

An African American Anti-Slavery Activist Becomes a Legislator: Lewis Hayden's One Year (1873) in the Massachusetts House of Representatives

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Contents

1. Introduction
2. Hayden's Legislative Record
3. Conclusion

1. Introduction

Lewis Hayden, an African American anti-slavery and civil rights activist, represented Boston's district six (Beacon Hill and the West End), one of the centers of the African American community, in the Massachusetts House of Representatives in 1873 (Robboy & Robboy, 1973). The district had consistently sent African American representatives to the legislature following the Civil War. Since the 1850s, during his anti-slavery years, Hayden had been an associate of members of the "Bird Club" or the radical wing of the Republican Party in Massachusetts. Hayden had also been a Republican political appointee, holding a job in the office of the Secretary of State, since the 1860s. He was a natural choice to represent the Party.

Hayden was apparently reluctant to run for public office. 1872 was a controversial year for the Republican Party, both nationally and in Massachusetts. The party had split between Radicals and Liberals. The Radicals supported the Grant administration's hard line on Reconstruction. The Liberals "included tariff reformers and free traders, civil service reformers, and those who urged a policy of amnesty and 'self-government' for the South." (McPherson, 1975)

2. Hayden's Legislative Record

One of the most divisive issues before the House in 1873 was the censure of Massachusetts Senator Charles Sumner. The Liberal Republicans had endorsed Sumner as their candidate for governor of Massachusetts, but after he declined, they later nominated Francis Bird, Sumner's long time friend and political ally. The Liberals also joined forces with the Democrats during the election (Baum, 1980). This made the situation much less clear for old Republican anti-slavery activists such as Hayden. Three fourths of the old abolitionists supported Grant and the Radicals in the election of 1872, many because they feared that the Liberal program of

reconciliation would worsen the situation of the newly freed slaves (McPherson, 1975) .

In 1872, the legislature had passed a resolution censuring Sumner for his defection from the Radical ranks. Sumner had sponsored a bill that would have banned the "retaining the names of the battles of the rebellion, in the army register, and on the regimental colors of the United States." Coming in an election year, the resolution threatened to alienate a large and highly organized block of voters, Union veterans. The "battle flag" debate began during the 1872 sessions of the Massachusetts legislature, and finally, in December 1872, resulted in a joint resolution condemning the bill and censuring Sumner for his support of it (*Journal of the House*, 1873, pp. 51-5).

The 1873 legislative session was calm in comparison to the previous year. The commotion over Sumner's defection and the desertion of the Liberal Republicans had begun to die down. The battle flag debate, however, continued on into the early months of the 1873 session. Hayden was remembered in his obituary for having taken part in it (*Boston Globe*, 8 April 1889). In February, the House received "the petition of Wendell Phillips and others to expunge the resolution of December 18, 1872, censuring Senator Sumner." This petition had the support of Senator Henry Wilson, soon to take office as Vice-President, and many pre-war abolitionists. (*Journal of the House*, 1873, pp. 177, 206, 250-1, 256, 271).

Hayden had known Sumner from his days in the pre-war abolitionist struggle. The move against the resolution censuring Sumner also had the support of many other pre-Civil War abolitionists. The attempt to rescind the censure of Sumner seems to have had a broad range of support, coming from both the federal administration and former Liberals. It, however, did not have enough support to pass. The report of the committee on Federal Relations on the petitions, "leave to withdraw," was accepted by the House. The 1872 legislature's censure of Sumner remained on the books. Although the 1873 House voted to reject the petition (*Journal of the House*, 1873, p. 271) with Hayden voting in the minority, the censure of Sumner was finally removed by the legislature of 1874 (Brooks, 1899).

In 1873, the Massachusetts legislature considered other issues that split the both Radical and Liberal Republicans even further along ideological lines. Woman suffrage was one of these. Many of the men and women who had been prominent in the abolitionist movement and who had supported the Republican Party, among them Julia Ward Howe, Wendell Phillips and Maria Lydia Child, were at the heart of the petition drive for votes for women. Petitions had been sent to the legislature every year, beginning in 1867.

An amendment to the state constitution had almost been passed in the House during the 1871 session (Baum, 1983). In 1873, the Senate passed the resolution of the Woman Suffrage Association to abolish all distinction based on sex (*Journal of the House*, 1873, p. 76). Hayden was appointed to the Joint Special Committee on Woman Suffrage (*Journal of the House*, 1873, p. 21) and consistently voted with the minority in the House in favor of suffrage. Hayden also presented a petition "against the further rent of land to Massachusetts Institute of Technology, except on condition that women shall be admitted to its advantages

on the same terms as men" (*Journal of the House*, 1873, p. 160) which was accepted by the House (*Journal of the House*, 1873, p. 321). The House, however, did not agree on suffrage. Women did not gain the right to vote in school committee elections until 1879 (Kenneally, 1968), and had to wait for general suffrage until an amendment to the United States constitution in 1920.

Republicans were also split on support of labor movement. Hayden introduced "...the petition of the Boston Eight Hour League in favor of an eight hour law [to restrict the working day]; which was referred to the joint special committee on the Labor Question." (*Journal of the House*, 1873, p. 149) Hayden again voted with the minority in favor of a ten-hour day (*Journal of the House*, 1873, p 401). Ten-hour legislation for women was not made law until 1874.

Hayden also introduced a resolution, which was defeated, requesting Massachusetts' senators and congressmen to demand that the US government "secure to the struggling patriots of Cuba the recognition of their belligerent rights." He followed this with several others over the course of the 1873 session. (*Journal of the House*, 1873, pp. 92, 124). Cuba's First War of Independence began in 1869, and according to a 1872 plan suggested by the Colombian foreign minister, the US would oversee Cuban independence, the freeing of Cuban slaves and the payment of a reimbursement to Spain for the loss of its colony (NBCC, 1998). This was an especially important issue for Hayden because he was a former slave and anti-slavery activist. The continuance of slavery in Cuba was not an abstract political issue for him. He know the hardship of slavery firsthand. Hayden's party, however, did not feel as strongly as he did. Republican President Grant was opposed to the plan. The Massachusetts legislature did not pass the resolve in favor of Cuban independence.

Perhaps the single issue which attracted the most debate in the 1873 session of the legislature was state aid to railroads, especially in relation to the construction of the Hoosac Tunnel in western Massachusetts. The pre-war policy of state aid to railroads, especially those that connected Boston with the western states, was continued by the Republicans during the early post-war period. This dramatically increased the state's debt. Republican leaders such as Francis Bird had usually supported state grants to railroad corporations. As time went on and railroads expected the state to rescue them from problems that were based in poor management, that support lessened (Abbott, 1976).

Hayden voted with the minority of the House against state aid for the railroads connected with the Hoosac Tunnel. In doing so he supported the position of Governor Washburn. The governor's position had wide support, even in the legislature, which failed to overturn his veto of a major grant of state funds to a railroad company that had lost money in its Hoosac Tunnel ventures (*Journal of the House*, 1873, pp. 435, 475-9, 485-93, 510-15).

3. Conclusion

The issue of the Hoosac Tunnel divided the Republicans but not along radical ideological lines as in the case of woman suffrage or support for reducing the hours of labor. In general, Hayden's voting record was consistent with the political and personal connections he had established from the 1850s. On the one hand he consistently stood with the old abolitionists on the side of equality for women, the rights of labor, and the freeing of Cuban slaves. He was one of the more outspoken members of the House in his loyalty to Senator Sumner. Hayden's views on Sumner, in the minority in 1873, did not gain majority support until 1874, the year after he had left the House. Although he served for only one year, Hayden's term in the legislature showed him to be a stalwart rank and file Republican of the old school, both loyal to the Party and working in support of human rights.

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[Abstract]

**An African American Anti-Slavery Activist Becomes a Legislator:
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Lewis Hayden, an African American anti-slavery and civil rights activist, served one term in the Massachusetts House of Representatives in 1873. Hayden voted within the range of the more radical members of Massachusetts Republicans on issues such as Woman Suffrage, a ten hour labor law, support of Cuban revolutionaries and support for Massachusetts' US Senator Charles Sumner. Although the splits within the Republican Party were growing in the early 1870s, Hayden's voting record was consistent with his political and personal associations from the 1850s with members of the "Bird Club", the core of the radical wing of the Massachusetts Republican Party.

Keywords: Lewis Hayden, African American, Republican, Massachusetts House of Representatives, 1873

