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‘It is Time to Be Leaders Ourselves’: New Orleans Black Radicals in American Political Culture, 1863-1868

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During Reconstruction in New Orleans, as they witnessed the burgeoning political advocacy of blacks, white conservatives raised the specter of “AFRICANIZATION.”¹ Louisiana Governor Henry C. Warmouth believed that “the radical Republican

movement was a plot by Creole extremists ‘to establish an *African State Government*.’”² Historians have discussed the successful, although brief, incorporation of New Orleans blacks into the body politic—the “Americanization” of Afro-Creoles during Reconstruction.³ Most assume that there was something essentially “American” about antebellum white political culture that arose in isolation from black influences, and that when blacks gained the franchise, they adapted to the existing order. However, as Steven Hahn observes, black activists in New Orleans “set out to do

1 For example, see William H. Holcombe, “The Alternative: A Separate Nationality, or the Africanization of the South,” *Southern Literary Messenger* 32 (Feb 1861): 81–8. My use of the term “black” encompasses all people who were categorized as “Africans” or “Negroes” at the time. In New Orleans, this includes light-skinned people of mixed European, Caribbean, and African ancestry, who were accorded the social standing of “black” because of the so-called One Drop Rule. Within this category, I will discuss two populations: the African American ex-slaves, who were generally darker in complexion, and the freeborn population of Afro-Creoles, many of whom had European citizenship or parents that grew up in Louisiana under French and Spanish rule.

2 Caryn Cossé Bell, *Revolution, Romanticism and the Afro-Creole Protest Tradition in Louisiana, 1718-1868* (Baton Rouge: Louisiana State University Press, 1997): 271.

3 Caryn Cossé Bell and Joseph Logson, “The Americanization of Black New Orleans,” in *Creole New Orleans: Race and Americanization*, eds. Joseph Logson and Arnold R. Hirsch (Baton Rouge: Louisiana State University Press, 1992): 201.

something that no other society in the world, let alone state in the South or the Union, had so much attempted. They would inscribe into fundamental law the enfranchisement and full civil standing of [blacks]... thereby reconstructing the body politic of the South and potentially reordering the politics and society of the nation.”⁴ In this paper, I want to explore Hahn’s claim that blacks in Reconstruction New Orleans “envisioned a nation that did not yet exist.” I will argue that in the early years of Reconstruction (1863-1868), blacks in New Orleans did not merely claim inclusion into the existing polity; they sought to remake American law and political culture according to their own principles—to “African-Americanize” the nation. As the editors of the black radical newspaper the New Orleans *Tribune* wrote, “It is not the time to follow in the path of white leaders; it is the time to be leaders ourselves.”⁵ New Orleans blacks forged a new political culture from their diverse backgrounds, fusing the anti-caste natural rights theory of the revolutionary Atlantic world with the self-reliance and communal solidarity developed under slavery.

Lying at the juncture of the Mississippi River and the Gulf of Mexico, New Orleans was the largest and most cosmopolitan city in the Old South. Its location connected it to both the inland domestic trade and the Atlantic world, which resulted in an unusually diverse population. The city was home to a significant number of European immigrants and Northern transplants; it also had the largest community of free blacks in the South. Many of these were freeborn Afro-Creoles of mixed European ancestry who were wealthy, worldly, and educated at elite institutions. Although these lighter-skinned blacks were still stigmatized and denied civil rights, they “enjoyed a status probably unequalled in any other part of the South.” They rubbed elbows with whites in some social settings, including the Catholic Church.⁶ The class structure of New Orleans also set it apart. While elsewhere in the South there were two classes – the aristocratic landowners and the laboring poor – New Orleans had a genuine middle class of skilled black craftsmen.⁷

The boundaries between black and white, free and enslaved, were more fluid in New Orleans than elsewhere. Many mixed-race blacks were reported to have “passed” to gain admission to white-only spaces such as theaters, restaurants and dining cabins on steamboats.⁸ It was on these vessels that some bondsmen

escaped to the North by passing as white or as hired laborers. However, New Orleans was also a place where many unwillingly made the transition from freedom to slavery. For example, some free Afro-Creoles with French citizenship arrived in the city as refugees from the Haitian Revolution and found themselves re-enslaved when fellow passengers claimed them as property.⁹

Historians have pointed to these and other peculiarities to claim that New Orleans is a regional anomaly: “an appendage of the middle-class North.”¹⁰ According to this view, a case study of the Crescent City would not shed light on race relations in the Reconstruction South. But while the city’s Afro-Creoles were influential, in 1860 the majority of blacks in New Orleans were still enslaved. Between 1860 and 1870, as freedpeople from the surrounding parishes came to New Orleans, the city’s black population more than doubled.¹¹ Although they left little documentary evidence, the rural migrants did not share all the needs and values of the Afro-Creoles. Thus, New Orleans served as a meeting ground for blacks from diverse cultures and social classes. Conservative whites also had a strong presence in the city. The Reconstruction conventions brought white supremacists head-to-head with radicals in a formal setting, where they aired their differences over issues as profound as the origin of racial difference. For example, during the 1864 Free State convention, which excluded blacks, white delegates from across the political spectrum contemplated the fate of the freedmen. Some openly declared the inherent “barbarism” of the “African race,” which could not survive without the benevolent rule of “the superior race.”¹² In 1865, the Democratic Party returned to power under Presidential Reconstruction. Their official platform declared that “people of African descent cannot be considered as citizens of the United States, and that there can, in no event, nor under any circumstances, be any equality between the white and other races.” Just five years later, on the floor of the state legislature, an African American representative named Robert H. Isabelle announced his support for school integration in radical terms: “I want the children of the

4 Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge: Harvard University Press, 2003): 207.

5 New Orleans *Tribune* February 1, 1865.

6 Louis R. Harlan, “Desegregation in New Orleans public schools during Reconstruction,” *American Historical Review* 67, no. 3 (April 1962): 674; John Blassingame, *Black New Orleans, 1860-1880* (Chicago: University of Chicago Press, 1973): 16.

7 Ted Tunnell, *Crucible of Reconstruction: War, Radicalism, and Race in Louisiana, 1862-1877* (Baton Rouge: Louisiana State University Press, 1984): 19.

8 For one such anecdote, see Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge: Harvard University Press, 2013): 137.

9 Although there was an 1808 federal ban on importation of slaves to the United States, New Orleans officials often turned a blind eye to it. See Rebecca Scott, *Freedom Papers: An Atlantic Odyssey in the Age of Emancipation* (Cambridge: Harvard University Press, 2012): 60; for another instance of slave-claiming on a steamboat see Johnson 2013, 139.

10 Tunnell 1984, 20.

11 Blassingame 1973, 1-2; Appendix Table 1. The total black population of New Orleans increased from 24,074 in 1860 to 50,495 in 1870.

12 For example, Delegate Edmund Abell addressed the floor: “I say that of all systems of labor, slavery is the most perfect, humane and satisfactory that has ever been devised...Look at the free negro in his native jungles, sir, what do you find? A mere bug-eater; a fruit eater; a mere naked, destitute wretch, as incapable of social enjoyment as a brute.” Albert P. Bennett, “Debates in the Convention for the revision and amendment of the constitution of the state of Louisiana. Assembled at Liberty hall, New Orleans, April 6, 1864” (New Orleans: W. R. Fish, printer to the Convention, 1864): 156.

State educated together. I want to see them play together; to be amalgamated...I want them to play together, to study together; and when they grow up to be men they will love each other..."¹³ Before the war, New Orleans was home to the country's most successful black community and the largest slave market. During Reconstruction, it was a meeting ground for race radicals and diehard white supremacists—a cross-section of all the conflicting ideologies in the postwar South. As such, it was the forum for a far-reaching debate over the meaning and scope of emancipation.

Historians of Reconstruction have shown the importance of looking beyond partisan designations by highlighting intra-party divisions, especially among Republicans. Likewise, it is crucial not to think of the "black community" as a monolith. The case of New Orleans is instructive, as the city's Afro-Creoles and freedmen were culturally, economically, and linguistically distinct. Some scholars have argued that the Afro-Creoles only worked to secure their own interests, which were at odds with those of the newly emancipated.¹⁴ There is some evidence that during and after the Civil War, the "colored aristocrats" sought to distinguish themselves from the freedpeople. For example, they resented the broad sweep of vagrancy laws designed to control the labor of freedmen but that likewise restricted their mobility.¹⁵ In 1862, the elite French-born Paul Trévigne founded *L'Union*, the first black newspaper in New Orleans. Published exclusively in French, the paper was intended for well-to-do, educated Afro-Creoles. By some accounts, it was "a caste journal which accepted many of the social and economic distinctions between the free-born men of color and the former slaves."¹⁶ When they were concerned with the freedpeople, it was in the paternalistic sense of *noblesse oblige*: they intended to "organize labor-colonies, and elevate our emancipated brethren." According to Tunnell, this meant "the former bondsmen ought to remain passive...trusting in their more enlightened brethren" to determine their interests.¹⁷ Scholars who emphasize the conflict of interests between these two groups often overstate the extent to which Afro-Creoles did not identify with the freedmen. Most of their evidence is taken from earlier writings, and they assume that the relationship between Afro-Creoles and freed blacks was static over the course of Reconstruction.¹⁸ But as Afro-Creole leaders encountered freedmen in political conventions and segregated streetcars, they began to understand the full social and economic empowerment of the freedmen as inseparable from their own quest for equal rights.

Given the gulf between the world of the plantation slave and

that of the free-born urbanite, it is not surprising that the Afro-Creoles felt themselves qualified to guide the freedmen's transition to life in New Orleans. "When the freedmen arrived in New Orleans," Blassingame writes, "they were generally uneducated, disease-wracked, slovenly, hardened to cruelty and deprivation, and had little understanding of [Creole Catholic] religion [or] politics[.]"¹⁹ It is likely that most Afro-Creoles harbored class and race prejudice against their darker brethren. What is remarkable, then, is how quickly the Afro-Creole leaders took up the cause of the freedmen after emancipation. Their first campaign was for suffrage, and initially they only requested the vote for a few "men of quality." They reasoned that their political consciousness and economic independence "qualified" them to vote. They appealed to the republican idea that the franchise could only safely be exercised by citizens free from economic or social coercion. They also cited their military service as an earned basis for suffrage. For example, at a November 1863 rally, Afro-Creole François Boisdoré announced, "When our father fought in 1815 they were told that they should be compensated...If the United States has the right to arm us, it certainly has the right to allow us the rights of suffrage." At the same rally, white Unionist Thomas Durant argued that while emancipated slaves should not "immediately possess all of the rights and privileges of American citizens" due to the handicaps of slavery, the free Afro-Creoles had "the same claims as any other class to the enjoyment of all the civil, political and religious rights of American citizens" – and "the audience burst into applause."²⁰ As the wartime government prepared for the 1864 constitutional convention by which Louisiana would re-enter the Union, Afro-Creoles' calls for suffrage gained intensity. They insisted that blacks comprise a proportionate share of the electorate and delegates. But as state officials ignored their claims and moved forward with an all-white convention, Afro-Creoles organized a rival election, drew up a petition, and sent two emissaries to deliver their suffrage claims to President Lincoln. This petition called for the enfranchisement of free-born blacks only.

Historians have seized on this petition as evidence that the Afro-Creole elite had little interest in supporting the freedmen. But by 1864, the basis of their civil rights claims was already changing from merit qualifications to a theory of natural rights. An April 1864 interview with the New York *Anglo-African* reveals that the petition's authors initially wished to call for universal suffrage. They were discouraged from this path by white radicals such as Durant, who knew that an appeal for limited suffrage was more likely to be taken seriously by Lincoln and Congress. In a meeting with Senator Charles Sumner and Congressman William D. Kelley, the petitioners added a provision that called for suffrage for all men – free and formerly enslaved – throughout the South. It was this revised version that was presented to the President.²¹ Shortly thereafter, in his first recorded endorsement of black suffrage, Lincoln privately urged the Free State Governor Michael Hahn to extend the suffrage to Afro-Creoles: "I barely suggest for your

13 Robert H. Isabelle quoted in the New Orleans *Daily Picayune*, February 9, 1970.

14 E.g. David Rankin, "The Origins of Black Leadership in New Orleans During Reconstruction." *Journal of Southern History* 40 (August 1974): 435; Tunnell 1984 *passim*.

15 William P. Connor, "Reconstruction Rebels: The New Orleans Tribune in Post-War Louisiana" *Louisiana History* (1980): 163.

16 Connor 1980, 162.

17 New Orleans *Tribune* Nov. 30, 1864; Tunnell 1984, 87.

18 For example, Tunnell's quotes are primarily from late 1864, before the Friends of Universal Suffrage convened.

19 Blassingame 1973, 2.

20 Cited in Bell 1997, 248, 249.

21 *Ibid.* 252.

private consideration,” he wrote, “whether some of the colored people may not be let in [granted suffrage]—as, for instance, the very intelligent, and especially those who have fought gallantly in our ranks.”²² Historians often leave out this evidence of the Afro-Creoles’ emerging concern for the freedmen. Their fixation on the divide between freeborn and freedpeople shows the enduring legacy of anti-black propaganda. White supremacist newspapers often charged the Afro-Creoles of elitism, claiming that their calls for integration were not intended to benefit the freedpeople but would in fact excite popular reaction against them. Fearing the collective power of blacks, white conservatives sought to antagonize the two populations.

When the newly elected (all-white) legislature convened in the fall of 1864, Representative Charles Smith introduced a bill that would have granted suffrage to “every person having not more than one-fourth negro blood.”²³ Known as the Quadroon Bill, the proposal would not have disrupted the principle of a white-only suffrage, but would have “considered and recognized as white” people of mixed ancestry; this would have enfranchised many of the city’s prominent Afro-Creoles. Republicans such as B. Rush Plumly and famed abolitionist William Lloyd Garrison urged blacks to accept this compromise.²⁴ In an argument that would recur in later debates over legislating equality, Garrison chided, “when was it ever known that liberation from bondage was accompanied by a recognition of political equality?”²⁵ Several prominent blacks also supported the bill: they argued that although universal male suffrage was the ultimate goal, it was best not to demand it “too soon or too harshly.” John Willis Menard, a black man who came to New Orleans from Illinois, recommended they compromise by asking for “suffrage on the basis of intelligence” to court “the friendship of the dominant class.”²⁶ But the majority of Afro-Creoles, including the *Tribune*’s editors, roundly rejected the Quadroon Bill. Denouncing the notion of limited black suffrage, they lashed out against both Durant’s Republican state government and Lincoln’s cowardly national policies. The *Tribune* editors wrote, “We defend a principle...we cannot compromise with principles. Assured of the sound basis of our rights, we proclaim them, we uphold them fully and completely, and we will hear nothing of sacrificing them[.]”²⁷ This shows that since emancipation, New Orleans leaders had developed a more universalistic concept of citizenship and rights – one with a “sound basis” not in merit or social custom, but in the innate equality of all men. This conception would eventually be voiced in U.S.

Congressional debates over the Civil Rights Acts and Reconstruction Amendments, but in 1864 it had yet to reach the national stage.

On October 4, 1864, 150 black leaders from across the nation convened in Syracuse, New York to found the National Equal Rights League, a group whose purpose was to campaign for black suffrage. Louisiana sent several delegates to the convention, including the Union war hero and outspoken radical James H. Ingraham. Bringing the momentum of the Equal Rights League back to New Orleans, Captain Ingraham and others called a mass meeting on December 27 with plans to establish a statewide organization, the Equal Rights League of Louisiana. “The quadroon bill was a firebrand thrown out to divide us,” he declared. To obtain civil rights, he contended, “we have to set aside all differences and unite in one spirit.”²⁸ In January, almost one hundred black leaders gathered in New Orleans for the first Convention of Colored Men of Louisiana. Although free-born blacks predominated, Ingraham’s call for interclass solidarity was borne out in the diversity of the delegates. The *Tribune* observed,

It was the first political move ever made by the colored people of the state acting in a body...[and] the first time that delegates of the country parishes...came to this city to act upon political matters, in community with the delegates of the Crescent City...There were seated side by side the rich and the poor, the literate and educated man and the country laborer hardly released from bondage, distinguished only by the natural gifts of mind...all classes were represented and united in a common thought: the actual liberation from social and political bondage.²⁹

At this convention, Ingraham put forth three proposals: setting up a permanent branch of the Equal Rights League in Louisiana, establishing a board to deal with the concerns of all blacks, and creating a program to address the particular needs of the freedmen. This was a far cry from the paternalism that Tunnell and others have charged the Afro-Creoles with. In fact, Ingraham proposed “a board of freedmen, whose members would be taken from among the emancipated slaves,” and who would bring the freedpeople’s own wishes to the floor.³⁰

The 1865 convention, although not officially recognized by the state or national government, marked a turning point in the course of Louisiana Reconstruction. The Unionist legislators had abolished slavery, but they proved unwilling to extend meaningful rights to blacks. General Banks’ “free labor” system was designed to keep freedpeople on plantations and, some believed, to preserve the antebellum social order.³¹ The most radical concession

22 Bell 1997, 252; Eric Foner, “Rights and the Constitution in Black Life during the Civil War and Reconstruction.” *The Journal of American History* (1987): 868.

23 Tunnell 1984, 80.

24 *Ibid.* 82.

25 Cited in Bell 1997, 253.

26 Quoted in Joseph Logson and Caryl Cossé Bell, “The Americanization of Black New Orleans,” in *Creole New Orleans: Race and Americanization*, ed. Arnold R. Hirsch and Joseph Logson (Baton Rouge: Louisiana State University Press, 1992): 241.

27 Bell 1997, 255.

28 Charles Vincent, “‘Of Such Historical Importance...’: The African American Experience in Louisiana (*Louisiana History: The Journal of the Louisiana Historical Association*, 2009): 31.

29 Quote reproduced in Leon Litwack, *Been in the storm so long: The aftermath of slavery* (Random House LLC, 1980): 509.

30 Vincent 2009, 32.

31 Roger A. Fischer, *The Segregation Struggle in Louisiana 1862-77* (Urbana: University of Illinois Press, 1974).

proposed by white Republicans – the Quadroon Bill – aimed to deepen the divide between the Afro-Creoles and the freedpeople, thus neutralizing the threat of a unified black political body.³² By the 1865 convention, two things had become clear to the black leaders. First, the Afro-Creoles' claims for citizenship and more symbolic forms of equality were inextricable from the fate of the freedmen. They realized that the abolition of slavery would not be a guarantee of genuine freedom unless it was accompanied by legal protection against white exploitation: without these measures, blacks could continue to be kicked off streetcars, just as they could be coerced into unjust labor contracts.³³ The economic needs of poor freedpeople could not be met without the public recognition of their citizenship: "public rights" bolstered and maintained more basic freedoms.

Second, the men at the 1865 convention knew they could not secure full emancipation simply by adopting the principles of white liberals, nor could they depend on whites to grant them their rights. The Jeffersonian brand of republicanism that prevailed before the war was based on the assumption that only those truly independent – that is, property-owning, debtless white males – could be entrusted with political rights. Freeborn and freed blacks, "equally rejected and deprived of their rights[,] cannot well be estranged from one another," the *Tribune* reasoned.³⁴ If they allowed that the right to vote was only due to those of proper economic or intellectual standing – or even "earned" through military service – the Afro-Creoles would retrench on their new commitment to egalitarian principles. Historians often distinguish between the freedmen's need for protection from labor exploitation and white violence, and the Afro-Creoles' claims for the franchise and desegregation in streetcars.³⁵ By placing these diverse needs under the rubric of "rights" they were "equally" denied, the *Tribune* writers posited a notion of citizenship that incorporated guarantees of economic, social and personal freedom. Thus, Louisiana attempted to revise American republicanism to better reflect the dictates of the Declaration of Independence. "We must come out of the Revolution not only as emancipationists," the *Tribune* declared, "but as true republicans."³⁶ Their desire to challenge the tenets of antebellum republicanism became even more urgent as Presidential Reconstruction tightened its grip on black freedom.

Through the summer and fall of 1865, as Johnson's policies became increasingly hostile to Southern blacks, free and freedmen gathered in conventions across the country to claim full citizenship. New Orleans blacks protested their disfranchisement in the 1864 constitution and denounced Governor J. Madison Wells, a

Confederate sympathizer. The interracial advocacy group Friends of Universal Suffrage staged their own congressional and gubernatorial election in November 1865. In a "Freedom Summer" not to be repeated for almost a century, the F.U.S. conducted a voter registration drive in New Orleans and in the rural parishes. Networks of communication spanning multiple plantations had been developed as political tools under slavery. F.U.S. organizers relied on these to spread word of the election to thousands of illiterate black workers.³⁷ Ultimately, nearly 20,000 freedmen voted in the mock election, more than a quarter of whom were working on plantations.³⁸ After the elections, they sent the results directly to Congress, denying the legitimacy of a state government that restricted the franchise. The 1865 mock election showed that Louisiana blacks took matters into their own hands when they realized that white politicians – even Unionist ones – would not respect their rights. Their efforts to enfranchise rural freedpeople affirmed their belief that all blacks, rich and poor, bore collective responsibility for attaining equality. A provost marshal reported that on election day, workers "left the plantations en masse...to vote." Indeed, Steven Hahn has shown that collective action on plantations was not new to freedpeople; it was a strategy of resistance they had developed under slavery.³⁹ By sending the results directly to the federal Congress, they boycotted the local systems of governance that they deemed illegitimate. Meanwhile, ex-slaves on "free labor" plantations resisted when new employers did not respect their customary labor arrangements.⁴⁰ Thus, the F.U.S. were not just claiming inclusion in white institutions; they were seeking to remake these institutions with their own tools of collective action and their own vision of universal rights. When seeking a delegate to send to the national convention for Equal Rights, the *Tribune* suggested that he "should be a fair representative not only of intelligence and education...[but] also a representative of the physical type of the great mass of the people of African descent. We want him to be a black man. We want him to be thoroughly identified with the working of slavery."⁴¹ In other words, they sought someone who embodied both the revolutionary egalitarianism of the Afro-Creoles and the hard-working, collective-minded masses. Blacks in post-emancipation New Orleans forged a political culture out of the diverse experiences of all blacks, both free and freed.

The high water mark of black politics during Reconstruction in New Orleans was the constitutional convention of 1867-68. Radical Reconstruction had finally enfranchised blacks, and men of color made up about half of the delegates. This convention produced the most radical constitution the country had yet seen: it enfranchised all adult men, required all officeholders to take an oath supporting racial equality, and mandated integration in pub-

32 Logson and Bell.

33 Edouard Tinchant, a delegate at the 1867-68 convention, was galvanized by an incident in which he was pushed off a streetcar in New Orleans. Scott 2012, 116.

34 New Orleans *Tribune* December 29, 1864.

35 See, for example, Ronald Butchart, *Northern Schools, Southern Blacks, and Reconstruction: Freedmen's Education, 1862-1875* (Westport, Conn.: Greenwood Press, 1980).

36 Cited in Hahn 2003, 110.

37 Hahn 2003, 119.

38 *Ibid.* 125, see also Vincent 2009, 39-40. Their white radical supporters boycotted the official election to vote in this one.

39 *Ibid.* 125; 33.

40 *Ibid.* 77.

41 New Orleans *Tribune* May 26, 1865; cited in Bell 1997, 256.

lic accommodations, transportation and schools. Indeed, the radicals were so committed to the principle of universal suffrage that many opposed motions to disenfranchise former Confederates. Ironically, the too-hasty re-enfranchisement of white supremacists in the 1870s would undo most of the gains of Reconstruction.⁴² One of the most innovative aspects of the constitution was Article 13's guarantee to all citizens of "civil, political, and public rights." Rebecca Scott traces this concept of innate, universal rights to revolutionary France, by way of French-educated Afro-Creoles such as Edouard Tinchant.⁴³ The notion of public rights, Scott writes, "captur[ed] something they knew but perhaps had not previously named: that individual dignity was nourished by formal respect in public space and public culture."⁴⁴ New Orleans radicals recognized that blacks could not obtain equality unless the law put its weight behind the respect for human dignity in public places. As long as blacks were denied access to streetcars and steamboat cabins, they would be branded with a stigma of racial subjugation. The "public rights" demand was not an exclusive interest of elite Afro-Creoles, as some scholars have claimed. The protection of equality in public spaces was seen as a prerequisite to other forms of empowerment, including political office-holding and black self-advocacy.⁴⁵

White conservatives recognized the link between public respect and full legal protections for freedpeople. They were so opposed to the public rights clause at the 1867-68 convention that they requested the secretary to include their objections in the minutes.⁴⁶ One common refrain in both the debates and the Democratic press was that Article 13 was attempting the absurd: to legislate social equality. The implication was that the constitution was trying to challenge racial difference – in other words, to overturn the white supremacist social hierarchy. Although few would admit it openly, this was exactly what the radicals were attempting to do. In opposing Article 13, the conservative delegate Judge Cooley argued that "the Negroes in the convention wanted more rights than the law now accorded to white people."⁴⁷ There is a grain of truth in Judge Cooley's claim. The law did not accord "public rights" to whites, but they enjoyed them nonetheless, by virtue of the Old South's racial hierarchy. In encoding this principle in the constitution, Louisiana radicals hoped to expand the capacity of the law to guarantee equal rights for people of color. Later, the universalist language of the Louisiana constitution would make its way into debates over the Civil Rights Acts in

federal Congress, and "public rights" would appear in the Republican Party's 1872 and 1876 national platforms.⁴⁸ Black leaders in New Orleans developed rights claims that would soon reverberate across the nation.

Once again, the *Tribune* captures the determination of New Orleans radicals to reconstruct American political culture:

Whoever stops in revolutionary times is soon distanced. All attempts to veneering the old system have thus far been impotent, and have entailed the fall of those who tried to shape new ideas into old forms. We want soldiers of progress and no compromise...We want to remodel anew the institutions of the State.⁴⁹

In a mere five years, these "soldiers of progress" introduced distinctively African-American principles to the national discourse. Atlantic Afro-Creoles drew on their revolutionary heritage to claim citizenship on the basis of natural rights rather than the merit qualifications of old republicanism.⁵⁰ Freedpeople saw republican government as a collective endeavor that was only legitimate if it respected the community's rights, and they drew on their experience under slavery as they led a grassroots voter registration drive. Both groups developed a deep sense of racial solidarity and communal responsibility, which enabled them to resist the efforts of whites to divide them. Their constitution's public rights clause was a claim for respect, not only for Afro-Creoles' social standing, but for the innate dignity and equality of every human. If the law could secure this respect, African Americans could make emancipation economically and socially meaningful.

42 Scott 2012, 131.

43 Scott 2012, 129-131 She suggests that Afro-Creoles may have encountered the work of constitutional theorist Pellegrino Rossi. David Rankin also shows that one delegate at the 1867-68 convention was the grandson of a Haitian revolutionary leader. Rankin 426.

44 Rebecca Scott, "The Atlantic World and the Road to Plessy v. Ferguson." *The journal of American History* 94.3 (2007): 730.

45 See, for example, Eric Foner, *Reconstruction: America's unfinished revolution, 1863-1877* (New York: Harper & Row, 1988): 369.

46 Scott 2012, 132.

47 Tunnell 1984, 123-24.

48 Scott 2012, 134.

49 *Tribune* April 11, 1867.

50 The logical extension of this reasoning was brought forward at the 1867-68 convention by Edouard Tinchant: he proposed that "this Convention shall provide, either by special enactment or by amendment to the Constitution, for the legal protection in this State of all women without distinction of race or color, or without reference to their previous condition, in their civil rights." Sumner would make a similar move in the federal Congress. However, this proposal was unpopular among radicals and conservatives alike and it was quickly shelved. See Scott 2012, 128.