**Building Democracy**
**Ep #3 - Territorial Expansion through the Civil War**
**ADA Script Transcript**
**Sept. 2020**

NICK: I think a lot of us share certain mental images when we talk about America in the 1800's:

MUSIC: FC FCD211 4 Man With No Name Main Track Cooke Greedus 364905

Stetsons, six shooters, horses, cowboys, and outlaws; This is the century that gave us the Western - an image that's been part of American identity for 100 to 200 years. It's something that most of us have some kind of personal connection to.

So, Megan, I thought we could start by talking about your personal connection to the era. What is your first memory of a western?

MEGAN: My dad used to watch the Clint Eastwood Spaghetti Westerns when I was young, and I definitely remember those. I think I was more attuned to the Native American story than I was to the Western or European cowboy story. My grandfather being raised on the Choctaw reservation in Oklahoma, before moving to Texas in his late teens, I was still adjacent to this culture, and we would go to pow wows and things like that in the Houston Area.

NICK: What is your thought about that sort of depiction of Native people given your experience going to pow wows and stuff?

MEGAN: They're very one dimensional. They're there a lot of times as plot devices versus full fledged characters that are part of the story. And at the most, they're presented as villains. But what about you?

NICK: I did not care for Westerns, personally. But like you, my dad did. He even named my oldest brother after John Wayne's character in Stagecoach. But being a rebellious youth, I gravitated a bit more toward what I thought was their opposite - science fiction. I'm also a little bit of a nerd. But, apparently there was really no getting away from it. Even Star Trek, as I learned years later, was pitched as "wagon train to the stars." The genre is really full of Western influences. Years later, I found that I enjoyed the 1970's, 60's Westerns, like what your dad probably likes. They were gritty and morally complex. They felt real and probably were at least a bit more true to the era. Then I saw the Mel Brooks comedy Blazing Saddles, and it really highlighted for me how the old westerns really relied on stereotypes and whitewashed a lot of history.

MEGAN: These movies reflect the views of those who made them more than actual history. You have Westerns, set around the time of the Civil War, coming out about the same time as the passage of the Civil Rights Act and the end of Jim Crow. You can see the radical change in how America viewed itself; its history. These films began to embrace not only the good, but also the bad and the ugly parts of this period that defined so much of American identity.

NICK: So, we're going to go back to tell the story - the real story - of how the states and their legislatures expanded west, split apart, and came together again. It's not a story about cowboys and outlaws: It's the story of… *building democracy*.

TITLES

MUSIC: FC PED 813 A Walk In Gorky Park Solo Jones 1054439

ANNOUNCER: *Building Democracy*, the Story of Legislatures. With Megan McClure and Nicholas Birdsong.

MEGAN: We head West. Not the modern West, but West from the perspective of a young union of independent states clustered along the Atlantic Coast. In New Orleans, the capital of the Louisiana Territory, in an ornate Spanish municipal government building in the French Quarter, William C.C. Claiborne wrote a letter to US Secretary of State James Madison. Claiborne, two weeks into his job as Governor, confessed that he wasn't right for the role.

NICK: Claiborne was a skilled yet humble leader, mentored personally by Thomas Jefferson. In his 20's he had served in Congress as the youngest Representative in history - a record he holds to date - and he had served as Governor in the Missouri Territory. But Orleans was different.

MEGAN: The people were not citizens of an independent state who wanted to join the union. They had been part of Spain, France, and now the US, thanks to a deal negotiated thousands of miles away that they had no part in making: The Louisiana Purchase. This newly established territory was the single most important part of the largest land transaction in history. It secured American control over the mouth of the Mississippi River and access to its network of tributaries, which, in the days before roads or railroads, was essential to westward expansion.

NICK: As Claiborne wrote to Madison on that day in 1803, he described himself as a stranger among those he was supposed to govern. He felt weighed down by the immense pressures of such a powerful position, which at that point, held virtually absolute legislative and executive authority. He was barely 30 years old. He only spoke English, a language foreign to many of those he was supposed to lead. Claiborne wrote that he thought the locals, too, were not equipped to self-govern. Having lived under dictatorial European rule, few to none had any experience in government. He described the social elite as "uninformed," only interested in status and wealth.

MEGAN: And that wealth was built on the backs of slaves. Realizing this, Claiborne relayed his concern to Madison that, despite the division over slavery at the national level, abolishing it would alienate the local elite. Their priority was to develop the region into a state - which justified, for them at least, keeping the laws unchanged. Claiborne did ultimately support banning the importation of new slaves into the territory, but for pragmatic reasons. He feared that their growing majority - then over 50% of the total population - could lead to a slave revolt like what had recently happened in Haiti, which had an enslaved population of over 90%.

NICK: In the following years, Claiborne would grow into his role, eventually winning over the people of New Orleans, in large part due to his willingness to keep the laws and contracts established under France and Spain in place. This included slavery, but it also included things like the civil law tradition. It's why even today, the laws of Louisiana more resemble the Napoleonic Code than the British-descended Common Law of every other state.

MUSIC: A FEW STRAY NOTES OF BANJO

MUSIC/FX: SNEAK GENTLY OUT UNDER:

MEGAN: But as Claiborne went to work building a self-governing state in the south, our story travels about ten years into the future and roughly 800 miles up the Mississippi, the Ohio, and then to the Wabash River, to present day Vincennes in the Indiana Territory. Here, several allied indigenous nations attempt to resist rapidly increasing numbers of white settlers. At the seat of the territorial government in Vincennes, Governor William Henry Harrison meets with Tecumseh, the Shawnee leader of a powerful and growing confederacy of tribes - one that rivaled the US military.

SFX: WOODS, NIGHTTIME, CRICKETS
SFX: FIRE CRACKING
SFX: QUIET MURMURINGS OF 40 PEOPLE (DURING MEETING W. HARRISON/TECUMSEH

NICK: Despite being on opposite sides of a war, Harrison described Tecumseh as, quote, “one of those uncommon geniuses, which spring up occasionally to produce revolutions and overturn the established order of things.” Tecumseh’s magnetic personality, leadership, intelligence and passion enabled him to unite tribes across North America and build alliances with the British for the common goal of resisting US settlement in tribal lands. Tecumseh met with Harrison in August of 1810 to formally protest the Fort Wayne Treaty, which traded roughly 3 million acres of land in present-day Illinois and Indiana to the United States.

MEGAN: Harrison agreed to the meeting in the hopes that he could stop the violent conflicts between white settlers and the region’s tribes, which had been going on for months. Tecumseh argued, among other things, that the tribal leaders who allegedly sold the land lacked the authority or rights to make

the deal - like if I tried to sell the Brooklyn Bridge on behalf of all white people.

HIRSCH: Native American history is really all about land. It's about American's insatiable hunger for owning and settling on tribal lands but it's also about American Indian efforts to defend their tribal lands and life ways. William Henry Harrison who was the future president but also had been the governor of Indiana territory and who was instrumental in negotiating numerous land cession treaties for the Indians and actually it was those land cessions that so upset Tecumseh.

NICK: That was Mark Hirsch, an historian with the Smithsonian National Museum of the Native American. Harrison and Tecumseh debated the treaty for hours. Ultimately, Harrison refused to recognize the deal as illegitimate.

SFX: BATTLE: 1812 (SMALLER SCALE THAN A CIVIL WAR BATTLE). MUSKETS. THE OCCASIONAL SMALL CANON.

MEGAN: Conflict would continue for years, with Tecumseh scoring multiple victories against US forces. The British then joined the fight as the conflict morphed into the War of 1812.

SFX: SHOOTING SUBSIDES, LEAVING ONLY WIND AND BIRDS

NICK: But in the fall of 1813, both Tecumseh and his second in command were killed in battle, resulting in the dissolution of the confederacy. There would be later efforts to resist US expansion westward, some through warfare and others through diplomacy or negotiation, but none were as successful or had the chance at stopping westward expansion that Tecumseh did.

SFX: FADE OUT QUIETLY UNDER:

MEGAN: Native peoples continued to be displaced throughout the 19th century, often by force and without regard to the legitimacy of agreements. Mark Hirsch. . .

HIRSCH: U.S.-Indian relations, you know going back to the origins of the Republic. It becomes a story about greed and broken promises of racism, of forced cultural assimilation, and marginalization. Native people fought to protect their lands and life ways, there was great resistance to the idea that Indians had no place on the continent. And today their descendants are still here, it's quite a remarkable fact given the acute challenges that native tribes faced in the 19th century.

NICK: The spread of new states across the continent had a disastrous impact on America's First Nations, but it also inflamed divisions within the country. The seeds of that division were planted as early as 1619, as the first owned people were transported to Jamestown. But deals were struck, time and time again, between those who were reliant on slavery and those who weren't.

MUSIC: ESTABLISH FC MH49 49 Statesmen Instrumental Hawkshaw 138363 & GRADUALLY SNEAK OUT
SFX: ESTABLISH RHUBARBS OF SEVERAL DOZEN CONGRESSMEN, THEN SNEAK DOWN

MEGAN: On the floor of the US House, John Scott, delegate from the Missouri Territory, presents a petition asking Congress to grant Missouri statehood. In response, Speaker Henry Clay, who chairs the select committee considering petitions for statehood, proposes legislation that would admit both Missouri and Alabama into the Union.

NICK: Representative James Tallmadge of New York proposes an amendment that would end the practices of slavery in both of the newly recognized states. It sets off a heated debate that lasts several days. The amendment comes up for a vote - 87 to 76, it passes. The anti-slavery legislation makes its way to the Senate.

MEGAN: Senator Charles Tait of Georgia chairs the chamber's committee considering the bill and recommends it for passage, but only after striking the Tallmadge Amendment that would have banned slavery. The revised version ultimately passes the Senate. So now, with two versions of the bill between the House and Senate, it goes back to the originating chamber - the House - for a vote.

NICK: The two chambers failed to reconcile the two versions of the bill. The issue of statehood ends in deadlock, although Alabama ultimately gained statehood later that year - which made the number of free and slave states equal. Debate over Missouri continued into the next Congress, in 1820, as Maine too was now seeking to join the union.

MEGAN: Senator Jesse Thomas of Illinois, along with several of his peers, proposed a compromise to maintain balance between the free and slave states. The deal would admit Missouri as a slave state, Maine as a free one and establish a line across the country; any new northern states would be free while southern states would not.

NICK: As the Missouri Compromise came up for a vote, New Jersey Senator Charles Kinsey put the issue plainly: the southern states' economies, as well as their political and social structures, relied on the institution of slavery. If abolitionists

ended it now, it would “break asunder” the union of states. The House agreed, 90 to 87.

MEGAN: Put plainly, it means that Alabama and Missouri gained statehood as slave states by three votes. It easily could have wound up differently, which would have changed the course of American history and possibly led to slavery ending decades earlier and without as violent and lengthy civil war..

SFX: GENTLY RAMP OUT TO COLD UNDER:

NICK: As it happened, though, the compromise would more or less remain intact for about 35 years, through a period of rapid expansion that included, among other events, the annexation of Texas, and California statehood. The compromise would be tested repeatedly as the US began to take it’s modern-day shape, and unorganized territories gradually were transformed into states.

SFX: FRESH MURMURS OF SENATORS
SFX: SENATE GAVELS INTO SESSION

MEGAN: On January 23, 1854, Senator Stephen Douglass of Illinois introduced legislation to organize the Kansas and Nebraska territories. The Missouri Compromise would have seen Kansas become a slave territory-then-state and Nebraska a free one, but the legislation drafted by Douglass embraced the idea that voters of each region should decide the issue for themselves.

NICK: The construction of rail lines motivated some of the urgency in getting these territories organized as quickly as possible. Douglass’s presidential aspirations may have also been a factor, with him hoping to position himself as the moderate or compromise candidate on the issue of slavery. But in public

and to his fellow members of Congress, Senator Douglass argued that since state authority in the US was derived from the people, each sovereign territory's settlers had a right to slavery if they desired it, and a right to reject it if they did not.

MEGAN: Anti-slavery members of Congress strongly objected. In the words of Ohio's Representative Joshua Giddings and Senator Salmon Chase, the bill was a "gross violation of a sacred pledge." In their eyes, the Missouri Compromise was accepted only with the expectation that the institution of slavery would spread no further. As Giddings and Chase described it, Douglass was trying to use "individual liberty" as a rationale for the "despotism" that was allowing the continued enslavement of people.

NICK: Douglass's response revealed what enabled him to argue the contradictory point that allowing voters to choose slavery was in the interests of liberty: he believed that slaves were of "inferior races," incapable of self-governing. Their liberty was inconsequential to him.

MEGAN: After months of debate, the Act overwhelmingly passed in the Senate, and passed the House by 13 votes.

SFX: GAVEL- ONE TAP
SFX: DOZENS OF SENATORS W. STRONG/MIXED REACTION

MEGAN: Nearly the moment the Act was signed into law by President Franklin Pierce, a race to Kansas began. Burdett Loomis is an Emeritus Professor of Political Science at the University of Kansas.

LOOMIS: Popular sovereignty was this compromised way to address slavery cloaked in some political theory of that the citizens

should decide on the on their form of government and particularly on the issue of slavery. The irony for Kansas, I think when you talk about popular, is that in 1855 it had a total of 8,500 people in the entire, in the vast territory. And so the idea of something being popular, being decided by the people, when there were hardly any people at all to begin with strikes me as ironic that set up a rush to Kansas by both free-state and pro-slave advocates and the beginnings of honestly 6 years of incredible volatility and violence in Kansas until it was admitted to the Union in 1861.

SFX: A ROUGHER, MORE RUSTIC GROUP ASSEMBLES

NICK: About five years into that conflict, a fourth attempt is made to draft a state constitution. 52 delegates elected from across the state met in a large, poorly constructed brick building. The members of this fourth convention hoped to avoid the mistakes of the first three, which failed due to either a lack of political legitimacy, a lack of support in D.C., or voter fraud.

LOOMIS: So, time after time you had a Missourians coming over into Kansas that was the classic way of, that fraud was perpetrated, virtually all of them pro-slavery.

It was incredibly blatant in many instances. You have reports of a voter participation coming in at three times the amount of voter registration, in some instances.

MEGAN: The first constitution had been drafted in 1855 by a group of free-staters in Topeka, while the second was written two years later by a fraudulently elected pro-slavery legislature in Lecompton. A second anti-slavery constitution drafted in Leavenworth - the third overall - had stalled in Congress.

SFX: STREETS OF KANSAS CITY, MID 1850'S

NICK: And that set the stage for the meeting in present-day Kansas City. The delegates chose to save themselves a bit of work. Rather than draft an entirely new constitution, they would use another state's as a model, and modify it to suit the unique needs of Kansas.

MEGAN: It was common practice for new states to borrow from existing states' constitutions, rather than going through the effort of trying to 'reinvent the wheel.' And since 14 of the delegates were originally from Ohio - more than were from any other single state - they decided to go with what they knew.

NICK: For about a month, the group of lawyers, farmers, merchants and others, originally from all over the US and even Canada and Europe, debated a series of amendments to the constitution.

MEGAN: Not unlike modern state legislatures, the convention delegates came from all kinds of backgrounds. They brought their own sets of knowledge and experiences to the debates, as well as the interests of those Kansans who elected them.

NICK: But on the nationally divisive issue of slavery, the vote was swift and only two shy of being unanimous: "There shall be no slavery in this state…" Several of the delegates wanted to go further than just banning slavery. Delegates like Frederick Brown and James Hanway pushed for an amendment that would ensure equal rights for all races.

MEGAN: Brown and Hanway, as well as several of the other delegates, were Jayhawkers. Now that's simply a term for a Kansan, but back then, "Jayhawkers" referred to those who served in

abolitionist militias. These men literally put their lives on the line to fight against slavery.

NICK: Likely the most famous of the abolitionist militia leaders was John Brown, who you may recognize if you've ever seen the large mural on the walls of the Kansas State Capitol. Although he wasn't at the Wyandotte convention, several delegates who served under him were. Even his son, Frederick Brown, served as one of the anti-slavery delegates who advocated for a constitution that would ensure equal rights, regardless of race.

MEGAN: Delegate John Ritchie pushed for even more. In addition to being an ally of John Brown and operating part of the Underground Railroad, he was an ardent supporter of women's rights. At the convention, he proposed that the new Kansas constitution should ensure equal rights for men and women of all races, including the right to vote. Although it failed, it would have made Kansas the first state to recognize women as having the right to vote by about a decade.

NICK: On the opposite side of the ideological spectrum were delegates like William McDowell. Although he too voted against slavery, he pushed for Kansas to become a, quote, "free white state." Mirroring many of the racist claims of white supremacy made by figures like Senator Stephen Douglass, McDowell supported a constitution that would have prohibited individuals of African ancestry from living in the state. Delegate Benjamin Wrigly proposed denying Black children access to publicly funded education, and several other delegates pushed for other forms of forced segregation. Burdette Loomis. . .

LOOMIS: Anti-slavery people were more of a mixed bag, there were a lot of anti-slavery activist, the free-state movement, but there

were also a lot of people who came, who immigrated to Kansas looking for land, looking for opportunity and sometimes being quite Anti-African American. They did not want to compete, they wanted to have land for white settlers but they would go with the free-state people because they disagreed violently with slavery and the plantation system.

MEGAN: Most of these proposals would fail. There would be no provision requiring racial segregation or preventing people of color from living in the state. The constitution that came out of the Wyandotte convention banned slavery, but the right to vote would belong only to white men.

NICK: The document was voted upon by the residents of the state. They approved it by a margin of nearly 2-1. In Congress, the House quickly endorsed the Wyandotte constitution while it stalled in the 1860 Senate.

MEGAN: But that was an election year. With slavery becoming increasingly unpopular across America, Abraham Lincoln won the Presidency and abolitionists gained control in Congress. That, along with Southern states leaving the Senate, Kansas got the votes it needed.

MUSIC: FC FC68 2 The Girl I Left Behind Instrumental Portis Cathers 124636

MEGAN: The conflict and division that had plagued Kansas for years began to unfold nationally between the Union and the southern confederacy.

SFX: CANNONS FIRE / BATTLE (CIVIL WAR ERA)

NICK: The deadliest and most written-about conflict in US history would last until April 1865. But once the fight was over, the

political battle began. What would life look like for the millions of formerly enslaved people, or their formerly rich and powerful owners, and what would happen to the entire economic systems that relied on forced labor? In Jackson, Mississippi, the state's newly elected legislature attempted to answer that question.

SFX: MIX TO SFX MISSISSIPPI SENATE POST CIVIL WAR

MEGAN: A few months after the surrender of the confederate army, the Mississippi Senate was called to order. One of the first matters taken up on the opening day was to elect a presiding officer - the Senate President Pro Tem. They chose Roderick Seal.

NICK: He was a former colonel in the confederate army. In fact, many of the members of that legislature were confederate veterans. Even the recently elected Governor, Benjamin Humphreys, was a Brigadier General in the confederate army.

MEGAN: On the first day of the session, after having elected a Senate President Pro Tem and taking care of a few other administrative matters, Governor Humphries delivered an inaugural address that set the tone for the session to come.

NICK: In his address before the House and Senate, with federal troops still occupying the city, Governor Humphries made a promise: slavery would never again exist within Mississippi's borders. But in that same breath, he claimed that the freed slaves were, quote, "unfitted for political equality with the white race," and in need of "guardianship" and "protection." And that even with the best education, they could never be as intellectually or morally capable as white men. He called for

the prohibition of intermarriage between races, and then he proceeded to advocate for a system of forced labor indistinguishable from slavery.

MEGAN: The first few days of the session focused on organizing the Senate. They established a state printer, appointed a sergeant-at-arms and legislative librarian, and set up their committees to work on legislation dealing with specific subject matters. Many of the committees would look just like our modern ones- there was a judiciary, finance, education, and elections committee, and more. But far unlike any modern legislature, the1865 Mississippi Senate established a joint select committee for, quote, "the protection and security of the person and property of the Freedmen of this state."

NICK: The committee was packed with influential political figures. And the aim of this "freedmen" committee? Bob Davidson, the former director of the Mississippi Senate Legislative Services office, explains.

DAVIDSON: One of the first necessities of reconstruction was to define the legal status of former slaves and here's what they did, they passed the black code and if you're a legislative draftsman like I am what they did was everywhere in Mississippi law that the word slave appeared, they simply replaced it with the word freeman. Freedman was the new term for freed slaves and so every criminal statute, whether it was vagrancy, carrying firearms, insulting gestures, they simply replaced the word slave with Freedman and that's called the black code. And it was one of the most severe in the South and it became a model for other states to follow...

MEGAN: And so the legislation referred to as the Black Codes did pretty much exactly what Governor Humphries, the former

confederate general, suggested in his inaugural address. With nice names like “An Act to confer civil rights upon freedmen,” these bills would try to preserve the system of control over anyone of African descent. They would prohibit intermarriage between races, deny black men the right to form contracts, own property, sue or testify in court.

NICK: That changed in 1867, when a new wave of self-described “radical” politicians won several federal Congressional races. They pushed for actual civil rights for freedmen in the southern states, including Mississippi.

DAVIDSON: The radical Republican Congress authorized Union troops to be sent into the South, and they literally took over the Capitol building in all of the deep southern states and instituted the radical republican era of the reconstruction period. The purpose of that was to institute the Civil Rights of the Freedman and that's where they had new elections. An elected black Representatives and Senators and local officials to the Mississippi legislature…

NICK: It’s important to remember that Mississippi was a majority-Black state. With Constitutional protections, even against strong racist opposition, Black candidates won a large number of major elections.

DAVIDSON: During the radical reconstruction era, one of the greatest successes was black participation in democracy. Both as voters and as office holders. At least 226 black Mississippians held public office during Reconstruction ... They took the governor's office, we've had one black Governor in state history and that was during Reconstruction.

MEGAN: The era saw the political successes of groundbreaking Black Americans, like John Lynch. Born into slavery and freed under the Emancipation Proclamation, he served as the first Black Speaker of the Mississippi House in 1873. He would then serve as one of the first African Americans elected to the U.S. House. He earned a law degree and passed the bar after the collapse of Reconstruction ended his political career in Mississippi, and he wrote an influential history of the period in 1913 called "The Facts of Reconstruction."

NICK: The list of notable African American political leaders from this period is long and stand in stark contrast to the racist claims that Governor Humphreys made in his inaugural address, and what so many at the time believed: They were fit for political equality, without need of guardianship or protection, as capable of attaining the same or greater levels of success as any white man. John Lynch proved this, as did Blanch Bruce. Despite being born into slavery, Bruce became a teacher and founded a school for Black children in Mississippi. He would serve in several local elected positions and would represent the state in the US Senate.

MEGAN: Hiram Revels, Peter Barrow, Jesse Boulden, George Gayles, James Spelman and dozens more Black men held legislative office in Mississippi. They were teachers, religious leaders and authors, highly accomplished by any standard - let alone given what barriers they had to overcome in a society that labeled them as not only inferior, but as a threat to law and order. But this golden age of black freedom and political participation was short lived.

NICK: The Georgia House convened at 9 am on Thursday, September 3rd. Very shortly after the morning prayer ended, Representative Ignatius Shumate, a former colonel in the Confederate army, moved to allow Representative Henry

McNeal Turner two hours to deliver a speech to the members of the House. The motion prevailed. But then, upon the motion of Representative Edwin Belcher, Turner's speech was moved to the end of the day.

MEGAN: Representative Belcher was a former Union officer and member of the Freedmen's Bureau. This Bureau was a temporary federal agency established in 1865 by Congress to help both former slaves and poor southern whites recover from the economic effects of the civil war. The agency provided food and shelter, established schools and offered legal assistance - at least as much as it's meager federal funding would allow.

NICK: Both Representatives Turner and Belcher belonged to a small group of state legislators in Georgia who were either Black or of mixed race. And the speech Representative Turner gave was in response to a joint resolution to, quote, "determine the qualifications of members." The proposed qualification would expel all non-white members from the legislature.

MEGAN: The House took up other matters for the bulk of the day. But as daylight waned, Representative Turner stepped down to the well and delivered a speech before the chamber that was anything but unremarkable. Dr. Karcheik Sims-Alverado, is Assistant Professor of Africana Studies at Morehouse College.

SIMS-A.: Henry McNeil Turner, who was a minister with the African Methodist Episcopal Church. He understood the power of blacks coming together in the association with an institution, and he understood the power of these institutions to bring people together to articulate a message, disseminate that message, and to have people to do something in Unison… Had it not been for Turner, you would not have had as many

Republicans elected into office… He gives this speech called, I claim the rights of man... And, for Turner, when he's speaking... He looks up at them, and he says, I claim the rights of man... That he said, you can remove me from office, but you're not going to take away my rights or my rights as a man. And he says, I shall not beg for my rights.

MEGAN: In his speech, Turner referenced a wide range of historical, religious, and science-based arguments to demonstrate that black men were not inferior to whites. He tore into the racial stereotypes of the era, and he laid bare the shameful ignorance of racism used to justify expelling the Black legislators. His speech ended:

MITCHELL: "You may expel us, gentlemen, by your votes, today; but, while you do it, remember that there is a God in Heaven, whose All-Seeing Eye Beholds alike the acts of the oppressor and the oppressed, and who, despite the machinations of the wicked, never fails to vindicate the cause of Justice, and the sanctity of His own handiwork."

NICK: After Representative Turner finished his speech, he requested that the text be entered into the Journal of the House. But the only reference in the official record said, quote, "The colored members, formerly, now persons, entered their protest against the action of the House, requesting that the same be entered on the Journal of the House; which was refused..."

MEGAN: Two years later, federal troops would return to occupy the south. They reversed many of the politically exclusionary practices of the former confederates in the Georgia legislature.

SIMS-A.: The commanding general of the third military district of Georgia, Alfred H. Terry, created a plan in order to readmit

black legislators back into office and he created something what they called, what many historians call Terry's purge. He removed ex confederates from the Georgia general assembly and replacing them with republican runner ups or reinstating black legislators into office.

NICK: Less than a year later, the political movement toward racial equality would once again take a step backward, as a strategy first used in Mississippi made its way to Georgia and other southern states. It involved two steps: First, paramilitary white supremacist organizations would use murder, violence, intimidation and other means to prevent African Americans from voting or running for office. And the second step was, once they had stolen back political control, they systematically disenfranchised black voters with poll taxes, literacy tests, grandfather clauses, and other discriminatory barriers to voting.

SIMS-A.: It has such a complicated history. There's progress, and then immediately there's disappointment. And I think that Debois called it a splendid failure… You take one step forward and then you take two or even three steps back. But despite all the disappointments, all the challenges, all the complexities that came with reconstruction, african americans continuously push forward. And that is the beauty of it. It's like reconstruction is like this beautiful struggle. And they continued to persevere.

MUSIC: EPILOGUE PERIOD PIECE

MEGAN: Those means of control and suppression would remain in many places across the south until the 1960's. Which brings us back to where we introduced the West through cinema, and as the US began to go through a major social and cultural shift.

MUSIC: SNEAK MUSIC OUT TO COLD UNDER:

NICK: The rough and tumble West was where even more legislative bodies began to evolve, and with them came the advancement of yet another new frontier - women's suffrage and legislative service.

MUSIC: END THEME SNEAKS UP UNDER:

MEGAN: It took generations of struggles to abolish slavery and for all men to be recognized as equal under the law. But during this period, another fight began, to expand civil rights to women. Both movements would push the country to embrace the promises of its founding ideals, all part of the process ... of *Building Democracy*.

OUTRO

ANNOUNCER: *Building Democracy: The Story of Legislatures* is created by the National Conference of State Legislatures.

Your hosts are Megan McClure and Nicholas Birdsong.

Thanks to today's guests Bob Davidson, Mark Hirsch, Burdett Loomis, and Karcheik Sims-Alvarado. A special thanks to Goergia State Representative Billy Mitchell for giving voice to Henry McNeal Turner and Mike Tennant and Nina Pollock of Podfly for production and editing.

How did Western State Legislatures lead the way to the enfranchisement and election of women and state government long before the 19th amendment? That's on our next episode- watch for it later this fall.

*Building Democracy* is recorded at the hastily crafted home studios in Denver, Colorado.