally deterministic view. Still, whatever the reasons for differences in legislative patterns among states with different percentages of citizens born in the South and New England, the differences again demonstrate the lack of uniformity in race-related behavior

TABLE 6
Hazard Ratios for Year of Integration Law: Selected Variables

Variable	All 15 states		New England excluded		Missouri excluded	
	HR	<i>p</i>	HR	<i>p</i>	HR	<i>p</i>
Convenience	1.009	.697				
Black percentage	.636	.050			.761	.375
Southern-born percentage	.905	.036			.931	.288
New England-born percentage	1.086	.000	1.224	.050		
Mid-Atlantic-born percentage	1.045	.524				
South (with New England) percentage	.923	.055			.968	.575
New England (with South) percentage	1.069	.005	1.220	.102		

Note: Years are given in table 2. HR = hazard ratio.

among whites. A northern counterpart of figure 1 would certainly show at least two modes of opinion, southern- and New England-born areas, which would be quite far apart on a scale of opinions about school integration.

Chauvinistic souls might imagine that native-born white Americans would be more imbued with democratic habits than were the foreign-born. Economic determinists who treat racism as an outgrowth of the struggle for jobs might note that immigrants generally fell into lower-status occupational categories than did native whites, and might then reason that the Irish, for instance, ought to have been more prejudiced than other groups (Bonacich 1972). Authors of whiteness studies might assert that immigrants were more status anxious or marginal than long-settled whites and therefore felt more compelled to prove their racial and new national identity by highlighting their rejection of such outgroups as blacks. All three notions would lead to a prediction that states with higher percentages of at least some foreign-born groups should have been more resistant to integration.

The aggregate data in tables 7 and 8 and the hazard rates in table 9 do not support this thesis. The higher the percentage born abroad in any place except Germany, the earlier the date of integration, and the hazard rate for the Germans was not significantly different from zero at the conventional .05 level. States containing larger percentages of whites or Asians born abroad were likely to adopt school-integration laws sooner than those with a larger percentage born in the United States, though the relationship is not quite statistically significant. When all five of the foreign-born subcategories were combined into one equation (leaving native-born persons as the reference category to which the hazard rates should be compared), the Irish, British American, and (barely) the English variables retained their statistical significance, and the effect of German birth was further reduced.

These somewhat surprising findings suggest a variant of the Madisonian argument in *Federalist 10* that large and diverse countries provide the best conditions for republicanism because no cohesive and therefore potentially oppressive majority can form. A related proposition is that

TABLE 7
Foreign-Born Whites in 15 Northern States, 1850–1890 (%)

State	1850	1860	1870	1880	1890
Massachusetts	16.6	21.3	24.5	25.1	29.5
Iowa	10.9	15.7	17.2	16.2	17.0
Rhode Island	16.6	21.9	26.1	27.4	31.4
Michigan	13.8	20.3	23.0	24.1	26.1
Connecticut	10.6	17.9	21.5	21.3	25.0
New York	21.5	26.1	26.3	24.2	26.4
Nevada (territory)		30.3	48.3	47.9	30.4
Illinois	13.2	19.0	20.5	19.3	22.3
Kansas (territory)		11.9	14.0	11.6	10.7
California	23.8	45.3	42.0	38.2	26.4
Pennsylvania	13.4	15.1	15.8	14.0	16.4
New Jersey	12.9	19.0	21.6	20.3	23.5
Ohio	11.2	14.3	14.3	12.7	12.8
Indiana	5.7	8.8	8.5	7.4	6.8
Missouri	12.9	15.1	13.9	10.5	9.3

even if there is a single majority group, such as native-born WASPs in the 1850s or 1860s, the presence of several minorities might alleviate the oppression of any one of them. In this view, it is not necessary that every majority be a coalition of minorities but only that several large-enough and distinctive-enough groups be present. What minorities must fear is being lumped together—as were the Catholics by the nativists of the 1840s, as were “hyphenated Americans” during World War I or, in South Africa, as were “non-whites” toward the end of the apartheid regime, regardless of whether they were of pure black African, Indian, or mixed African and Caucasian lineage. To put it another more pessimistic way, a minority group benefits if it is not the *sole* object of discrimination.

To examine this thesis, I divided the foreign-born, non-black population by the black population in each state (see table 9). The higher the ratio, the smaller the percentage of African Americans in a state’s population, compared with that of other distinctive ethnic groups and, presumably, the less attention black/white distinctions would receive in pol-

itics and society. In accord with the hypothesis, states with higher foreign-born-to-black ratios were likely to adopt school-integration laws earlier than those more simply divided into native whites and African Americans. The relationship was stronger (the hazard ratio was more significant) than that between date of adoption and the pure for-

TABLE 8
Whites and Asians Born in Selected Foreign Countries, 1870–1890 (%)

State	1850	1860	1870	1880	1890
<i>A. Germany</i>					
Massachusetts	0.4	0.8	0.9	1	1.3
Iowa	3.7	5.7	6.4	6.2	6.8
Rhode Island	0.2	0.5	0.6	0.7	1
Michigan	2.5	5.2	5.7	5.7	6.7
Connecticut	0.5	1.9	2.4	2.6	4
New York	3.9	6.7	7.5	7.4	9
Nevada (territory)		6.7	6	4.5	4.3
Illinois	4.5	7.7	8.5	8.3	9.2
Kansas (territory)		4.1	3.8	3.3	3.5
California	3.2	5.8	6.2	5.8	5.9
Pennsylvania	3.5	4.9	4.7	4.1	4.9
New Jersey	2.3	5.2	6.3	6.1	7.9
Ohio	5.7	7.3	7.2	6.4	6.7
Indiana	2.9	5	4.7	4.2	4
Missouri	7.5	8.3	7.4	5.5	5.1
<i>B. Ireland</i>					
Massachusetts	11.8	15.2	15	12.9	11.7
Iowa	2.5	4.2	3.4	2.7	2
Rhode Island	11.1	14.8	14.9	13.1	11.5
Michigan	3.4	4	3.6	2.7	1.9
Connecticut	7.4	12.3	13.4	11.6	10.6
New York	11.3	13	12.2	10	8.2
Nevada (territory)		9.6	12.9	9.7	6.8
Illinois	3.3	5.1	4.8	3.8	3.3
Kansas (territory)		3.6	3.2	1.6	1.2
California	2.7	8.8	10.9	8.2	5.7
Pennsylvania	6.7	7.1	6.8	5.6	4.7
New Jersey	6.7	9.6	9.9	8.5	7.2
Ohio	2.6	3.3	3.2	2.5	2
Indiana	1.3	1.8	1.7	1.3	1
Missouri	2.5	4.1	3.4	2.4	1.6
<i>C. England</i>					
Massachusetts	2.2	2.5	3	3.4	4.5
Iowa	2.5	2.1	2	2	2
Rhode Island	3.8	4.6	5.3	5.8	7.7
Michigan	3.3	4.2	3.8	3.4	3.3
Connecticut	2	2.5	3.1	3.3	3.7
New York	3.8	3.5	3.4	3	3.2
Nevada (territory)		5.8	8.9	9.6	7
Illinois	2.8	3.1	2.9	2.5	2.5
Kansas (territory)		1.7	2.5	2.1	1.9
California	4.5	4.2	4.8	4.3	4.2
Pennsylvania	2.4	2	3.3	3.1	3.8
New Jersey	3	3	3.8	3.6	4.2
Ohio	1.9	1.7	2.2	2.1	2.1
Indiana	0.7	0.9	0.8	0.8	0.7
Missouri	1.1	1.1	1.2	1	1

(table continues)

TABLE 8—continued

State	1850	1860	1870	1880	1890
<i>D. British America</i>					
Massachusetts	1.6	2.2	4.9	6.8	9.4
Iowa	0.9	1.2	1.5	1.3	0.9
Rhode Island	0.7	1.7	4.8	6.8	8.3
Michigan	3.5	4.9	7.7	9.2	8.8
Connecticut	0.3	0.7	2.1	2.7	2.9
New York	1.5	1.4	1.8	1.7	1.6
Nevada (territory)		3.1	6.1	5.9	4.3
Illinois	1.3	1.2	1.3	1.1	1
Kansas (territory)		0.9	1.5	1.3	0.9
California	0.9	1.4	2.1	2.5	2.3
Pennsylvania	0.1	0.1	0.3	0.3	0.2
New Jersey	0.1	0.2	0.3	0.3	0.3
Ohio	0.3	0.3	0.5	0.5	0.5
Indiana	0.2	0.2	0.3	0.3	0.2
Missouri	0.2	0.3	0.5	0.4	0.3
<i>E. Other foreign-born</i>					
Massachusetts	0.3	0.6	0.7	1	2.6
Iowa	1.4	2.5	3.9	4	5.3
Rhode Island	0.3	0.3	0.6	1	2.9
Michigan	1.1	1.7	2.2	3.1	5.4
Connecticut	0.3	0.5	0.5	1.1	3.8
New York	0.9	1.4	1.4	2.1	4.4
Nevada (territory)		5.3	14.4	18.2	8
Illinois	1.2	2	2.9	3	6.3
Kansas (territory)		1.6	3	3.3	3.2
California	13.1	18.7	18	17.4	8.3
Pennsylvania	0.3	1.1	0.7	0.9	2.8
New Jersey	0.5	1	1.3	1.8	3.9
Ohio	0.7	1.6	1.2	1.2	1.5
Indiana	0.4	0.9	1	0.8	0.9
Missouri	1	1.3	1.3	1.2	1.3

eign-born variable. And the foreign-born-to-black ratio retained its significance (as the pure foreign-born variable did not) when New England birth was controlled for. By contrast, when variables representing particular subgroups (Irish, German, English, etc.) were entered into an equation containing the New England–origin variable, their relationships with the date of adoption of a school-integration law dropped below statistical significance.

The ways in which blacks benefited in the struggle for school integration by not being the sole or largest minority are evident in two striking examples that span the country. In 1854 in Massachusetts, the Know-Nothings, who had been secretly and thoroughly infiltrated by the Free Soilers, swept the state in a fever of anti-Irish and antislavery sentiment and immediately proceeded to outlaw racial segregation in public schools (Kousser 1988). In California in the late 1870s, anti-Chinese feeling split the Democratic Party, allowing firm and unified Republican control of the state government for the first time since the Civil War. The resulting 1880 legislature very quietly ordered the educational integration of African Americans (but not of Chinese) by including the section of the education code that authorized segregation in

TABLE 9
Hazard Ratios for Year of Integration Law: Ethnic Variables

Variable	Hazard ratio (1 variable)		Hazard ratio (multiple variables)					
	HR	<i>p</i>	HR	<i>p</i>	HR	<i>p</i>	HR	<i>p</i>
Foreign-born	1.04	.051			1.03	.173		
Irish	1.19	.015	1.25	.003				
German	0.77	.073	0.89	.325				
English	1.29	.016	0.65	.048				
British American	1.46	.000	1.98	.000				
Other foreign-born	1.02	.463	0.97	.530				
Irish + other foreign-born	1.05	.102						
Foreign-born/black	1.03	.016					1.03	.038
New England-born					1.08	.000	1.09	.000

Note: Years are given in table 2. HR = hazard ratio.

a multipage omnibus bill that simply listed a large number of sections of the state legal code that it then repealed.

By contrast, Indiana and Missouri, the two most “American” of the 15 states after 1870, continued to allow school segregation. As of 1880, the Germans were the only immigrant group in Indiana larger than the blacks, and in Missouri the black percentage exceeded even that of the German-born. The only other state where this was true was Kansas, which had a complex and contradictory racial history (Kousser 1991).

Racial integration of schools was, of course, a political issue, and the political conditions best suited for black victory are obvious topics for narratives of the struggle. There are three logical possibilities for hypotheses, and all have their proponents. In his study of blacks in Ohio, David Gerber (1976, 230–31) asserted that a narrow partisan edge left blacks with a “balance of power,” which they employed to demand an integration law. In an earlier discussion on the same state, Leonard Erickson (1959, 34) noted that the bill did not pass while the Democrats held legislative majorities, despite “Newer Departure” Democratic Governor George Hoadly’s endorsement, but that segregation was ended rather easily “once the sympathetic party was in power.”¹⁵ This reasoning suggests either that firm control by the Republicans or a Republican takeover after a period of divided or Democratic dominance provides the most fertile ground for black success. Because there may be dissenters even in a “sympathetic party,” larger legislative majorities are presumably better than smaller ones. A third view, expressed by David Ment (1975, 180–81, 285–86) in an unpublished dissertation, is that both parties were fundamentally unresponsive to blacks, so that it made little difference which one was in power. Thus, Ment ascribed the overwhelming vote for the 1873 New York civil rights law to “political cynicism.”

Table A2 presents basic political data for the 15 states for many of the years during which legislatures took or failed

to take action, and table 10 rearranges figures from the gubernatorial elections surrounding the dates of passage of school-integration laws in order to focus on hypotheses offered by previous historians. To start with the most obvious conclusions, Republican control of the legislature was a necessary but not sufficient condition for the passage of a school-integration law. In no case when the Democrats held majorities of either house of a state legislature did an integration law carry. In only 3 of the 13 states that passed such a law was the sitting governor a Democrat. The Nevada act merely gave force to a court decision; New Jersey’s governor allowed the bill to become law without his signature. As the last column in table A1 shows, the correlation between party and vote on integration was consistent and extremely high within the legislatures.

But table A2 also demonstrates that the Republicans sometimes enjoyed legislative majorities, even overwhelming ones, for years before enactment. In Connecticut, the Union Party had top-heavy majorities during the war but banned segregation only after blacks had sought entry into common schools in Hartford, prompting a widely publicized struggle in the Democratic-controlled town meeting. In Ohio, Unionists won large wartime majorities but did not wipe out discrimination, and they were too busy with an ill-fated prohibitionist crusade in 1881 to turn their attention to blacks. Only after a federal court case in Springfield stimulated statewide black lobbying for integration (although black teachers in Cincinnati and other places self-interestedly opposed it) and a former abolitionist, Hoadly, won election to the governorship as a Democrat, did the Republican party move toward unified support for desegregation. New York Republicans could have carried statewide integration bills through any of several sessions after the state Court of Appeals blatantly misconstrued the state civil rights law in 1883, but all the major cities had integrated through local action by that time, and there was therefore no

TABLE 10
Republican Landslide or Balance of Power?
Republican Percentages and Margins in Governors' Races
around the Time of Passage of School-Integration Laws

State	5 elections ^a		2d election before	Preceding election
	<i>M</i>	<i>SD</i>		
<i>Percentages</i>				
Massachusetts	31.9	17.4	22.5	62.6
Iowa	51.0	3.9	51.4	55.5
Rhode Island	63.7	18.8	50.4	92.4
Michigan	56.0	2.3	55.2	58.8
Connecticut	52.0	3.6	50.3	49.5
New York	49.3	2.8	47.7	53.2
Nevada	51.2	6.9	55.5	46.1
Illinois	54.3	2.4	55.6	56.9
Kansas	62.7	5.7	65.8	56.3
California	40.9	9.7	25.4	42.4
Pennsylvania	48.2	4.1	49.9	45.5
New Jersey	47.1	1.7	44.9	49.3
Ohio	49.0	1.1	48.1	48.9
Indiana	48.9	1.9	46.2	50.9
Missouri	50.3	13.2	37.8	43.7
<i>M</i> , all states	50.4	7.7	47.1	54.1
<i>M</i> , all states except R.I.	49.5	7.0	46.9	51.4
<i>Margins</i>				
Massachusetts	-7.6	27.6	-23.5	40.7
Iowa	6.6	6.1	2.8	15.7
Rhode Island	39.6	5.8	8.7	87.5
Michigan	11.7	5.3	10.4	17.6
Connecticut	4.1	7.2	0.6	-1.0
New York	-1.8	5.6	-4.2	6.4
Nevada	-2.3	10.8	10.0	-7.8
Illinois	8.9	5.5	11.2	14.3
Kansas	23.1	7.4	31.6	15.4
California	-6.5	14.9	-24.7	12.7
Pennsylvania	1.3	4.6	2.0	3.2
New Jersey	-4.4	3.3	-6.8	-0.3
Ohio	1.9	2.5	-1.8	2.3
Indiana	1.8	2.6	-1.3	4.1 ^b
Missouri	0.5	26.4	-24.4	-12.6 ^c
<i>M</i> , all states	5.1	12.1	-.06	13.2
<i>M</i> , all states except R.I.	2.7	8.1	-1.3	7.9

^aCovers the four elections preceding the passage of the law and the next election afterward, except in Nevada, where it covers three before and two after.

^b1896 election because integration bill came closest to passage in 1897.

^c1872 election because subsequent legislature seemed to be only time when integration bill was discussed.

center of discontented blacks to press the legislature to set the court straight. It was only after Elizabeth Cisco, a stubborn black woman from Queens, lost a lengthy suit to send her three children to a “white” school that the Republican governor, Theodore Roosevelt, and his legislative majority switched on the legislative machinery. Race-relations politics was pressure-group politics, then as now, and it nearly always took an attention-getting event—usually the denial

of school entry to the children of an outspoken black parent or leader—to stimulate the meetings, fundraising, rallies, and lobbying organized chiefly by blacks themselves that were necessary to move legislators.

Was that pressure more effectively applied to parties with small rather than large margins? Like most theories, the notion of holding the balance of power contains hidden assumptions, and in this case they were unrealistic enough to cast serious doubt on the notion. The image is one in which there is even competition between two parties (call them A and B), neither of which has a position on the issue or issues that move the “balancing” group (call it C). Both A and B, it is posited, may take any stand that would satisfy C without alienating any of their followers or factions. Both can find out what C wants and can make credible promises in bidding for C’s support. C decides whether to vote for A or B only after everyone else has decided how and whether he will vote.

This theory is subject to all the usual criticisms of models that purport to demonstrate equilibria. Unless all of its very strong axioms hold, any number of groups may attain a balance of power. For example, either party or both parties may contain factions that would be so alienated if their party adopted C’s position that they would abstain or vote for the other party. Or the parties may be uncertain as to how their factions might react to an overture to C, and sufficiently risk averse, especially when the expected vote is very close, to fear conciliating C. Or the parties may doubt that the spokesmen for C really represent the members of C and can deliver its votes if the party adopts the spokesmen’s position. Or if members of one or both of the party elites are ideologically inflexible on the issues that C cares about—for instance, if the Democrats are white supremacists or the Republicans, racial egalitarians—then the real potential choice for C may be whether to vote or abstain, depending on whether the party with the closest beliefs to it agrees to C’s demands. But C’s threat to abstain may not be credible, just as a heretofore strongly committed party’s overtures that markedly alter its previous stance may be unbelievable. The “New Departure” Democrats of the 1870s won few black votes, and the “Newer Departure” of the following decade did little better, even when they ran ex-Republicans like Hoadly in Ohio, or Grover Cleveland, who as New York governor signed a Manhattan school-integration bill.

The data in table 10 accord with this critique of the balance-of-power explanation of the passage of school-integration laws. The average Republican gubernatorial candidate’s margin over the second-highest candidate in elections preceding the passage or consideration of such laws was 8–13 percent, depending on whether the virtually uncontested Rhode Island election of 1865 is included. This margin was substantially higher than that in the five surrounding elections, and in the second election before enactment, Republicans had actually lost in a majority of the states and in average (unweighted) margin. Although not every surge

in Republican strength produced an integration law, nearly every integration law was preceded by such a surge, whether the law was passed at the beginning of the period or later. A large Republican plurality was usually a condition for a legislature favorable to integration, presumably because defections from a smaller majority on such a potentially controversial issue could not be prevented. That is to say, a few Republican segregationists—not black integrationists—often held the balance of power on this issue.

Table 11, which indicates the results of sets of event-history regressions of the dates of the passage of the integration laws on the percentage Republican, the Republican margins, and the Republican surge (the percentage of the vote in one gubernatorial election minus the percentage in the preceding election), demonstrates the point even more clearly. Both the Republican percentage and Republican margin were strongly associated with early passage of an integration law if all 15 states were included, but the margin variable was a considerably better predictor if the Rhode

Island landslide was deleted from the equation. The Republican surge variable was not such a good predictor, but it improved when Rhode Island was excluded. A more detailed consideration of the data shows that there were Republican surges in all 15 states shortly before or during the Civil War, at a time when school integration was an important issue only in the New England states and Iowa. Thus, tables 10 and 11 show two conclusions: First, a considerable Republican majority was necessary to pass a school-integration law, for few Democrats were willing to offer integration to bid for black votes. Second, it was not enough for the overwhelmingly white voters to turn to Republicans in large numbers; blacks had to use court cases or petitions to school boards, some instances of which have been discussed here, to force the school-integration issue onto the policy agenda.

Table 12 combines the Republican margin figures with those from the most powerful and meaningful variables from previous event-history regressions. It adds log likelihood and chi-square statistics as measures of how well the models, including the indicated variables, fit the date of adoption data. For models that are “nested” (one set of variables is a subset of the other), the smaller the log likelihood and the larger the chi-square, the better the fit.

The two variables that are most complementary are the Republican margin and the foreign-born-to-black variables, which seem to measure different facets of the political and social systems but which together go a considerable distance toward accounting for the trend of adoption (model 2). Republican integrationism did not represent merely a reaction, positive or negative, to the size of nonmajority ethnic groups. Part of the impetus for integration appears to have been purely a product of egalitarian ideology honed by the abolition and Reconstruction crusades. By contrast, the New England-born variable overlaps considerably with the Republican margin variable, unless Rhode Island is excluded

TABLE 11
Hazard Ratios for Year of Integration
Law: Political Variables

Variable	All 15 states		Rhode Island excluded	
	HR	<i>p</i>	HR	<i>p</i>
Republican % of vote	1.04	.001	1.04	.101
Republican margin over Democratic candidate	1.03	.000	1.04	.029
Republican surge (% in current election minus % in preceding election)	1.01	.597	1.02	.210

Note: Years are given in table 2. Variables are gubernatorial elections. HR = hazard ratio.

TABLE 12
Hazard Ratios for Year of Integration: More Complex Models

Variable	Hazard ratios											
	Model 1 (15 states)		Model 2 (15 states)		Model 3 (15 states)		Model 4 (15 states)		Model 5 (14 states) ^a		Model 6 (15 states)	
	HR	<i>p</i>	HR	<i>p</i>	HR	<i>p</i>	HR	<i>p</i>	HR	<i>p</i>	HR	<i>p</i>
Republican margin	1.03	.000	1.04	.000	1.02	.078	1.02	.063	1.07	.002	1.02	.101
Foreign-born to black ratio			1.04	.004			1.03	.010	1.03	.082	1.04	.079
New England-born					1.062	.020	1.06	.073	1.19	.003	1.04	.283
Percentage black											.995	.657
Convenience											.994	.662
Southern-born											.87	.220
ln(L)	-11.61		-8.78		-10.51		-8.05		-5.07		-5.97	
Wald χ^2	16.29		29.68		17.30		42.76		27.08		33.28	

Note: Years are given in table 2. HR = hazard ratio.

^aRhode Island excluded.

(models 3 and 5). This suggests a New England origin of the Republican egalitarian impulse. When all three of these variables are put together, especially when the extraordinary case of Rhode Island is deleted, the log likelihood is very considerably decreased, compared with models containing only one of the three variables, and the chi-squares are considerably higher. These are pleasing models with mostly significant variables and fairly clear interpretations—much superior in both regards to the “kitchen sink” model 6, in which the variables overlap so much that it is extremely difficult to understand. I included model 6 to illustrate, by contrast, the superiority of the other relatively parsimonious models.

The trends in the adoption of school-integration laws in the North in the mid- to late nineteenth century were, then, a product of social movements in two senses of the word: First, the Republican Party was the heir of the movements to abolish slavery and to guarantee equal rights, regardless of race; some of this neo-Garrisonianism cannot be otherwise accounted for. There was more to integration politics than rational calculation. Second, the movement of immigrants from Europe and China to the United States during this period distracted native whites’ attention from blacks. Northern society became much more ethnically complex than it had been before 1840, with more favorable consequences for African Americans than is usually noted. If the society and the polity were rapidly, if often painfully, integrating very large numbers of immigrants who spoke different languages and followed different religious traditions than did the dominant white Protestant natives, then integrating the relatively small and culturally very Americanized group of African Americans might not seem to represent such an insuperable or even very important problem.

The Onward March of History and American Political Development

The analysis of evidence about northern state legislative actions in this article, which is part of a much larger ongoing project about governmental actions on racial discrimination in schools (Kousser 1986, 1988, 1991, and more to come), has implications both for American historians and for the burgeoning political science subfield of American Political Development (APD). Although most important policy in nineteenth-century America was set at the state, not the national level, APD has devoted little attention to the systematic analysis of policies across the states. But as Justice Louis Brandeis (*New State Ice Co. v. Liebmann*, 311) famously pointed out, the states may provide laboratories for evaluating the efficacy of different governmental programs. Analogously, states’ histories may provide sufficient variation for the testing of hypotheses about political and social conditions and change, as well as indices of variations in social and political behavior (Kousser 2000). Paying attention to the history of state policy could make APD even more interesting and rigorous than it is now.

Historians who read this article might rediscover government, which seems to have dropped out of much “political history” and which has been almost totally ignored by recent historians of whiteness (see, e.g., Dailey, Gilmore, and Simon 2000; Roediger 1991). American state and local governments have dealt with nearly every issue that strongly affected the lives of residents of the United States; the struggles over such polities were often long or repeated; they are well documented; and scholars who have studied the conflicts have usually confined themselves to one geographic area, thereby failing to take advantage of the possibilities for generalization offered by similarities and differences across areas (Kousser 1982). To encompass private and nongovernmental public life, political history has expanded and thus lost its focus on the democratic process. The study of state policies, particularly of the exercise of power even by the least powerful, offers political history an opportunity to regain rigor and clarity. Five good examples of topics close to that discussed in this article are the passage of (1) public accommodations integration laws in seven southern states during Reconstruction, (2) similar laws in numerous northern states from the 1860s on, (3) public accommodations segregation laws throughout the South after Reconstruction, (4) antidiscrimination legislation in the North before *Brown* (e.g., Chen 2002), and (5) racially egalitarian laws in the South (long after *Brown*).

The substantive conflict over principles and interests merely suggested by this article undermines the notion that there was a stable or increasing consensus on racial matters in nineteenth-century America (Ignatief 1995; Jacobson 1998). As segregation developed and later hardened in the South, it softened in the North. How could northern whites who believed deeply and virtually universally in white supremacy have allowed their state legislators to pass laws compelling racial integration in schools and places of public accommodation? If they were unaware of events in distant state capitals, why did they not demand repeal of such laws when they came into contact with the tangible exercises of rights by their racial “inferiors,” as most white northerners eventually must have done? The fact that such laws were so widespread strongly implies that in the North, at least, white-supremacist opinions were less prevalent, less strongly held, and more variable than we have usually been told and that preserving white supremacy was often less important than other values, interests, and identifications in whites’ decisions on racial policy matters. Segregating the study of racial attitudes or behavior fundamentally distorts one’s conclusions because it ignores the trade-offs and weighted value judgments that make possible the compromises that are always necessary in human life.

A very simple but often overlooked conclusion from this article with implications not only for the study of race relations in the nineteenth century but also for policy studies of all sorts of issues at all times is that unanimity is not necessary for the democratic process to work. Racial (and other) change may come about even though many people, even

many very important political actors, strongly oppose it. More important, if the goal is to mandate more egalitarian behavior, eliminating white racism entirely is not only utopian, it is unnecessary. Oaths of repentance and acts of “race treason” may salve if not save souls, but fortunately they are not essential in the messy, complicated world of the politics of institutional change. Cultural approaches to the study of race relations should consider not only dominant tendencies but also variations in beliefs and the connections between beliefs and behaviors on different subjects, and they should pay more attention to authoritative—legal—frameworks than they often do.

This and related studies also demonstrate the relevance of political parties to race matters (Kousser 1974, 1988, 1999). Just as not a single Democrat in Congress from 1866 through the turn of the nineteenth century voted for a civil rights bill, no Democratic-majority legislature passed a law protecting the blacks’ right to nonsegregated education. Furthermore, this and other studies suggest that one can be much more specific than merely noting that changes in racial policies have something to do with partisanship. Many instances of major advances in racial policy at the national as well as at the state level immediately followed sudden surges by the more racially liberal political party: the Reconstruction Acts of 1866–70, the Lodge Elections Bill of 1890, the Voting Rights Act of 1965, the Massachusetts school-integration bill of 1855, and the California school-integration bill of 1880, for instance. Sometimes, but by no means always, the elections that produced the surge were fought out over racial issues. At other times, racial liberalism was part of the successful party’s creed, and the laws passed almost as a matter of course when that party attained power. It would be very interesting to investigate whether similar patterns of partisan surge and policy change typified other issues, racial and nonracial.

A series of articles, of which this is just the most recent, also suggest the importance of ethnic identification to racial change and the primacy of elite, not lower-class, whites in maintaining and strengthening legal racial discrimination. Because school-segregation laws predated the rise to power of non-English ethnic groups and were repealed in the North during the period when at least the first few of those groups were beginning to attain political influence, it is native-born white Americans, who generally outranked immigrants in wealth and social status until well into the twentieth century, who should be credited with initiating and largely with maintaining segregation. Moreover, as the data in tables 9 and 12 show, and as more-detailed examinations of the passage of individual laws demonstrate more convincingly (e.g., Kousser 1988), divisions between non-black ethnic groups often crucially affected the fate of the integration of African Americans into the general society.

Despite their authors’ racial reformism, the recent vogue of studies of lynching and whiteness inevitably imply black passivity or irrelevance. Twitching at the end of a rope does

not constitute agency. White race formation, previously considered assimilation, by definition excludes blacks. By contrast, the examples of African Americans from Massachusetts’s William Cooper Nell, who spearheaded the first successful campaign for a state school-integration law in any American state, of Ohio’s Benjamin Arnett, who led the victorious effort in the state legislature to outlaw school segregation and permit marriage between people of different races, and of New York’s Elizabeth Cisco, whose persistence in trying to enroll her children led to the 1900 New York school-integration law, affirm that African American individuals were at the center of all or nearly all of the school-integration struggles in nineteenth-century America. Focusing on governmental change allows African Americans their—rightful—place in shaping American race relations.

Finally, the fact that the integration laws were not all adopted in the immediate wake of the abolition and Reconstruction movements suggests a parallel with the present and recent past. C. Vann Woodward coined the term “Second Reconstruction,” and in a series of unpublished lectures, he pioneered the study of comparative reconstructions. Nonetheless, although *The Strange Career of Jim Crow* and *Origins of the New South* are both about the First Post-Reconstruction period, Woodward never explicitly suggested the existence of a Second Post-Reconstruction. It is time to do so, patterning it on Woodward’s description of the First Post-Reconstruction.

In Woodward’s view, the First Post-Reconstruction was a period of fluidity, conflicts, and contradictions, unsettled and full of possibility. Similarly, the Second Post-Reconstruction has been characterized by the increasing diversity of social groups through immigration and a paradoxical politics. On the one hand, a racial backlash has reproduced a “Solid South,” this one Republican, rather than Democratic, and it has brought the end, largely through judicial action, of more egalitarian legal change. On the other hand, civil rights rhetoric has become standard, and laws and institutions to protect black civil rights, such as the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Civil Rights Division of the U.S. Department of Justice, and many boards to guarantee equal employment opportunity have become so well established that they persist almost unnoticed. Thus, the Second Post-Reconstruction is an era of opportunities, as well as contradictions, in black-white relations.

In the First Post-Reconstruction, as this article reminds us, there was a widening of opportunities for blacks and a lessening of tension in race relations in at least some aspects of the northern experience. Perhaps if scholars approach the period with fresh and more discerning eyes, they will find other progressive trends. But as the climax of the First Post-Reconstruction in segregation and disfranchisement—as well as Woodward’s long-neglected approach to the study of racial patterns—should remind us, there is never any guarantee of the continuation of progress in either the reality or the study of race relations.

TABLE A1
State Legislative Actions on Blacks in Schools, 1829–1915

Year	Nature of bill	Action	Key vote	Vote by party
<i>California</i>				
Pre-1863	Integration banned, segregated schools optional	Passed	?	
1864	School boards required to provide school if ≥ 10 black kids	Passed Senate; passed House	18–12 ?	
1866	If < 10 black kids, local option integration	Passed	?	
1870	If < 10 black kids, local option integration	Passed	?	
1872	Mandatory segregation	Passed Senate	22–12	21D, 1R for; 12R against
1872	Integration if < 10; local option if > 10. Changed to segregation by Democratic-controlled committee	Passed House	35–33	18R, 17D for; 30R, 3D against
1872	Integration in San Francisco	Failed Senate	15–23	14R, 1Ind. for; 21D against
1874	Integration	Failed House	34–42	14R, 20Ind. for; 3R, 12Ind., 27D against
1874	Integration if no segregated schools provided	Passed	?	
1880	Integration	Passed	No separate record vote	
1913–15	Segregation	Held in committee		
<i>Connecticut</i>				
1868	Integration	Failed House	85–93	85R for; 19R, 74D against
	Integration	Passed Senate	10–3	10R for; 3D against
	Insist on passage by House	Passed Senate	9–7	9R for; 7D against
	Integration	Passed House	97–53	96R, 1D for; 7R, 46D against
<i>Illinois</i>				
1855	Exclusion	Passed	?	
1870	Constitutional convention	Segregation required	Tabled	43–27
1874	Integration	Passed House	79–19	9R, 30D, 4Ind. for; 25R, 1D, 1Ind. against ^a
	Integration	Passed Senate	26–6	57R, 19D, 3Ind. for; 6D, 3Ind. against
1875	Repeal integration	No action		22R, 4D for; 5D, 1Ind. against
<i>Indiana</i>				
1843	Exclusion	Passed	?	
1853	End exclusion	Died in committee	?	
1853	No tax on blacks, no schools for them	Passed	?	
1865	Allow blacks in public schools supported by black taxes only	Failed House	37–40	37R for; 5R, 35D against
1867	Allow blacks in public schools	Passed Senate	27–16	26R, 1Ind. for; 1R, 15D against
		Failed House	28–46	24R, 2D for; 21R, 25D against
1869	Local option	Passed House	52–36	51R, 1D for; 1R, 35D against
		Passed Senate	32–9	26R, 6D for; 9D against
1875	Black schooling mandatory	Passed Senate	32–12	23R, 9D for; 12D against
		Failed House	41–50	29R, 4D, 6G, 2Ind. for; 48D, 2G against
1877	Black schooling mandatory; integration if ≤ 15 black kids	Passed House	63–26	50R, 13D for; 1R, 25D against
		Passed Senate	27–15	20R, 7D for; 15D against
1881	Black schooling mandatory	Failed House for want of a constitutional majority	47–38	42R, 5D for; 8R, 30D against
1881	Integration	Passed House	59–22	51R, 8D for; 22D against
1885	Integration	Failed House; postponed	43–40	43D for postponement; 28R, 11D, 1? against
1897	Integration	Passed House	65–20	41R, 23D, 1? for; 16D, 5R against
		Postponed in Senate	11–32	11D for considering; 32R against

(table continues)

TABLE A1—Continued

Year	Nature of bill	Action	Key vote	Vote by party
<i>Iowa</i>				
1846	Constitutional convention	Exclusion	Passed	?
1857	Constitutional convention	Exclusion	Failed	10–23
1858	Segregated schools unless unanimous white parental consent for integration	Passed House Passed Senate	51–11 27–7	10D for; 2D, 21R against 25D, 24R for; 11R against 11D, 13R, 2? for; 7R against
1860	No distinction made in law	Passed	No separate vote	
<i>Kansas</i>				
1855	Exclusion	Passed	?	
1858	No distinction made in law	Passed	?	
1859	Constitutional convention	Reject mention of exclusion and segregation	Passed	26–25; 34–16
1861	Local-option segregation	Passed	?	No party labels
1862	Racially separate taxes and schools for first-class cities	Passed	?	
1865	Racially separate taxes and schools everywhere	Passed	?	
1867	Integration	Passed House Passed Senate	57–2 22–0	
1867	Allow segregation in second-class cities	Passed		
1868	Allow segregation in first-class cities	Passed Senate	23–0	
1868	No segregated taxes	Passed House	66–0	
1872	Allow segregation in second-class cities	Passed	?	
1873	Repeal 1872 authorization of segregation in second-class cities	Passed House	56–0	
1873	Integration (Civil Rights bill)	Passed House Passed House Not considered in Senate	67–2 57–7	
1874	Integration (Civil Rights bill)	Passed Senate Passed House	26–2 64–17	26R for; 2D against 37R, 14L, 12Ind., 1D for; 7R, 6L, 2Ind., 1D against
1876	Integration (amend school code)	Passed Senate Passed House	27–4 56–30	14R, 9Ind., 1? for; 2R, 2D against 52R, 1D, 3Ind. for; 14R, 4D, 9Ind. against
1879	Segregation allowed in first-class cities	Passed House Passed Senate	96–4 30–0	
1881	Integration in first-class cities	Passed Senate Not considered in House	25–3	22R, 1D, 2Ind. for; 3R against
1889	Freedom of choice; segregation only if two-thirds of parents of each race favor	Passed Senate No separate vote in House in late-session confusion	23–0	
1900	Segregation in second-class cities	Failed	?	
1905	Segregation allowed in first-class cities (probably high schools only)	Passed	?	
1912–13	Segregation in second-class cities	Failed	?	
<i>Massachusetts</i>				
1845	Integration	Died in committee		
1851	Integration	Died in committee		
1855	Integration	Passed	Not recorded	

(table continues)

TABLE A1—Continued

Year	Nature of bill	Action	Key vote	Vote by party
<i>Michigan</i>				
1867	Integration	Passed House Passed Senate	74-4 20-6	59R, 9D, 6? for; 3D, 1? against No party designations available
1871	Integration of classrooms	Passed	?	
<i>Missouri</i>				
1865 Constitutional convention	Segregation may take place	Passed	?	
1865-66	Segregated black school mandatory if ≥ 20 black kids; otherwise, school board discretion	Passed	?	
1867	Segregated black school mandatory if ≥ 15 black kids	Passed	?	
1869	Allowed consolidation of districts if ≥ 15 black kids	Passed	?	
1874	Required district consolidation if few blacks	Passed	?	
1874	Integration (apparently discussed)	Failed	?	
1875 Constitutional convention	Integration prohibited	Passed	?	
1879	Integration prohibited	Passed	?	
<i>Nevada</i>				
1864	Exclusion, but local option segregation	Passed	?	
1873	Integration	Apparently passed	?	
<i>New Jersey</i>				
1881	Integration	Passed Senate Passed House	15-2 37-18	13R, 2D for; 2D against 32R, 5D for; 18D against
<i>New York</i>				
1841	Allowed segregation in cities and towns	Passed	?	
1847	Allowed segregation in cities and towns	Passed	?	
1864	Allowed segregation everywhere, repealed 1847 law	Passed Senate Passed House	19-2 ?	
1864	Integration	Not reported from committee		
1873	Integration	Passed House Passed Senate	90-11 23-3	79R, 11D for; 1R, 10D against 21R, 2D for; 3D against
1884	Local Manhattan: no distinction allowed, but continued black schools	Passed		
1900	Integration, but apparently left segregation by local-option referendum	Passed Senate Passed House	38-5 140-0	
1910	Allowed segregation in some districts by referendum	1900 law apparently carried over		
<i>Ohio</i>				
1829	Exclusion of black kids	Passed House Passed Senate	50-18 ?	
1833	Admit blacks to schools	Lost in committee		
1835	Prohibit integration in Cleveland			
1837	Admit blacks to schools	Lost in Senate	2 votes for	
1844	Exclude mulattos (considered "white" by state court decision)	Lost in Senate	Tie vote	

(table continues)

TABLE A1—Continued

Year	Nature of bill	Action	Key vote	Vote by party
1848	Local-option admission for blacks	Passed	?	
1849	Schooling for blacks mandatory if ≥ 10 black kids	Passed	?	
1850–51	Constitutional convention	Failed	34–53	30D, 4W for; 6FS, 19D, 28W against
1853	Schooling for blacks mandatory if ≥ 30 black kids	Passed	?	
1861	Schooling for blacks mandatory if ≥ 20 black kids	Passed Senate	?	
1864	Schooling for blacks mandatory if ≥ 20 black	Passed	?	
1868	Forbid integration	Passed House		Party vote
1871	Integration	Failed House	14–77	14R for; 33R, 44D against
1871	Schooling for blacks mandatory if ≥ 20 black kids	Failed	46–52	1R, 45D for; 50R, 1D against
1872	Mandatory segregated schools if > 20 black kids; no integration allowed	Failed House	14–55	14D for; 45R, 10D against
1872	Admit blacks to common schools if there are no segregated schools for blacks	Failed House	No vote	
1874	Admit blacks to common schools if there are no segregated schools for blacks	Failed House	24–29	21R, 3D for; 3R, 26D against
1878	End authorization for segregation	Failed House	36–47	4D for
1878	Local-option segregation	Passed House	63–10	47D, 16R for; 10R against
		Passed Senate	22–8	22D for; 1D, 7R against
1884	End segregation	Failed House for want of a constitutional majority	50–32	38R, 12D for; 32D against
1885	End segregation	Passed House	59–13	27D, 32R for; 13D against
		Failed Senate	10–12	4D, 6R for; 12D against
1886	End segregation	Passed House	59–25	54R, 5D for; 1R, 24D against
1887	End segregation	Passed Senate	24–7	20R, 4D for; 7D against
		Passed House	59–25	54R, 5D for; 1R, 24D against
1888	Local-option segregation	Failed House	30–55	30D for; 53R, 2D against
1889	Local-option segregation	Failed House	11–61	11D for; 43R, 18D against
<i>Pennsylvania</i>				
1834	Local option; no requirement of schooling for blacks	Passed	?	
1854	Required segregated schools if ≥ 20 black kids; integration if no other school provided	Passed	?	
1874	Integration	Passed Senate Killed in House committee	20–11	20R for; 11D against
1881	Integration	Passed House	108–57	99R, 8D, 1Ind. for; 3R, 51D, 3Ind. against
		Passed Senate	37–0	
<i>Rhode Island</i>				
1858	Integration	Failed House	24–32	
1859	Integration	Failed House	25–32	
1859	High school integration	Passed House	32–25	
1860	Integration	Failed House	27–31	
1864	Integration	Failed House	23–31	
1865	Allow segregation	Passed Senate	19–15	
1865	Integration	Passed House	33–30	
1866	Integration	Passed House	38–9	
		Passed Senate	Unrecorded	

Source: State legislative journals, session laws.

Note: ? A question mark indicates that a key vote or party affiliation could not be identified from available evidence; D = Democratic; R = Republican; Ind. = Independent; G = Greenback; W = Whig; FS = Free-Soil; L = Liberal.

^aRepublicans wanted explicit vote on segregation issue.

TABLE A2
Republican Percentages and Margins in Gubernatorial Elections and Party Balances in Legislatures

Year	Governors' races ^a		Legislatures					
	Republican (%)	Republican margin	House			Senate		
			Republican	Democratic	Other	Republican	Democratic	Other
<i>California</i>								
1853	49.0 (W)	-1.9						
1855	52.5 (A)	5.1						
1857	22.5 (R)	-34.2						
1859	9.8 (R)	-49.9						
1861	46.8	19.4	19	50	1	5	30	0
1863	59.0	18.1	63	10	7	32	4	4
1867	43.7	-10.3	61	19	0	32	8	0
1871	52.1	4.2						
1875	25.5	-24.6	19	28	33	18	14	8
1879	42.4	12.7	44	36	0	27	13	0
<i>Connecticut</i>								
1852	45.0 (W)	-5.4						
1853	34.2(W)	-16.8						
1854	31.8 (W)	-14.8						
1855	43.5 (A)	1.2						
1856	10.1 (R)	-38.9						
1857	50.4 (R)	0.8						
1858	51.8	3.9						
1859	51.1	2.4						
1860	50.3	0.6						
1861	51.2	2.5						
1862	56.5	13.0						
1863	51.6	3.3	179	58	0	21	0	0
1864	53.8	7.6	142	95	0	13	8	0
1865	57.5	15.0	155	76	0	18	3	0
1866	50.3	0.6	161	76	0	21	0	0
1867	49.5	-1.0	141	95	0	13	8	0
1868	49.1	-1.8	134	104	0	12	9	0
<i>Illinois</i>								
1852	42.5 (W)	-9.2	18	56	1	5	20	0
1855			46	29	0	14	11	0
1856	47.0 (R)	2.0	33	37	5	12	13	0
1860	51.2	3.8	40	35	0	13	12	0
1864	54.5	9.0	51	34	0	14	11	0
1868	55.5	11.0	58	27	0	18	7	0
1870								
Constitutional convention				4537		6		
1872	54.4	9.3						
1874			86	66	7	33	17	1
<i>Indiana</i>								
1852	43.4 (W)	-11.4	38	61	1	10	39	1
1853			34	66	0	16	34	0
1856	48.7 (R)	-2.6	35	63	2	26	23	1
1860	51.9	3.8	50	46	4	25	22	3
1864	53.7	7.4	38	62	0	21	27	0
1865			55	45	0	25	25	0
1867			59	38	3	31	18	1
1868	50.1	0.3	61	39	0	30	20	0
1869			56	44	0	30	20	0
1872	49.8	-0.3						
1875			33	57	2	27	23	0
1876	47.9	-1.1						

(table continues)

TABLE A2—Continued

Year	Governors' races ^a		Legislatures					
	Republican (%)	Republican margin	House			Senate		
			Republican	Democratic	Other	Republican	Democratic	Other
1877			54	43	3	24	26	0
1880	49.1	1.5						
1881			58	41	1	24	24	2
1884	48.0	-1.5	41	58	0	22	28	0
1885			35	65	0	16	30	0
1887			43	53		18	32	
1888	49.0	0.4	42	58	0	22	28	0
<i>Iowa</i>								
1850	44.8 (W)	-8.1	4	35	0	6	13	0
1854	52.4 (W)	4.8	40	30	0	15	16	0
1857	50.9 (R)	3.2	49	24	0	24	11	0
1858			41	31	0	22	14	0
1859	51.4	2.9	42	30	0	21	15	0
1860			49	35	0	24	17	0
<i>Kansas</i>								
1859	59.4	18.9						
1862	64.7	29.4						
1864	60.7	21.3						
1866	70.4	40.8	69	13	0	22	5	0
1868	68.2	36.4	66	22	0	22	5	0
1870	66.4	32.9						
1872	65.8	31.6						
1874	56.4	15.6	57	3	46	25	2	2
1876	56.8	18.9	79	9	16	21	2	11
<i>Massachusetts</i>								
1852	26.5 (FS)	-18.5	149	122	18	10	8??	0
1853	22.5 (FS)	-23.5	193	108	0	11	10??	0
1854	62.6 (A)	40.7	58	30	232	9	2	29
1855	26.9 (R)	-10.8						
<i>Michigan</i>								
1852	7.1 (FS)	-44.3						
1854	53.0 (R)	6.0						
1856	56.8	13.5						
1858	53.8	7.5						
1860	56.7	13.4						
1862	52.5	5.1						
1864	55.1	10.3	63	37	0	18	14	0
1866	58.6	17.6	85	15	0	30	2	0
<i>Missouri</i>								
1852	41.3 (W)	-17.4						
1856	35.2 (A)	-5.6						
1857	49.8 (W)	-0.4						
1860	3.9 (R)	-43.1						
1864	70.3	40.6						
1866-67			103	26	0	26	9	0
1868	56.7	13.4						
1869			92	35	0	25	9	0
1870	37.8	-24.4						
1872	43.7	-12.6						
1874	42.8	-14.4	37	94	0	11	23	0
1875			40	91	0	6	28	0
1876	42.2	-14.8	42	101	0	6	28	0
1880	38.7	-13.5	42	98	3	7	25	2
1884	0.0	-50.1						
1888	46.8	2.6	51	78	11	9	24	1

(table continues)

TABLE A2—Continued

Year	Governors' races ^a		Legislatures					
	Republican (%)	Republican margin	House			Senate		
			Republican	Democratic	Other	Republican	Democratic	Other
<i>Nevada</i>								
1864	60.0	20.0						
1866	55.5	11.1						
1870	46.1	-7.9	36	3	0	15	4	0
1873			23	23	0	13	10	0
<i>New Jersey</i>								
1853	47.4 (W)	-5.2						
1856	51.3 (W)	2.6						
1859	50.7 (R)	1.5						
1862	43.2	-13.5						
1865	51.1	2.1	30	30	0	8	13	0
1868	48.6	-2.8	14	46	0	10	11	0
1871	48.1	-3.8	34	26	0	12	9	0
1874	46.4	-7.3	19	41	0	13	8	0
1877	44.9	-6.7	27	33	0	9	12	0
1880	49.3	-0.3	36	24	0	12	8	0
1881			29	29	2	13	8	0
<i>New York</i>								
1852	46.0 (W)	-4.3	65	63	0	16	16	0
1853			42	86	0	16	16	0
1854	36.0 (W)	0.1	78	48	0	23	9	0
1856	44.5 (R)	11.1	33	50	45	16	4	12
1858	46.0	3.3	61	58	9	15	14	3
1859			91	37	0	23	9	0
1862	49.1	-1.8						
1864	50.6	1.2	82	46	0	22	10	0
1866	50.9	1.8	91	37	0	27	5	0
1868	48.4	-2.8	109	51	0	27	5	0
1870	47.6	-4.3	56	72	0	14	18	0
1872	53.2	6.4	97	31	0	24	8	0
<i>Ohio</i>								
1852			26	68	2	9	25	1
1853	17.6 (FS)	-34.5	17	70	9	7	26	2
1855	48.6 (R)	5.2	78	34	0	29	6	0
1857	48.7	0.4						
1859	51.9	3.7	58	46	0	25	10	0
1861	57.7	15.4						
1863	60.6	21.2	73	24	0	26	8	0
1864			73	24	0	29	5	0
1865	53.5	7.1	70	35	0	35	12	0
1867	50.3	0.7	69	36	0	25	12	0
1868			49	56	0	17	18	0
1869	50.7	1.6	57	54	0	19	18	0
1871	51.7	4.3	55	57	0			
1873	47.6	-0.2	57	48	0	18	18	0
1875	50.3	0.9	45	57	0	14	21	0
1877	44.9	-4.1	39	66	2	10	25	0
1878			38	68	3	10	25	0
1879	50.3	2.6						
1881	50.1	3.9	70	35	0	22	11	0
1883	48.3	-1.7	45	60	0	11	22	0
1885	49.1	2.4	68	42	0	20	17	0
1887	47.9	3.1	64	44	1	21	16	0
1888-89			54	60	0	17	19	0

(table continues)

TABLE A2—Continued

Year	Governors' races ^a		Legislatures					
	Republican (%)	Republican margin	House			Senate		
			Republican	Democratic	Other	Republican	Democratic	Other
<i>Pennsylvania</i>								
1852			26	70	4	14	18	1
1854	54.6 (W)	9.9	46	32	22	15	17	1
1857	40.2 (R)	-11.8						
1860	53.3	6.5						
1863	51.5	2.9						
1866	51.4	2.9						
1869	50.4	0.8						
1872	52.5	5.2	61	38	1	16	16	0
1874			57	43	0	20	12	0
1875	49.9	2.0	89	110	2	30	20	0
1878	45.5	3.2	107	78	16	32	15	0
1881			121	77	4	31	18	0
<i>Rhode Island</i>								
1852	48.8 (W)	-2.4						
1853	43.0 (W)	-11.2						
1854	58.4 (W)	16.9						
1855	81.5 (A)	63.6						
1856	58.3 (R)	16.7						
1857	65.3	30.5	61	8	2	26	5	2
1858	68.9	37.9	65	6	0	29	3	0
1859			67	4	0	30	2	0
1859	71.5	43.2	62	9	0	27	5	0
1860	46.4	-6.6	29	42	0	17	15	0
1861	46.2	-7.5	25	47	0	12	19	0
1863	57.4	16.0	22	50	0	11	21	0
1864	50.4	8.7	54	18	0	22	12	0
1865	92.4	87.5	55	18	0	23	9	0
1866	72.3	46.1	65	7	0	28	5	0

Sources: Gubernatorial votes: J. E. and J. S. Kallenbach (1977). Legislative partisan balance: (New York) Tribune Almanac, supplemented by state house and senate journals or state newspapers in years when there was legislative action. In cases of conflict, the state documents were preferred.

Note: W = Whig; FS = Free-Soil; A = American (Know-Nothing); R = Republican.

^aPercentage of all votes for Republican candidate and Republican margin over next (or winning) candidate. Before the mid-1850s, Whig or Free-Soil candidates appear in the "Republican" column.

NOTES

I want to thank Dale Baum, Phyllis Field, Peggy Hargis, Thad Kousser, and Anastatia Sims for comments on earlier versions of this article, as well as to absolve them of responsibility for any remaining errors, infelicities, or unclear phrases. They tried.

1. Named for African American Ohio House member Benjamin Arnett, who carried the bill in the legislature, the Arnett Law repealed Ohio's remaining antebellum "black laws" that allowed segregated schools and mandated segregated marriages (Gerber 1976, 235–44).

2. To oversimplify, according to van den Berghe (1967, 27–34), in a "paternalistic" regime, such as the antebellum South, there are master-servant relationships between the dominant and subordinate groups. In a "competitive" regime, such as South Africa under apartheid, segregation and disfranchisement replace an aristocratic/peasant system in which everyone "knows their place." Mason's (1962, 29–33) "certainty" stage parallels van den Berghe's "paternalism," and his "challenge" stage, van den Berghe's "competition." Mason adds a third stage, in which there is a breakdown of segregation and legal discrimination, such as the southern United States during the 1950s and 1960s.

3. This sketch is, in effect, an application to historical facts of the analysis of more recent change on racial issues in such works as Sniderman and Piazza (1993).

4. Table A1 is undoubtedly incomplete and may in some instances be incorrect for several reasons: Some states lack detailed monographs, indexes to legislative sessions were often abysmal, bill titles were only sporadically informative, bill histories did not generally exist, crucial action repeatedly took place in standing committees or in the committee of the whole, newspaper reports of legislative activities were generally inadequate, and sometimes my only source for the action of the legislature was a session law. There were surely other proposed bills, and there may have been relevant amendments to laws that I missed.

5. This is, of course, a generic problem in history. Any time a historian makes a causal statement about an event that occurred, without examining whether similar conditions at other times did not produce such an event, he or she risks the same logical error.

6. Demographic historians have long employed such "survival time" methods, but I have not run across an application by a historian to trends in the passage of laws, the incidence of public or private violence, or similar events.

7. In other applications using variables that do not vary over time (such as the form of an election structure), or mixing time-invariant with time-varying variables (such as the outcomes of successive elections), there would be many other model choices to consider.

8. Because the events are discrete, instead of occurring continuously; because the trends are monotonic, but not constant; and because there are

ties in the data (more than one state adopted such a law in the same year), I have primarily used the Wiebull model. Experimentation with other models produced broadly similar results.

9. Often, the continued integration of schools in an area leaves little mark in the historical record, and only a sudden proposed shift from integration to segregation provides explicit evidence of the persistence of integration. Two instances of such a break were in Alton, Illinois, where integration persisted from 1874 through 1897, and Springfield, Ohio, where it began in 1883 and, through a black boycott of a segregation proposal, continued through at least the 1920s. See *Bibb v. Alton*, Meier and Rudwick (1976).

10. "Whiteness studies" scholars who pay so much attention to the psychological and other "wages of whiteness" (Roediger 1991) too often ignore the tangible costs of segregation.

11. Depending on the time and place, the "higher grades" could range from the seventh to the twelfth grade.

12. Bivariate Pearsonian correlations between the three convenience measures ranged from .885 to .954.

13. Although in both 1850 and 1860, 97 percent of African Americans in Missouri were slaves and slaves were much more likely than free people of color to live in rural areas in the state, I calculated the 1850 and 1860 urbanized black percentages only for free people in every state, to be consistent. The high percentages in table 3 for Missouri in 1850 and 1860 are therefore misleading.

14. For all three regions, I excluded the own-state population from both the numerator and denominator in calculating the percentages born in the region. For instance, I subtracted the Massachusetts-born population from the numerator and denominator in calculating the percentage of the Massachusetts population born in New England. The percentage would be the number born in Connecticut, Rhode Island, New Hampshire, Vermont, and Maine, divided by the number not born in Massachusetts.

15. An abolitionist, Hoadly had been a radical Republican during Reconstruction, before switching parties over the issue of liquor prohibition.

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