

The Disenfranchisement of Black Pennsylvanians in the 1838 State Constitution: Racism, Politics, or Economics

by

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Abstract

Delegates to the 1837-1838 state constitutional convention approved an amendment limiting the right to vote to “white freemen”. Some observers argue that simple racism explains this outcome. Others emphasize the partisan nature of the black suffrage issue or the economic rivalry between blacks and whites for jobs. This paper quantitatively examines the factors affecting the votes of convention delegates on black suffrage. Political affiliation and the fraction of free blacks in the county population are robust determinants of how delegates voted. Democrats voted to disenfranchise black Pennsylvanians. Delegates from counties with proportionally large black populations opposed disenfranchisement.

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In 1838 Pennsylvania voters approved a state constitution that restricted the right to vote to “white freemen”. Blacks had voted for many years in some parts of the state, but under the new constitution Pennsylvania’s black males could no longer vote. Eric Ledell Smith (1998, p. 279) maintains that “(s)cholarship on this topic has failed to give us a complete and cohesive picture of why disenfranchisement occurred in Pennsylvania.” Some historians argue that simple racism explains why delegates to the state’s constitutional convention voted to deny blacks the right to vote: “(i)n the closing days of the convention party lines were forgotten, prejudice was appealed to, and the clause was altered by the insertion of the word ‘white’ by a large non-partisan vote” (Mueller 1969, p. 37) as the vote “seems to have been largely a matter of responding to growing race prejudice in the State” (Brown 1970, p. 22). Others emphasize the partisan nature of the black suffrage issue in Pennsylvania (Smith 1998). Still others point to the economic rivalry “between Negroes and the Irish immigrants for the same menial jobs” (Brown 1970, p. 27-28) as a contributing factor.

Given that the reasons for black disenfranchisement in the 1838 state constitution are still debated (Malone 2008), an examination of the factors influencing the votes of convention delegates on this issue constitutes an important inquiry into Pennsylvania’s political economic history. The aim of this paper is to undertake an empirical investigation of the reasons why black males lost the right to vote in the state.

The 1790 Pennsylvania Constitution gave the right to vote to

“every freeman of the age of twenty-one years, having resided in the state two years next before the election, and within that time period paid a state or county tax, which shall have been assessed at least six months before the election . . .” (Commonwealth of Pennsylvania 1790, Article III, Section I).

In practice, black voting rights depended on the policies of local officials, meaning that blacks voted in some counties but not others.

“Blacks voted in Bucks, York, Dauphin, Cumberland, Juniata, Westmoreland and Allegheny Counties, while in Philadelphia, the county with the largest black population,

the officials refused to assess blacks for the purpose of taxation, thereby denying them the right to vote” (Price 1976, p. 357).

As a result of such policies and the tax requirement, the majority of black men in Pennsylvania were not permitted to vote (Price 1973, p. 92).

The political status of black Pennsylvanians was not a public issue prior to the state constitutional convention that assembled in May 1837. Agitation for a new state constitution had erupted periodically over several decades. Finally, in 1835 voters approved a referendum calling for a constitutional convention. Reformers generally wished to reduce the governor’s appointment power, to allow for the direct election of state officers, and to abolish life-tenure for judges (Akagi 1924, p. 309). Reformers also objected to the power of the state legislature to charter corporations and to authorize banks to issue notes (Snyder 1958, p. 96).

On May 2, 1837, the 133 delegates to the constitutional convention convened in Harrisburg. The delegates included 66 Democrats, 52 Anti-Masons, and 15 Whigs, giving the Anti-Mason/Whig coalition a very narrow majority. The article on suffrage reported to the convention on May 17 was practically the same as in the 1790 Constitution, except that the tax qualification was removed. Neither the committee report nor the report from the minority of the committee contained a racial restriction.

The article was taken up on June 19.¹ John Sterigere, a Democrat from Montgomery County, moved to strike out the report of the committee and insert a clause restricting the vote to “every free white male citizen” who has “paid a State, county, road or poor tax” (Commonwealth of Pennsylvania, Constitutional Convention 1837, vol. II, p. 472). He argued that this racial restriction was proper, “as it was the language of some seventeen or eighteen Constitutions in the Union” (Commonwealth of Pennsylvania, Constitutional Convention 1837, vol. II, p. 472).

Phineas Jenks, a Bucks County Whig, moved to eliminate the word “white” from Sterigere’s amendment. Jenks said that there were a number of black individuals in Bucks County worth between \$20,000 and \$100,000 and it would be improper for someone with such a stake in society to be excluded

from exercising the franchise (Commonwealth of Pennsylvania, Constitutional Convention 1837, vol. II, p. 476).

Benjamin Martin, a Democrat from Philadelphia County, opposed the motion to strike the word “white” from the amendment warning that

“(a)ny attempt to amend the Constitution to place the black population on an equal footing with the white population, would prove ruinous to the black people. He was certain that in the county of Philadelphia any attempt of the black population to exercise the right of suffrage would bring ruin upon their own heads” (Commonwealth of Pennsylvania, Constitutional Convention 1837, vol. II, p. 477).

James Merrill, an Anti-Mason from Union County, argued that according to the U.S. Constitution every man who was not a fugitive from justice was a free man. “Was it possible,” he said, “that freemen who possessed property . . . were not allowed to vote, on account of their complexion. If there were men in Pennsylvania so situated, he would like to know under what sort of Government we had been living -- what kind of freedom we were supposed to enjoy, and whether we deserved to continue free under such an extraordinary state of things” (Commonwealth of Pennsylvania, Constitutional Convention 1837, vol. II, p. 478). Merrill also worried that the word “white” was too vague and that this would give too much discretion to the judges of elections. The debate ended temporarily when Sterigere withdrew his motion. Edward Price (1973, p. 104) states that the proponents of racial exclusion feared that they might not be able to win a vote on the amendment at this time.

On June 23, Benjamin Martin moved to amend Sterigere’s proposal by adding the provision that “the rights of an elector shall in no case extend to anyone but free white male citizens” (Commonwealth of Pennsylvania, Constitutional Convention 1837, vol. III, p. 83). He argued that this proposal was necessary because of the rapid increase in the number of blacks in Pennsylvania. The failure to elevate the Native American population to equality with the white population demonstrated that it was wrong to hold out the promise to blacks that they can achieve equality with whites. Furthermore, if Pennsylvania allowed blacks to vote, the state would attract free blacks and runaway slaves from the southern states.

John Dickey, a Whig from Beaver County, stated that he was sure his constituents did not expect the issue of black voting rights to come up and did not desire any action on it. He also demanded that

Martin explain what he meant by white and whether “all the various shades, departing from white and carnation, are to be disfranchised” (Commonwealth of Pennsylvania, Constitutional Convention 1837, vol. III, p. 86). John McCahen, a Philadelphia Democrat, claimed that at the 1790 state constitutional convention Albert Gallatin “thought that the word ‘white’ was too indefinite; that it might exclude him from the enjoyment of the rights of a voter; and upon his suggestion, the word was stricken out” (Commonwealth of Pennsylvania, Constitutional Convention 1837, vol. III, p. 87). Charles Brown, a Philadelphia Democrat, countered by arguing that other states that restricted the franchise to white males had no difficulty determining who was eligible to vote. Besides, Brown argued, the principle had been established that “no negro could become a citizen of the United States” (Commonwealth of Pennsylvania, Constitutional Convention 1837, vol. III, p. 89).

George Woodward, a Democrat from Luzerne County, objected to Martin’s proposal because there was a case currently pending before the state Supreme Court on the issue of whether blacks had the right to vote under the current constitution (*Fogg v. Hobbs*).² He counseled waiting for the court’s decision, due the next month, before taking up the issue at the convention. Brown countered that it was up to the people not the courts to decide who had the right of suffrage.

The amendment to restrict the vote to “free white males” was voted down by a 61-49 margin. 12 Democrats joined a large number of Whigs and Anti-Masons to vote “no” while six members of the Anti-Mason/Whig coalition along with 43 Democrats voted to restrict the franchise to white males. The voting rights of black Pennsylvanians were temporarily preserved. The convention considered other matters up to July 14 when it adjourned until October 17, 1837.

On October 10, 1837, the Democratic candidates lost five out of six elections in Bucks County to their Whig and other Anti-Van Burenite opponents. Several of the contests were very close; the Democratic candidate for auditor lost by two votes. The Democratic Party challenged the results, alleging that the Anti-Van Burenite coalition prevailed only because of illegal black votes. W.E.B Du Bois (2007, p. 258) writes that the “friends of exclusion now began systematic efforts to stir up public opinion”. Public meetings were held throughout the county to organize against black suffrage (Rosenberger 1974, p.

30-31; Smith 1998, p. 289-291). Bucks County citizens submitted anti-black suffrage memorials to the constitutional convention. The defeated candidates filed a petition in Bucks County court asking the court to overturn the election results due to the votes of 39 blacks who had no right to vote.

In December 1837, Judge John Fox handed down the court's decision (Price 1976, p. 359). The central question was whether blacks were "freemen" under the meaning of Pennsylvania law. Fox reviewed documents all the way back to William Penn's original charter and concluded that there was no evidence that blacks had ever been considered to possess the rights of freemen and, therefore, blacks did not have the right of suffrage.

On November 16, 1837, John Sterigere presented a petition from citizens of Bucks County advocating a constitutional provision prohibiting black suffrage. Referencing the previous month's disputed election, Sterigere argued that blacks "could not be placed on an equality in political and social rights, with white citizens" (Commonwealth of Pennsylvania, Constitutional Convention 1838, vol. V, p. 414). After some debate over the political status of blacks in Pennsylvania, the convention voted overwhelmingly to print the petition. Robert Mittrick (1985, p. 28) notes that "the debate strongly suggested what a vote (84-29) in favor of printing the petition confirmed, that the anti-Negro forces had indeed gained support and perhaps were now in the majority."

On January 17, 1838, Benjamin Martin moved to amend the suffrage clause by inserting the word "white" before the word "freeman" in the first and seventh lines. Martin stated that he had no

"hostility to the coloured man; on the contrary, no person would go further to protect them in all their natural rights . . . but to hold out to them social rights, or to incorporate them with ourselves in the exercise of the right of franchise, is a violation of the law of nature and would lead to . . . the resentment of the white population. . . (T)he divisionary line between the races, is so strongly marked by the Creator, that it is unwise and cruelly unjust, in any way, to amalgamate them, for it must be apparent to every well judging person, that the elevation of the black is the degradation of the white man; and by endeavoring to alter the order of nature, we would, in all probability, bring about a war between the races . . ." (Commonwealth of Pennsylvania, Constitutional Convention 1838, vol. IX, p. 321).

The debate continued until January 20 with the speaker after speaker making the same arguments. Opponents of black suffrage continued to argue that blacks were not citizens under either the state or the

federal constitution and, therefore, did not have the right to vote. And, even if they did have the right to vote, public opinion required that they have it no longer as white Pennsylvanians “are for continuing this commonwealth, what it always has been, a political community of white persons” and were opposed to “investing our own negroes with this valuable right, and to a policy which will bring upon us hords (sic) of negroes from other states” (Commonwealth of Pennsylvania, Constitutional Convention 1838, vol. IX, p. 357). Furthermore, a violent backlash would be provoked if blacks were granted the franchise. Charles Brown, a Democrat representing a Philadelphia district with 3,000 to 4,000 blacks, claimed that “in twenty-four hours from the time that an attempt should be made by blacks to vote, not a negro house in the city or county would be left standing” (Commonwealth of Pennsylvania, Constitutional Convention 1838, vol. IX, p. 393).

Opponents of black disenfranchisement continued to argue that the word “white” was too vague, that blacks were freemen and entitled to vote under the state constitution, and that violence would not result from blacks exercising the right to vote. “Although the arguments had been presented before, the debate became extremely emotional, and tensions were at the breaking point. The few men who maintained cool heads were unable to calm the antagonists” (Price 1973, p. 115). Finally, the vote was taken and the amendment to insert the word “white” was adopted by a 77-45 vote. Only three Democrats voted against the motion; 19 Whigs and Anti-Masons joined 58 Democrats in supporting the amendment.³ Efforts to soften the restriction failed. With the narrow approval by voters of the new state constitution that October, black Pennsylvanians lost the right to vote until the ratification of the Fifteenth Amendment to U.S. Constitution in 1870.

1. Data and Methods

The purpose of this paper is to quantitatively examine why black voters lost their suffrage rights in the 1838 Pennsylvania constitution. Limiting the franchise to “white freemen” was part of a package of many controversial changes to the state constitution submitted to voters in October 1838 and approved by a 113,971 to 112,759 margin. Indeed, black disenfranchisement was the least controversial change

proposed by the convention. Charles Snyder (1958, p. 105) writes that the “growing force of anti-Negro prejudice in the State was clearly revealed by the overwhelming backing which was given to this amendment No other alteration cut so completely across party lines or received such decisive support.” The decisive vote to disenfranchise blacks occurred at the constitutional convention on January 20, 1838. So, to explain black disenfranchisement it is necessary to try to explain why the 122 delegates cast their votes 77 for and 45 against restricting the right to vote to white men. The dependent variable is the vote the delegate cast on January 20 on the motion to insert the word “white” before the word “freeman” in the suffrage clause of the proposed state constitution. I assigned the dependent variable a value of 1 if the delegate voted in favor of disenfranchising black voters and 0 if the delegate voted “no” on the motion.

The independent variables attempt to explain a delegate’s vote on black suffrage. A few variables are delegate-specific. Most variables are characteristics of the county represented by the delegate. Where the delegate represented multiple counties, the variables reflect the characteristics of his county of residence.

There was rising racial prejudice and violence in Pennsylvania during the 1820’s and 1830’s (Du Bois 2007, p. 15-18; Nash 1988, p. 273-279; Winch 1988, p. 130-152). Much of the violence was anti-abolitionist, the most notorious event perhaps being the burning in May 1838 of Pennsylvania Hall (Brown 1970, p. 24-28). Radical abolitionists had found it difficult to find meeting places as churches and public halls increasingly refused them entrance. So, a group of Philadelphians built an auditorium that would be open to anti-slavery and other reform groups. The hall opened on May 14, 1838. On the evening of the 16th there was a public meeting devoted to the discussion of slavery during which a noted female abolitionist, Angelina Grimke Weld, gave an address to a group of men and women of both races. It was not considered proper at that time for women to give speeches to mixed gender audiences. A mob gathered outside the hall to shout insults and throw stones at the windows. On the 17th the hall held a meeting of a national women’s anti-slavery group. Rumors spread that white women were seen walking arm in arm with black men to and from events held at Pennsylvania Hall. A mob once again gathered

outside the hall. At one point the Mayor of Philadelphia appeared in person to plead with the mob to disperse. The mob later broke into the building and set the hall on fire. Fire companies made no effort to save Pennsylvania Hall, only the adjacent buildings. The next night saw more rioting outside a building occupied by a newspaper friendly to abolitionists and the burning of a black orphanage.

Against this background it is difficult to read the transcription of the debate over black suffrage without concluding that racism played some role in the outcome. John Sterigere, the leader of the anti-black delegates, stated that blacks are

“physically and morally an inferior species of population. They are incompetent by nature . . . to exercise this valuable privilege. . . . The God of nature has made them a distinct, inferior caste, and placed a mark on them too visible to be disregarded. The evidence of their inferiority is everywhere. . . . They are also a debased and degraded portion of our population. . . . Is it proper to confer this important right . . . upon such an inferior, low, degraded and ignorant mass as our black population? Is the right of suffrage so little prized by us, that we are willing to share it with the scum and outcasts of the negro population of other states . . . ? . . . If the black population had sufficient capacity to exercise the right of voting, their colour and other circumstances must prevent any amalgamation or association with the white population. . . . It is an insult to the white man to propose this association, and ask him to go to the polls, and exercise the right of a freeman with negroes. Our antipathies are too great to allow such an association, and if attempted, will produce conflicts and bloodsheds at our elections, where all must meet, and on the same day” (Commonwealth of Pennsylvania, Constitutional Convention 1838, vol. IX, p. 364-365).

According to Edward Turner (1912, p. 189), “(t)he really decisive factors, in the Convention at any rate, were the general dislike of the negro in Pennsylvania, and the general prejudice against him”. Speaker after speaker echoed these themes of fear of racial amalgamation, the inferiority of blacks, that black suffrage would attract southern blacks to the state, and that violence against black citizens would result from their attempting to vote.

I test six racial variables: the percent of county population in 1840 accounted for by free black persons, the growth rate of the free black population between 1830 and 1840, the distance from Philadelphia to the county seat, a dummy variable taking a value of 1 if the county borders Delaware, Maryland, or Virginia, a dummy variable taking a value of 1 if blacks customarily voted in the county, and a variable measuring the partisan competitiveness of the county.

Conflict theories of racial prejudice imply that the increased presence and visibility of blacks is perceived by whites as a political and economic threat (Blalock 1967; Key 1949). Indeed, Marylee Taylor (1998) finds that white racial hostility rises as the black population percentage in an area increases. If delegate voting behavior reflects the preferences and prejudices of their constituents, then both the percentage of free blacks persons in the county population and the growth rate of the free black population are expected to increase the likelihood that a delegate voted to disenfranchise blacks. 41 percent of the state's free blacks lived in Philadelphia; 58 percent resided in the five counties comprising southeastern Pennsylvania. If the proximity of blacks increases racial prejudice, then this prejudice would be strongest in the counties closest to Philadelphia and weaken the further the distance from Philadelphia.

The fear that suffrage rights would attract blacks from the South would be most keenly felt in counties along Pennsylvania's southern border, so delegates from these counties ought to have been more likely to support black disenfranchisement. Blacks had been voting in several counties: Allegheny, Bucks, Cumberland, Dauphin, Juniata, Luzerne, Westmoreland, and York (Commonwealth of Pennsylvania, Constitutional Convention 1838, vol. IX, p. 380). Being accustomed to blacks exercising the right to vote, delegates from these counties are perhaps less likely to have supported black disenfranchisement.

Opponents of black suffrage denied that blacks could be given equality with whites. Holders of such views would not want black votes to determine the outcome of elections. So, the more politically competitive a county, the more decisive are black voters. I created a variable to measure the political competition in a county by taking the absolute value of the difference between 50 and the percentage of the county vote received by the Democratic candidate in the 1838 governors race. This number was subtracted from 100, so the greater the value, the greater the political competition in the county. Regardless of political affiliation, racial ascriptivists from politically competitive counties are more likely to have supported limiting the vote to white freemen.

Although the standard Pennsylvania history text (Klein and Hoogenboom 1980, p. 148) refers to the vote on black suffrage as "nonpartisan", partisan politics also figures into the debate over black

suffrage (Malone 2008, p. 72-82; Smith 1998, p. 280). Black votes were alleged to have determined the outcome of the 1837 elections in Bucks County (Rosenberger 1974). Democrats believed that blacks would overwhelmingly vote for Whigs and Anti-Masons. John Sterigere stated

“(b)ut what is to be effect of this negro suffrage? The memorial presented on behalf of the coloured people, says the effect of this amendment would be to deprive 40,000 of their rights. I presume that is about the number of blacks in this state. That number would produce 10,000 voters. These will, in the mass, join one of the great political parties, or be controlled by some political demagogue, or modern abolitionist, and must become the umpire between the two great political parties of the state” (Commonwealth of Pennsylvania, Constitutional Convention 1838, vol. IX, p. 365).

Democrats, then, would be more likely to have voted in favor of eliminating black voting rights. In addition to a dummy variable denoting whether the delegate was a Democrat, I test four other political variables. One tests for the interaction between the Democrat dummy variable and the political competition variable described above. Democrats from competitive areas are likely to have supported disenfranchisement on partisan political grounds rather than on the basis of political philosophy or racial prejudice.

The constitutional convention also voted to retain the tax qualification for voters. As Rebecca Keister (2005, p. 47) notes, both the tax qualification and black suffrage votes were concerned with whether “a group of men who were neglected members of society, by 1838 standards, should vote.” Those delegates favoring elimination of the tax qualification may have possessed an inclusive view of citizenship and political rights and may have favored black suffrage for philosophical reasons. The variable takes a value of 1 if the delegate voted to remove the tax qualification for voting and has a value of 0 otherwise. I expect that there is a negative relationship between votes on the tax and race requirements for voting. Those delegates who voted against eliminating the tax qualification will have voted in favor of black disenfranchisement.

I also test the percentage of the county vote for the Democratic candidate for governor in the 1838 election and expect it to be positively related to support for black disenfranchisement. Another political variable measures the percentage of adults in the county, both white and black and male and female, that voted in the 1838 gubernatorial election. The variable is intended to capture the extent that

citizens participate in democratic decision making. I expect that this variable is negatively related to a vote against black suffrage. Communities in which a large fraction of the population participates in political activities are less likely to deny some of their members their political rights. Blacks did organize to protest and prevent disenfranchisement (Smith 1998, p. 292-296). Mancur Olson's (1965) classic study suggests that collective action is more difficult to organize in larger groups relative to smaller ones. Population density may strengthen the social interactions necessary for collective action. Counties with a high black population density may have experienced more effective black protest against disenfranchisement, implying that delegates from these counties would have been less likely to support black disenfranchisement.

Economic issues may also have played a role in the vote. Ira Brown (1970, p. 22) writes, "(a)nother factor was the continuing influx to Pennsylvania of slaves and freedmen from the states to the south. This element competed with recent immigrants from Europe for jobs which were becoming scarcer in the wake of the Panic of 1837." The Panic of 1837 began on May 10 when New York banks refused to redeem their notes in coin. When the news reached Philadelphia late that evening, the city's leading bankers met and agreed to suspend specie payments immediately (Cyril 1940, p. 78). Banks needed to reduce the volume of loans and increase reserves until it became possible to resume and maintain specie payments. Therefore, both money and credit became scarce. The resulting recession brought prices down to the lowest recorded level since the U.S. came into existence (Cyril 1940, p. 79). Manufacturing output fell. In the fall of 1837, nine tenths of the factories in the East were reported to be closed (Rezneck 1935, p. 665). At the Baldwin Locomotive works in Philadelphia annual production fell nearly in half (Clark 1966, p. 435). Unemployment rose. In August 1837, a New York newspaper reported that 500 men had applied in a single day in answer to an advertisement for 20 spade laborers (Rezneck 1935, p. 664). The Baldwin works laid off about one third of its 300 workers (Clark 1966, p. 435). Suffering was great. In Philadelphia in 1837 a committee recommended that the state set up public granaries and coal yards where the consumer might purchase at cost; another committee was appointed to beg for the poor who were "dying of want" (Rezneck 1835, p. 667).

I test seven economic variables. The first three are the manufacturing density in the county as measured by the total capital invested in manufacturing, the density of agricultural employment in the county, and county population density. All densities are per square mile of county area. Although most Pennsylvanians were engaged in agriculture, manufacturing was expanding rapidly in some areas during the 1830's. In Philadelphia, for example, there were 3 ½ people employed in manufacturing in 1820 for every agricultural worker. By 1840, the ratio had risen to nearly 8 manufacturing workers per person employed in agriculture. Large numbers of workers were employed in the manufacture of leather goods, liquor, flour milling, printing and bookbinding, carriages and wagons, machinery, bricks and lime, cotton and woolen goods, iron forges, bloomeries, and rolling mills (Snyder 1958, p. 9). The industrial workforce consisted of both skilled artisans and unskilled wage earners of both races and genders (Sullivan 1955, p. 59-83). The jobs competition hypothesis holds that the competition between blacks and whites for scarce jobs during the Panic of 1837 exacerbated racial tensions. The Panic of 1837 hit the state's manufacturing sector much worse than its farm sector. So, the competition jobs would be strongest where manufacturing was important and weakest where agriculture was important. Blacks and whites competed for jobs primarily in manufacturing since "(i)n 1840 most of the work on the farm, except at hay and small grain harvest, was done by the farmer and his family" (Fletcher 1955, p. 76) and manufacturing employment severely contracted during 1837 and 1838. Also, population density ought to be positively associated with the size of the potential labor force and so with competition for jobs and, therefore, with a vote to deny blacks the right to vote.

The fourth variable is the county's population growth rate between 1830 and 1840. I expect that delegates from fast growing counties are more likely to support black disenfranchisement as migration into the county increases competition for jobs. The fifth variable, the ratio of manufacturing employment to agricultural employment, ought to be positively related to a vote to limit suffrage to whites. The greater this ratio, the greater is the relative importance of manufacturing to the county economy and the greater the competition for jobs. If the jobs competition hypothesis has any merit it would be for those delegates representing counties with relatively large black populations. So, I also test a variable

measuring the interaction between the free black population percentage and the manufacturing/agricultural employment ratio. The number of newspapers can be taken as an indicator of the level of economic development in the county. Economic development at this time was primarily related to manufacturing so delegates from counties with many newspapers are expected to be more likely to vote to disenfranchise blacks. These economic and population variables are taken from the 1830 and 1840 U.S. Censuses.

There are 19 variables to test. Given, the dichotomous nature of the dependent variable and the small number of observations, there are obvious testing problems. Standard statistical methodology, which requires a single simultaneous test of all variables, is inapplicable. The power of the test is just too weak. Thus, I adopt a second best approach. This approach involves testing the variables in a variety of ways and forming conclusions using an accumulation of results. These conclusions must be viewed with caution as the omitted variable problem may be a significant source of error. However, this problem is inescapable. The choice is either to test, and acknowledge the existence of possible errors, or not to test at all.

2. Testing the variables

I begin by testing the racial, political, and economic variables one at a time without taking into account inter-relationships among independent variables. I list in Table 1 the simple correlations (phi for the binary variables and point biserial for the continuous variables) between a delegate's vote on black disenfranchisement and the independent variables. There are some surprising correlations among the results. Delegates from counties with a relatively large black population and delegates from counties along the state's southern border are less likely to have voted to strip blacks of their suffrage rights. Of the 47 delegates from counties in which blacks accounted for at least 3 percent of the population, only 23 voted in favor of disenfranchisement; 36 out of 48 delegates from counties whose population was less than 1 percent black voted to disenfranchise black men. Also, supporters of lifting the tax qualification for voting tended to support black disenfranchisement. Otherwise, the signs of the coefficients are mostly

Table 1. Individual tests of the relationships between the independent variable and a delegate's vote on black disenfranchisement

Variable used	Correlation coefficient with a delegate's vote on black disenfranchisement
Racial variables	
Free black persons as percent of county population	-.205**
County politically competitive	-.133
Southern border county	-.124
Black population growth	-.104
Distance from Philadelphia	-.092
Blacks customarily vote in county	.048
Political variables	
Democrat	.663***
Democrat * county politically competitive	.662***
Percentage of county vote for Democratic gubernatorial candidate	.414***
Opposed tax qualification for voting	.400***
Percentage of adults voting in 1838 gubernatorial election	.032
Black population density	-.026
Economic variables	
Agricultural density	-.151*
Number of daily, semi-weekly, and weekly newspapers	-.082
Population growth	.064
Population density	-.025
Percent black population * manufacturing/agriculture employment ratio	-.025
Manufacturing density	-.021
Ratio of manufacturing to agricultural employment	-.011

Notes: ***, **, * indicate significance at the 99%, 95%, and 90% levels respectively.

as expected. Economic variables perform the least well. The variables with the largest correlation coefficients are the political variables measuring political affiliation. Democrats and delegates from heavily Democratic counties were most likely to vote to restrict the right to vote to white freemen.

I next allow the variables to compete against each other in explaining black disenfranchisement. I have already ruled out the inclusion of all variables as a useful statistical tool. Thus, I use stepwise logistic regression. Before presenting the results, I need to say a few words about the use of stepwise

Table 2. Summary of stepwise regression results

Variables selected	Coefficient and standard error
Intercept	-11.585 (6.499)
Democrat	4.554 (0.859)
Free black persons as percent of county population	-1.503 (0.380)
Manufacturing density	-0.001 (0.000)
Percent black population * manufacturing/agriculture employment ratio	2.091 (0.673)
Distance from Philadelphia	-0.007 (0.003)
County politically competitive	0.152 (0.071)

Notes: The values of the coefficients are listed in the table with standard errors in parentheses underneath. Variables were included in the equation if they passed a 5% significance test and excluded if they failed the same test. The Homer and Lemeshow statistic has a significance level of 0.461. The Nagekerte R-squared for the equation is 0.696. The variables were removed in the following order: ratio of manufacturing to agricultural employment, Democrat * county politically competitive, blacks customarily vote in county, population density, percentage of adults voting in 1838 gubernatorial election, population growth rate, tax qualification vote, number of newspapers, percentage of county vote for Democratic gubernatorial candidate, agricultural density, black population density, black population growth rate, and southern border county.

regression and the interpretation of its results. I use stepwise regression because, given the number and nature of the variables being tested, a choice has to be made between an arbitrary variable selection procedure and some formal procedure. Formal procedures like stepwise regression have the advantage that the way the variables are selected is transparent to the reader. The main disadvantage is that repeated application of tests invalidates the probability statements resulting from the tests. However, I still present these test statistics in the paper in order to provide information on the relative explanatory power of the variables. However, the absolute level of significance is meaningless when using stepwise regression.

I present the results of a binary logistic regression in Table 2. I used a stepwise backward likelihood ratio procedure in order to give all the variables an opportunity to demonstrate some explanatory power. Variables were included in the equation if they passed a 5% significance test and excluded if they failed the same test. The results confirm that Democrats are more likely to have supported black disenfranchisement, everything else the same. I find that three racial variables have some explanatory power. One variable is the percentage of free blacks in the county population, which has supported disenfranchisement, which is consistent with a racial ascriptivist motive. The other two racial variables are the percentage of free blacks in the county population and the distance from Philadelphia. But again, the hypothesis that a concentration of black residents in a county would cause its delegates to vote to restrict suffrage to whites is not supported by the results. In fact, the greater the percentages of blacks, less likely were county delegates to vote to disenfranchise blacks. On the other hand, delegates the representing counties far from Philadelphia were less likely to support disenfranchisement than were those from counties close to the state's largest concentration of black citizens. The jobs competition hypothesis is supported by the finding that the greater a county's ratio of manufacturing employment to agricultural employment times its free black population percentage, the more likely were its delegates to vote to deny blacks the vote.

Having found the most important variables affecting convention delegates' votes on black disenfranchisement, I can counteract the worst effects of the omitted variable problem by controlling for these variables when testing hypotheses. Each of the remaining variables is added separately to the equation presented in Table 2. I present the resulting coefficient estimates in Table 3. The standard errors are presented solely to judge the explanatory power of the variables. The most significant aspect of the results in Table 3 is the number of the times the signs of the coefficients fail to support the relevant hypothesis. For the racial variables, 1 out of 3 signs is incorrect; for the political variables 2 out of 5 are incorrect; for the variables measuring a county's economic development, 3 out of 5 are incorrect. The only variable with remotely any explanatory power is the growth rate of the county's free black population, which, inconsistent with a racial motive, is negatively related to a vote on disenfranchisement.

Table 3. Estimated coefficients and standard errors when each variable is added separately to the regression equation in which Democrat, free black persons as percent of county population, manufacturing density, percent black population * manufacturing/agriculture employment ratio, distance from Philadelphia, and county politically competitive are already included.

Variable	Coefficient and standard error
Racial variables	
Southern border county	1.571 (0.994)
Black population growth	-0.009* (0.005)
Blacks customarily vote in county	-0.096 (0.819)
Political variables	
Democrat * county politically competitive	0.086 (0.156)
Percentage of county vote for Democratic gubernatorial candidate	-0.010 (0.044)
Opposed tax qualification for voting	-0.086 (1.054)
Percentage of adults voting in 1838 gubernatorial election	0.039 (0.101)
Black population density	-0.322 (0.335)
Economic variables	
Agricultural density	-0.063 (0.131)
Number of daily, semi-weekly, and weekly newspapers	-0.065 (0.114)
Population growth	-0.004 (0.012)
Population density	-0.019 (0.025)
Ratio of manufacturing to agricultural employment	1.319 (2.389)

Notes: ***, **, * indicate significance at the 99%, 95%, and 90% levels respectively. Delegates from politically competitive counties are more likely to

3. Conclusions

The best way to summarize the empirical results is to classify the variables into three groups: those which I can readily accept because they are supported in both tests, those which I can readily reject because no test results support them, and those upon which I must remain agnostic because the test results are not consistent. In the first group are the delegate's political party affiliation and the fraction of free black persons in the county population. One can state quite confidently that these two variables are determinants of how convention delegates voted on the issue of black suffrage. As expected, Democrats are more likely to have supported black disenfranchisement. Whether this is due to partisan electoral concerns or to political philosophy is uncertain. The only racial variable robustly related to black suffrage rights is the relative size of the county's black population. Unexpectedly, delegates from counties with a proportionally large black population are less likely to have supported the effort to disenfranchise black voters. This is not consistent with a racial motive for denying blacks the right to vote. Perhaps, Whigs and Anti-Masons from counties with large black populations had developed political ties with them and were reluctant to deny them the right to vote. Of the 30 Whigs and Anti-Masons representing counties in which blacks accounted for more than 3 percent of the population, 23 voted against the motion to disenfranchise free black males. 20 Whigs and Anti-Masons came from counties where blacks were less than 1 percent of the population. Only 12 of these delegates voted against the racial voting restriction.

The remaining racial and most of the economic variables can be placed in the second group. The relevancy of these variables is easily rejected. The political variables also tend to fall in the "rejected" group. The tax qualification vote changes signs when tested with other variables, and the interaction between the Democrat dummy variable and the political competition variable disappears when tested jointly. The strong correlations of the political variables in Table 1 are likely all the result of their collinearity with party affiliation. When I control for political party, the explanatory power of the other political variables disappears. A stepwise discriminant analysis confirms the primacy of the delegate's political affiliation. Even with a generous inclusion significance criterion of 5 percent and an exclusion criterion of 20 percent, only the Democrat variable enters into the discriminant function. This makes it at

least plausible to argue that Democrats voted to disenfranchise blacks for reasons of political or racial philosophy rather than for purely electoral concerns as even Democrats representing overwhelmingly Democratic counties voted to deny blacks the right to vote.

As for the “agnostic” group of variables, I find that two economic variables have some explanatory power in the joint tests. Tested individually, though, these variables have no correlation with black suffrage votes. Consistent with the hypothesis that economic competition between blacks and low status whites for jobs contributed to anti-black sentiment, the ratio of manufacturing employment to agricultural employment is positively related to black disenfranchisement in the joint tests when the size of the black population is taken into account. Delegates from counties with a large black population in which the manufacturing sector is large relative to the agricultural sector are more likely to have supported the effort to deny blacks the right to vote. Manufacturing density has a negative sign in the logistic regression. If this is taken as a proxy for the level of socioeconomic development, then delegates from the more economically advanced counties are less likely to have voted to disenfranchise black Pennsylvanians, everything else the same.

Two racial variables also have some explanatory power in the joint test and both are consistent with a racial motive for denying blacks the right to vote. Delegates from areas far from Philadelphia are less likely to have supported disenfranchisement than are delegates representing areas close to Philadelphia. Also, the greater the political competition in the county, the more likely were its delegates, Democrat or Whig or Anti-Mason, to vote in favor of disenfranchisement.

Taken together, these results fit the broad pattern identified by Christopher Malone (2008) that lead to the disenfranchisement of blacks in Pennsylvania and other northern states before the Civil War. The competition between blacks and whites for suddenly scarce jobs inflamed racial prejudice, especially in areas around Philadelphia. The opponents of black suffrage found overwhelming support in the Democratic party. At the convention, almost all the Democrats and nearly half of the Whigs and Anti-Masons voted to deny blacks the right to vote. With the adoption of the new constitution, Eric Ledell

Smith (1998, p. 296) concludes that “African Americans could no longer take freedom for granted in Pennsylvania.”

Notes

1. Malone (2008, p. 91-97), Mittrick (1985, p. 22-33), and Price (1973, p. 100-116) each provide a summary of the debate at the 1837-1838 constitutional convention over the racial qualification for voting.
2. In October 1835, William Fogg, a black property owner and taxpayer in Luzerne County, was prevented from voting by Hiram Hobbs, the county elections inspector. Fogg appealed to the county court of appeals, where Judge David Scott ruled that there was nothing in the federal or state constitutions that prohibited blacks from voting. Hobbs appealed to the state supreme court. The case was argued in July 1837 but the court withheld its decision until 1838 after the constitutional convention amended the suffrage article to prohibit blacks from voting. Judge John Gibson ruled that since they were not freemen under the state's 1790 constitution, blacks were not entitled to vote. See Smith (1998, p. 294-295).
3. 18 delegates changed their positions from when the issue was voted on the previous summer: 16, six of whom were Democrats, now voted to disenfranchise blacks and two, one a Democrat, switched from "yes" to "no". Of the 23 delegates that did not vote on the amendment the first time, 18 voted in favor of disenfranchisement.

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