A detailed oil painting of Representative Joseph H. Rainey, an African American man with a full, dark beard and mustache. He is wearing a dark blue suit jacket over a white shirt and a dark blue bow tie. He is seated and looking slightly to the right of the viewer with a serious expression. The background is a soft, textured wash of light colors.

**“WE ARE IN  
EARNEST FOR  
OUR RIGHTS”**

Representative Joseph H. Rainey and  
the Struggle for Reconstruction

On the cover: This portrait of Joseph Hayne Rainey, the first African American elected to the U.S. House of Representatives, was unveiled in 2005. It hangs in the Capitol.

*Joseph Hayne Rainey, Simmie Knox, 2004, Collection of the U.S. House of Representatives*

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HISTORY, ART & ARCHIVES  
UNITED STATES HOUSE OF REPRESENTATIVES

September 2020



On April 29, 1874, Joseph Hayne Rainey of South Carolina arrived at the U.S. Capitol for the start of another legislative day. Born into slavery, Rainey had become the first African-American Member of the U.S. House of Representatives when he was sworn in on December 12, 1870. In less than four years, he had established himself as a skilled orator and respected colleague in Congress.

Rainey was dressed in a fine suit and a blue silk tie as he took his seat in the back of the chamber to prepare for the upcoming debate on a government funding bill. When Speaker James G. Blaine of Maine directed Luke Potter Poland of Vermont to chair the proceedings, Poland in turn called Rainey to the marble rostrum and handed him the gavel. Rainey became the first Black Member to preside over the House and used his command of complex parliamentary procedure to guide debate. For nearly an hour on that cool spring morning in 1874, a Black man—born into bondage and denied his very personhood by the law—controlled the People’s House.

Reporters covered the proceedings from their elevated perch in the House press gallery just above the rostrum, and newspapers later announced the extraordinary scene in bold headlines. “A Liberated Slave in the Speaker’s Chair,” the *New York Herald* wrote the next day. The *Springfield Republican* noted that Rainey’s presence was far removed from “the days when men of Mr. Rainey’s race were sold under the hammer within bowshot of the capitol.” Below the headline, “Africa in the Chair,” the *Vermont Journal* emphasized the historic implications of this prodigious event. “Surely the world moves, for who would have dreamed it, twenty years ago?”

Of course, many millions had dreamed it: generations of Black men and women held in

captivity and abolitionists such as Frederick Douglass had long envisioned a day when African Americans would wield power in the halls of government. In fact, in 1855, almost 20 years before Rainey presided over the House, John Mercer Langston—a future U.S. Representative from Virginia—became one of the first Black officeholders in the United States upon his election as clerk of Brownhelm, Ohio.

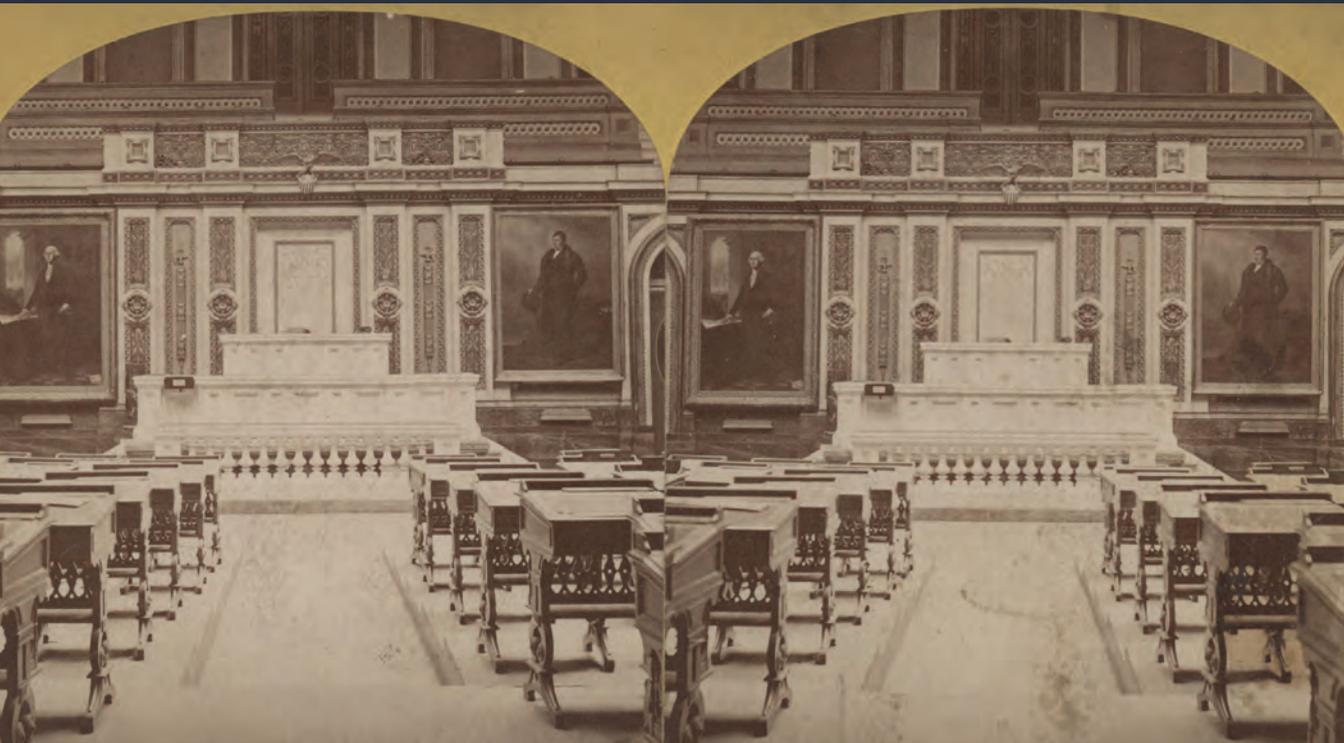
But the fact remains that as a Black man in South Carolina, Joseph Rainey’s trailblazing career in American politics was an impossibility before the Civil War. The destruction of the Confederacy, the demise of slavery, and the beginning of a revolutionary new chapter in American history called Reconstruction forged new political opportunities for African Americans, especially in the South. With Republicans in control of both houses of Congress, the party’s Radical wing worked with Black leaders to rebuild southern state governments. By 1870 Congress had taken steps to protect the rights of African Americans through constitutional amendments and civil rights legislation. The government ultimately deployed federal troops to keep the peace and secure the ballot.

But white southerners and their northern allies in the Democratic Party resisted these reforms at every turn. In Congress, Democrats worked to limit the federal government’s reach in the South and championed what they believed was a state’s prerogative to determine the rights of its citizens and the qualifications of its voters. Meanwhile, Democrats across the South suppressed the voting rights of African Americans and white Republicans through lynchings and mob violence.

Into this maelstrom stepped Joseph Rainey. His special election victory in 1870 made him the first of 14 Black Representatives elected

This image of Joseph H. Rainey of South Carolina was produced during his service in the House at the Washington, DC, photographic studio of Moses P. Rice and Amos I. Rice.

*Image courtesy of the New York Public Library*



On April 29, 1874, Joseph Rainey became the first African-American Member to preside over the House. This stereoview, created between 1873 and 1890, shows the perspective of a Member walking into the House Chamber and facing the rostrum where Rainey directed debate.

*Collection of the U.S. House of Representatives*

before the end of Reconstruction in 1877. He took the Oath of Office nearly ten years to the day after South Carolina became the first state to secede from the Union on December 20, 1860. And he represented the state that fired the first shots of the Civil War at Fort Sumter in Charleston Harbor. But Rainey embraced a radically different political vision from previous lawmakers from the Palmetto State, and his career in Congress—like his time presiding over the House—was more than merely symbolic.

Rainey had navigated a unique path from slave to citizen to Representative, and his personal history informed his words and actions as a Member of Congress. He was an ardent defender of Black civil and political rights. He demanded equal protection under the law. And he showed the country how to advocate for principles and communities that transcended the boundaries of any one congressional district. For Rainey, it was not enough to simply support the interests of

his South Carolina district. He also represented, in his words, “the outraged and oppressed negro population of this country, those I may strictly call my constituency.”

Rainey served in the House for more than eight years, making him the longest-tenured African-American Member of Congress in the nineteenth century—and, remarkably, the longest-serving Black federal lawmaker until the 1950s. During his time in office, he directly challenged—and in some cases, upended—the calcified traditions of American politics and society. Over nearly a decade, he witnessed firsthand both the expansive possibilities and persistent limitations of Reconstruction. Throughout it all, Rainey embraced the urgency of the moment. “We are in earnest for our rights,” Rainey declared in 1872, and, as a Member of Congress, he used the full extent of his powers to hold the United States accountable to the principles it had long professed:

inalienable rights, a commitment to justice, and the promise of representative government.

In the House, Rainey spoke on behalf of the boundless hope of four million formerly enslaved men, women, and children—and many others—who believed in the prospect of a better future in a reconstructed United States. He refused to be silenced. One hundred and fifty years after his election in 1870, Rainey’s message still resonates.

## Emancipation and the Civil War

Joseph Rainey’s circuitous route to Capitol Hill began in Georgetown, South Carolina, a port town on Winyah Bay north of Charleston and the epicenter of the state’s antebellum “rice kingdom.” Rainey was born on June 21, 1832, into the cruel system of American slavery that valued him not as a person, but as property. Both of his parents were enslaved, and his father, Edward Rainey, was a barber. In an arrangement not uncommon in some parts of the antebellum South, Edward Rainey was permitted to work for wages and retain a portion of his earnings. He eventually saved enough to purchase his family’s freedom in the early 1840s, although the exact date remains unclear.

As was the case for millions of Black men and women enslaved in the South, much of Joseph Rainey’s early life is difficult to document. Like his father, Rainey trained as a barber, and, by the 1850s, he worked at the well-known Mills House, a hotel in Charleston. At some point in the late 1850s Rainey left South Carolina for Philadelphia, where he married Susan E. Cooper, a South Carolina native, in 1859. By the time the Civil War began two years later, the Raineys were living in Charleston.

Early in the war, the Confederate military conscripted Rainey and forced him to construct fortifications in the city. He also worked as a steward on a blockade runner sailing goods and supplies between Charleston and Nassau in the

Bahamas, maneuvering past the maritime barrier the United States Navy established to stifle Confederate trade. In 1862 Rainey and his wife escaped to Bermuda, a British territory 900 miles off the coast of South Carolina that had become the new hub for Confederate shipping. As part of the British empire, Bermuda had abolished slavery in 1834.

During their four years in Bermuda, the Raineys started thriving businesses in the towns of St. George’s and Hamilton. Joseph Rainey ran a barbershop and, according to contemporary reports, may have also had “a finger in the blockade-running pie.” Susan Rainey was a dressmaker who advertised her store as a “branch of Mme. Demorest’s Emporium of Fashion,” which was headquartered in New York. At the time, Madame Ellen Louise Demorest employed Black and white women in a fashion empire that linked affiliated local dressmaking shops with the company’s patterns and styles. The Raineys were still living in Bermuda when the Confederacy surrendered in April 1865.

In the 1850s Joseph Rainey worked at the Mills House hotel in Charleston, South Carolina. This *Frank Leslie’s Illustrated Newspaper* print depicts an 1860 meeting of secessionists outside the hotel.

*Image courtesy of the Library of Congress*





Published in 1866, Thomas Nast’s political cartoon portrays Reconstruction under President Andrew Johnson as a Shakespearean tragedy. Nast casts Johnson as Iago who betrays Othello, shown as an African-American veteran of the Civil War.

*Image courtesy of the Library of Congress*

## Reconstructing State and Nation

With the end of the Civil War and the passage of the Thirteenth Amendment outlawing slavery, the world watched as America began a halting process of reinvention. In Washington, Radical Republicans clashed with President Andrew Johnson over how to reshape the South. Johnson, a slaveholder and former Tennessee Senator who stayed loyal to the United States during the war, had planned to reconcile the federal government

and the South by quickly reintegrating the eleven former Confederate states. With Congress away having already adjourned, Johnson issued blanket pardons to Confederate officials and soldiers who had participated in the rebellion. With their political rights restored, southern voters elected former Confederates to state legislatures and to the 39th Congress (1865–1867). Meanwhile, southern state governments enacted Black Codes, unjust laws that restricted the rights of newly emancipated African Americans known as freed people.

On Capitol Hill, Radical Republicans—including many former abolitionists—refused to swear in Members-elect from southern states and turned the federal government’s attention toward ensuring the rights of the freed people. In quick succession, Congress passed the Civil Rights Act of 1866, which established equal protection under the law and broadly prohibited discrimination in employment, housing, and accommodations; and the Fourteenth Amendment, which stated that anyone born on American soil was an American citizen—including the four million men, women, and children who had once been enslaved.

In September 1866, as new economic and political opportunities emerged in America, Joseph and Susan Rainey left Bermuda and returned to South Carolina. Rainey established himself as a merchant in Charleston before moving back to Georgetown in 1867. There he helped found the state Republican Party and represented Georgetown on the party’s central committee. Because of the work of organizers like Rainey, the Republican Party grew exponentially in the South during Reconstruction. The party attracted overwhelming support from the freed people as well as African Americans from both the North

The Civil Rights Act of 1866 granted all citizens the “full and equal benefit of all laws and proceedings for the security of person and property.” It created a new role for the federal government protecting individuals against discrimination.

*Image courtesy of the National Archives and Records Administration*

61  
Thirty-ninth

Dec. 10. 41. Pub. 26. 1861  
Congress of the United States of America;

At the First Session,

Begun and held at the City of Washington, on Monday, the fourth day of December, one thousand eight hundred and sixty-five.

AN ACT

To protect all persons in the United States in their civil rights, and furnish the means of their vindication.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding. Sec. 2. And be it further enacted, That any person who under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court. Sec. 3. And be it further enacted, That the district courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all cases, civil and criminal, affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section of this act; and if any suit or prosecution, civil or criminal,

and the South who, like Rainey, were free before the war. They were joined by northern white Republicans who moved to the South following the Confederate surrender to pursue business ventures and political openings. These groups converged in southern states to build a Republican infrastructure, running and electing candidates for local offices, state legislatures, and governors.

Meanwhile, Republicans in Congress devised a new framework for readmitting former Confederate states into the Union. The Reconstruction Acts of 1867 divided the South into five military districts and set the required terms for states to regain representation in Congress: ratify the Fourteenth Amendment, approve new state constitutions, and protect the voting rights of African-American men.

Rainey was one of three delegates from Georgetown at the state constitutional convention in January 1868. Although he would grow more radical in Congress, Rainey had a rather cautious and conservative approach to business and politics at the time. When some delegates called on the state to seize property to collect unpaid debts—including, Rainey said, “debts due for the purchase of slaves”—he warned that confiscating the over-leveraged farms of former slaveholders would only punish the Black men and women who still worked the land and further impoverish the state. He introduced a resolution that rejected land redistribution and stressed that “the only manner by which any land can be obtained by the landless will be to purchase it.” Rainey also called for a \$1 a year poll tax for the “educational fund of the State,” adding that anyone who could not meet this property qualification had “no right to vote.”

Following South Carolina’s constitutional convention, Rainey won election to the state senate in April 1868 and served as chair of the finance committee. He was part of a growing number of Black lawmakers elected to office in South Carolina after the war. African-American legislators were a majority in the state house from 1868 to 1876 and in the state senate from 1874 to 1876. With a Republican governor, a Republican-controlled legislature, and Black officeholders throughout the state, South Carolina’s government was no longer dominated by the antebellum oligarchy of white slaveholders and Democrats.

Rainey was part of South Carolina’s new state government when it approved the Fourteenth Amendment in July 1868, making it the final state necessary to ratify this landmark addition to the U.S. Constitution. But African-American citizenship remained incomplete without voting rights. In Washington, congressional Republicans responded by passing the Fifteenth Amendment, which declared that the right to vote “shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.” It was ratified in 1870.

In the years following the Civil War, federal legislation, constitutional amendments, and grassroots organizing fundamentally changed American society and transformed southern politics. By 1877 roughly 2,000 Black men had been elected to local, state, and federal offices throughout the South. The Black lawmakers who served in Congress were a small percentage of that number, but the effect was just as profound. In the House, it started with Joseph Rainey.

African-American businessmen, barbers, teachers, and farmers entered South Carolina state politics immediately after the Civil War. Some were born into prosperous free Black communities, while others, such as Joseph Rainey, were formerly enslaved. Rainey appears in the lower right corner of this 1876 photomontage of Radical Republican South Carolina state legislators from 1868.

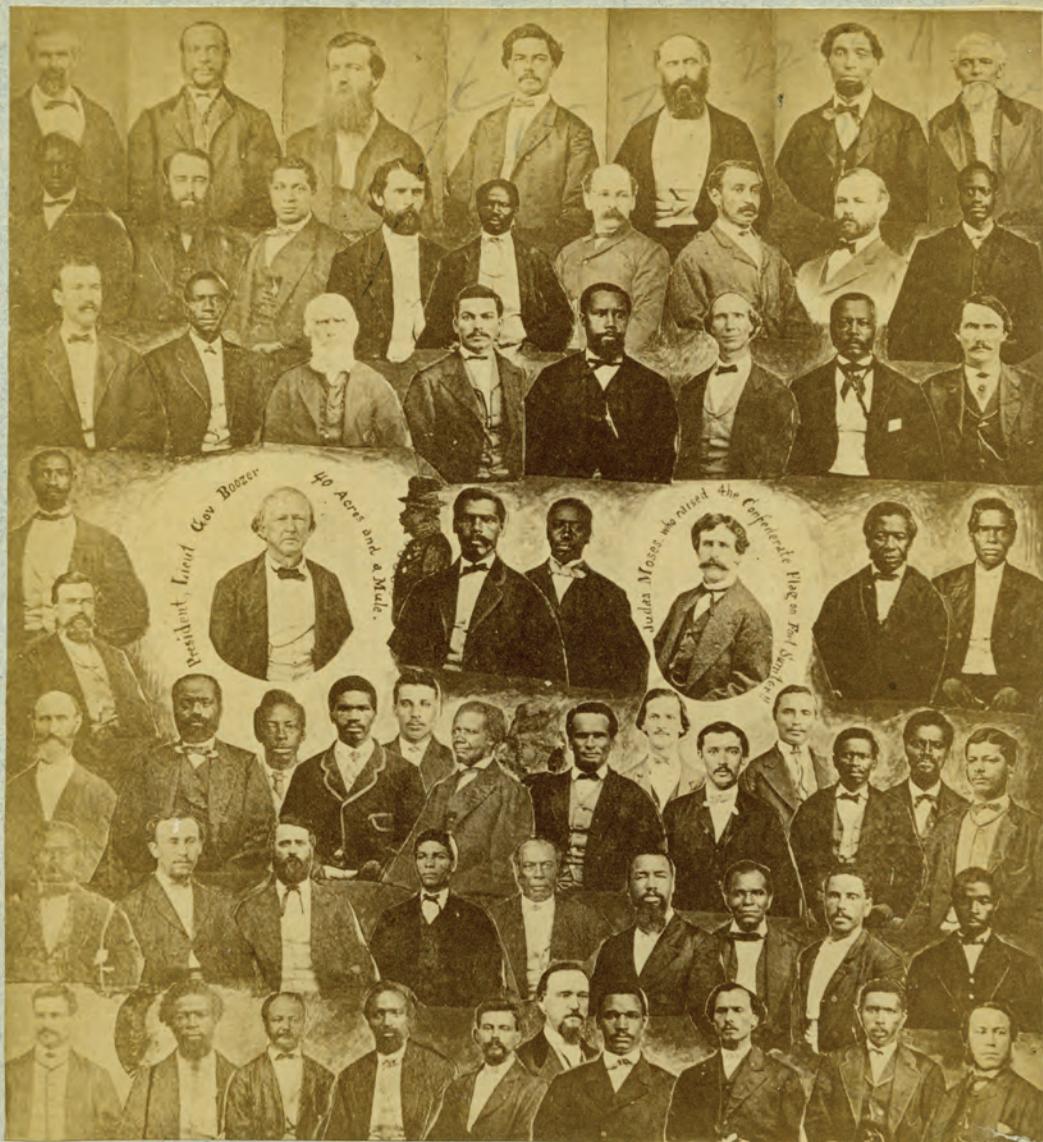
*Image courtesy of the Library of Congress*

# RADICAL MEMBERS

OF THE FIRST LEGISLATURE AFTER THE WAR

SOUTH

CAROLINA



- |            |           |         |         |            |            |          |
|------------|-----------|---------|---------|------------|------------|----------|
| Dusenberry | Mayes     | Demars  | Rivers  | Miteford   | Smith      | Swails   |
| McKinlay   | Jilson    | Brodie  | Duncan  | White      | Pettengill | Perrin   |
| Dickson    | Lomax     | Hayes   | BOOZER  | Barton     | Hyde       | James    |
| Wilder     | Jackson   | Cain    | Smythe  | Boston     | Lee        | Johnston |
| Hoyt       | Thomas    | Maxwell | Wright  | Shrewsbury | Simonds    | Wimbush  |
| Randolph   | Webb      | Martin  | MOSES   | Mickey     | Chesnut    | Hayes    |
| Harris     | Bozeman   | Cook    | Sancho  | Henderson  | Mc Dannel  | Farr     |
|            | Tomlinson | Miller  | Sanders | Howell     | Williams   | Meade    |
|            | Wright *  |         | Nuckles | Hayne      | Gardner    | Thompson |
|            |           |         |         | Mobley     |            | Rainey   |
|            |           |         |         | Hudson     |            |          |
|            |           |         |         | Nash       |            |          |
|            |           |         |         | Carmand    |            |          |

\* Afterwards associate Justice of the Supreme Court of the State



## From South Carolina to Capitol Hill

In early 1870, two-term Representative Benjamin Franklin Whittemore of Georgetown, South Carolina, was accused of selling appointments to the U.S. Naval Academy. Whittemore had been born and raised in Massachusetts, served as a chaplain in the Union Army, and settled in South Carolina after the Civil War. Whittemore protested the charges in the House, but the House Committee on Military Affairs recommended he be expelled. Whittemore resigned in protest on February 24.

Rainey entered the race for the open House seat and faced none other than Whittemore himself, who had decided to run to fill the vacancy created by his own departure. Rainey criticized Whittemore for having been “virtually expelled”

Two years before Joseph Rainey was elected, John Willis Menard of Louisiana claimed victory in a special election to the House. Menard, photographed around 1869, would have been the first African American elected to Congress. However, after his opponent contested the election results, the House did not seat either candidate.

*Image courtesy of the Library of Congress*



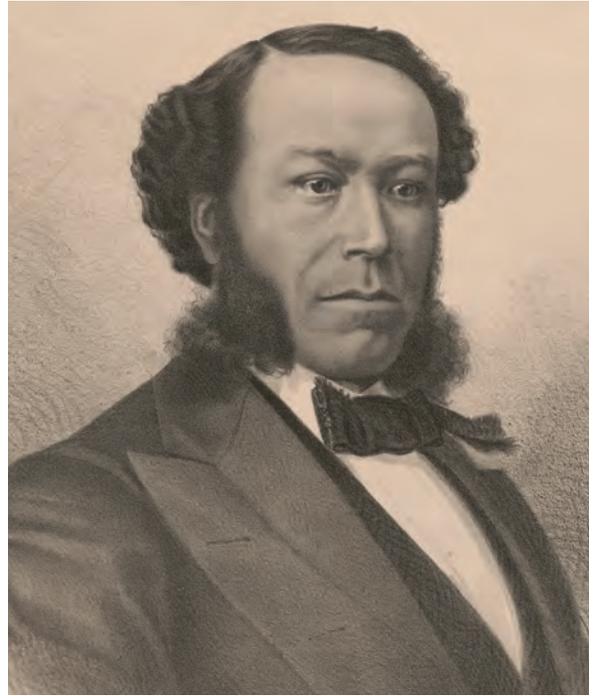
from Congress and cautioned voters to “beware how they treated one who had disgraced the high position to which he had been elevated by their confidence and votes.”

Rainey withdrew from the race before the April 25 election, and Whittemore defeated another Republican challenger. But when Whittemore presented his credentials on June 21, the House refused to seat him. This time, Whittemore’s troubles created an opening for Rainey. South Carolina scheduled another special election for November, and in August the Republican Party nominated Rainey to fill the vacancy in the 41st Congress (1869–1871), as well as for the full term in the 42nd Congress (1871–1873). He won both elections with ease and traveled to Washington to take his seat.

Rainey’s swearing-in on December 12, 1870, did not make him the first African-American Member of Congress. That honor belonged to Senator Hiram Rhodes Revels of Mississippi, who took the Oath of Office on February 25, 1870; though, like all Senators before the ratification of the Seventeenth Amendment in 1913, Revels had been chosen by the state legislature. As a candidate for the House of Representatives, however, Rainey was the first African-American lawmaker directly elected by voters to take his seat in Congress. It was an important distinction and one nearly held by John Willis Menard of Louisiana. Two years earlier, in November 1868, Menard, who had been born in Illinois and had worked for President Abraham Lincoln’s administration during the war, appeared to have won a special election to represent a New Orleans district in the House for the final months of the 40th Congress (1867–1869). When Menard’s Democratic opponent contested his victory, Menard defended his election before the House on February 27, 1869, becoming the first African American to address the chamber while it was in session. Ultimately, the House refused to seat either candidate.

Rainey arrived in Washington during a transitional moment. After five years of Republican dominance on Capitol Hill, a resurgent Democratic Party had gained 37 seats in the House during the 1870 elections, significantly reducing the Republican majority in the upcoming 42nd Congress. Democrats had also begun to claw back control of southern state governments, further weakening the long-term prospects of Reconstruction.

Although Rainey missed the heyday of Republican power in Congress, his very presence nevertheless heralded radical change in America. His first day in the House was an electric scene that attracted the interest of reporters and publishers across the nation. “The House of Representatives has opened its doors to the colored man,” the *Cincinnati Daily Gazette* declared. Frederick Douglass’s newspaper, the *New National Era*, printed a bold headline to celebrate the arrival of “The First Colored Representative.” Throughout December, papers from Maine to Chicago to San Francisco reprinted the same story describing Rainey’s arrival in the House. The Washington correspondent of the *New-York Tribune* reported that when Rainey took the Oath of Office, “the hum and buzz of voices ceased on the floor, and almost every member turned with an air akin to respect, toward the first representative on that floor of the newly-enfranchised race.” Many reporters reflexively described Rainey’s physical appearance, particularly his hair and the color of his skin. Others offered patronizing, bigoted commentary about the “mulatto barber” in the House. One frequently reprinted article, however, focused more on Rainey’s abilities and determination than on what he looked like. The author commended Rainey for his “thirst for education”—despite being born into a system of oppression that denied enslaved people access to even the most basic instruction—and expressed full confidence in his skill as a lawmaker. “He is an able man, and will do himself and his constituents credit.”



Poughkeepsie, New York, publishers James E. Dayo and George P. Woods copyrighted this print of Joseph Rainey in 1871, during his first full year in Congress.

*Image courtesy of the Library of Congress*

As Rainey took his seat, the *New-York Tribune* noted that more than a dozen of his new colleagues “warmly congratulated” him—Members who would soon experience firsthand Rainey’s skill, dexterity, and brilliance. As America’s first Black Representative, Rainey shouldered enormous expectations. In the crucible of Capitol Hill and with the entire country watching, Rainey relished every opportunity to speak on the floor. He was witty and fearless during debate. His skill as an orator captivated the public, the press, and fellow Members. Rainey may have lacked a formal education, but he had read widely and carefully. His remarks mixed logic and philosophy, and he seamlessly alternated between subtle and explicit literary and religious imagery. In just one speech Rainey quoted or alluded to several Bible verses, the early Christian theologian Tertullian, the English poets William Cowper, Alexander Pope, and Lord Byron, as well as a poem by the former

# The State of South Carolina.

By the Board of



State Canvassers.

To Joseph H. Rainey

Whereas, In pursuance of an Act entitled "An Act providing for the General Elections and the manner of conducting the same," approved the first day of March, in the year of our Lord one thousand eight hundred and seventy, amended by an Act approved March 12th, 1872, an election was held on the third day of November, A. D. 1874, for Members of Congress and upon examination of the Returns which have been received it appears that you, the said Joseph H. Rainey have been duly elected by a majority of Votes; We do, therefore, by virtue of the powers in us vested, certify that you, the said Joseph H. Rainey have been duly elected as Member of the 44th Congress of the United States from the County of Sumter the first Congressional District of the State of South Carolina.

GIVEN under our Hands, and the Seal of the State, in Columbia, this twenty-third day of November, in the year of our Lord one thousand eight hundred and seventy-four, and in the ninety-ninth year of the Independence of the United States of America.



H. E. Payne Secretary of State.  
J. B. Hooper Comptroller General.  
Sam'l B. Melton Attorney General.  
R. L. Carpenter State Treasurer.  
J. T. ... Adjutant General.

Board of State Canvassers.

Republican Printing Company, State Printers.

Joseph Rainey's election credentials from 1874 marked his fourth victory for a seat in the House.

Image courtesy of the National Archives and Records Administration

Representative and President, John Quincy Adams of Massachusetts. Nearly every major speech he made on the House Floor included a reference from one of Shakespeare's great works. He frequently drew inspiration from *Hamlet*, *Othello*, and *Julius Caesar*—the last a favorite for its themes of treason, corruption, and the nature of political power.

During his time in office, Rainey was a conscientious lawmaker and a fixture in the House. Although he did not compile a lengthy record of legislative achievements, his colleagues and the press routinely praised his work. Like most Members of Congress at the time, Rainey introduced memorials and petitions but relatively few pieces of legislation—mostly private bills for pensions and measures

meant to help individual constituents. In fact, Rainey introduced only five bills related to other matters—none of which became law. When it came to major national legislation, however, Rainey left his mark, pushing the House to adopt more equitable and just policies.

But all that would happen later. In his brief first term in the winter of 1870 to 1871, during the final weeks of the 41st Congress, Rainey voted regularly, submitted petitions and memorials, but did not speak on the House Floor for the remainder of the session.

As he quietly observed proceedings from his seat in the chamber, Rainey was nevertheless active outside the House as a member of the

executive committee of the Union League, a national fraternal organization working to mobilize support for Republicans. On January 14, 1871, the committee met with President Ulysses S. Grant at the White House. Rainey informed the President of the League's efforts in his home state, detailing its "indispensable" role enfranchising freedmen and building a Republican Party in the South.

Two days later, Jefferson Franklin Long of Georgia became the second African-American Member of the House. One Virginia newspaper observed that Rainey and Long "fraternized at once, and struck up a conversation as soon as the latter was sworn in." This was a brief legislative partnership, however. Long served only the remaining weeks of the 41st Congress, but he was the first African-American Member to make a speech on the House Floor.

On January 20, Representative George Washington Julian of Indiana introduced a women's suffrage amendment to legislation establishing a territorial government in the District of Columbia. Long supported the voting rights amendment, but Rainey joined the majority in rejecting it. "The colored vote of the House divided on this question," the *Boston Journal* wrote. Rainey offered no explanation for his vote, but as in his earlier support for a poll tax in South Carolina, he may have been reluctant to support true universal suffrage at this stage of his career.

Long's departure from the House was followed by the arrival of four new African-American Members elected in 1870 to the 42nd Congress. In addition to Benjamin Sterling Turner of Alabama and Josiah Thomas Walls of Florida, Rainey was joined by two fellow South Carolinians, Robert Carlos De Large and Robert Brown Elliott. On the first day of the new Congress, Members selected seats on the House Floor. Turner and Elliott chose seats in the back close to the main aisle, while De Large and Walls joined Rainey in what one reporter described as "a small colored colony" in the southwest corner

before senior Republican Members dispersed the newcomers. When Ginery Twichell of Massachusetts tried to lay claim to Rainey's seat, Rainey respectfully declined and kept his preferred spot on the Republican side. It may have been only hours into the 42nd Congress, but Rainey made clear that he would no longer remain silent.

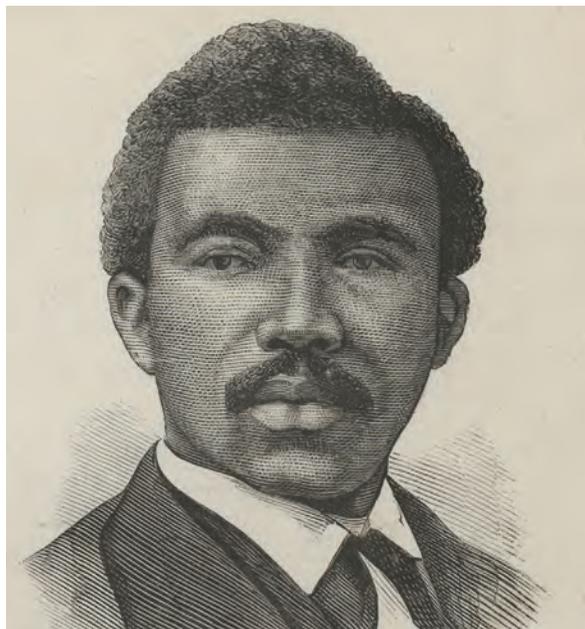
## "I Stand upon the Broad Plane of Right"

By 1871 the United States had reached a fateful crossroads. Despite the Reconstruction Amendments and the presence of U.S. troops in the South, white southerners continued to violently undermine the civil and political rights of African Americans. Beginning in 1866, congressional committees spent years investigating the vigilante violence deployed in the former Confederacy to threaten African Americans and white Republicans.

This 1872 Currier & Ives print shows African-American Members of the 41st and 42nd Congresses (1869–1873). From left to right: Senator Hiram Rhodes Revels of Mississippi, Representatives Benjamin Sterling Turner of Alabama, Robert Carlos De Large of South Carolina, Josiah Thomas Walls of Florida, Jefferson Franklin Long of Georgia, Joseph Hayne Rainey of South Carolina, and Robert Brown Elliott of South Carolina.

*Image courtesy of the Library of Congress*





South Carolina Representative Robert B. Elliott joined Joseph Rainey in advocating for legislation to protect African-American citizens and prosecute the Ku Klux Klan. In 1874 *Frank Leslie's Illustrated Newspaper* published this portrait of Elliott and celebrated his oratorical skill.

*Collection of the U.S. House of Representatives*

Witnesses submitted graphic testimony of murders, beatings, and economic and political repression in Southern states. The congressional hearings also traced the rise of organized white terrorist groups such as the Ku Klux Klan. From 1869 to 1871, the Klan orchestrated a tidal wave of racial violence that threatened Republican-led Reconstruction governments across the South. When the Republican-controlled House convened the 42nd Congress on March 4, 1871—one day after the end of the 41st Congress—President Grant called on lawmakers to find legislative solutions to end the turmoil.

On March 28, Samuel Shellabarger of Ohio introduced the third in a series of laws referred to as the Enforcement Acts. Shellabarger's bill, what came to be known as the Ku Klux Klan Act of 1871, created new mechanisms to ensure equal protection, expanded the reach of federal law enforcement, and empowered federal district

attorneys to aggressively prosecute the Klan. Congress also gave the President the power to suspend the writ of habeas corpus and use federal troops to quell violence.

For the first time, African-American Representatives in the House were in a position to advocate for federal legislation that protected the rights of African-American citizens. On the afternoon of April 1, Rainey's South Carolina colleague, Robert Elliott, forcefully defended the bill, which he said was "not only fully warranted, but it is imperatively demanded by the present posture of affairs in the southern states." Elliott spoke at length to challenge those who claimed the bill was unconstitutional, laying out a detailed legal defense of its provisions and submitting to the record excerpts from the South Carolina state legislature's report on Klan violence in his district.

After a brief recess, the House reconvened at 7:30 p.m. for the evening session. Representative James Gorrall Blair of Missouri began by objecting to the bill on constitutional grounds, arguing that it would encourage "centralization" and violate "those powers heretofore known as 'State's rights.'"

Rainey immediately rose to dispute Blair's claims. Because legal authorities in the South refused to prevent the violence or prosecute those responsible, the federal government had no choice but to step in given the "enormity of the crimes," Rainey said. The South, he observed, had cultivated a society where people loyal to the United States were being "murdered for political opinion's sake."

Rainey called for decisive federal action to end the prevailing state of chaos in the former Confederacy, and he rejected Blair's claim that the bill was unconstitutional. The Constitution, Rainey said, was designed to provide "protection to the humblest citizen, without regard to rank, creed, or color." It should be a "bulwark of freedom" protecting "inalienable rights" for all against "foreign invasion and domestic violence."

This was an essential function of any system of government, Rainey said. “Tell me nothing of a constitution which fails to shelter beneath its rightful power the people of a country!”

The muddled legal and constitutional objections to the bill, Rainey argued, dehumanized the victims of violence in the South and evaded the issues of fairness, justice, and equality. “I stand upon the broad plane of right,” Rainey declared, adding that throughout its history, the United States had been “proudly proclaimed to the world the refuge, the safe asylum of the oppressed of all lands.” If Congress refused to protect individual rights, he asked, was “this grand boast of ours . . . a mere form of words, an utter fraud?” With a majority in both chambers, Republicans in Congress approved the bill on April 20, and President Grant signed it into law.

Less than a month later, on May 10, Rainey, along with two members of the South Carolina state legislature, a county sheriff, and the customs collector, all received a letter directly from the Ku Klux Klan. It was written in red ink and adorned with a skull and crossbones. “Your doom is sealed in blood,” the letter began. The state and local officials were told to leave South Carolina or “prepare to meet their God. Take heed, stay not. Here, the climate is too hot for you. . . . We warn you to flee. Each and every one of you are watched each hour.”

Rainey forwarded the letter, along with his own response to the threat, to John M. Morris, an acquaintance and the publisher of the *Washington Chronicle*. “I send this to you direct, because I am aware of the presence of many around and about Washington who are incredulous on the subject of Ku-Kluxism; believing the various reports fallacious.” The “ex-rebels,” Rainey said, had attacked him in a Democratic newspaper back home after his speech in the House defending the need for the Ku Klux Klan Act. “They feel chagrined and chafed in mind because the truth has stung them,” Rainey added.

Although Rainey noted that the recipients of the Klan’s letter were landowners, taxpayers, and Republicans “of some prominence” in South Carolina, he also pointed out that the promise of violence was part of a sustained campaign against all Republican voters in the state—one that extended beyond the ranks of elected officials. Poor farmers who supported the party became targets of growing economic pressure even as they faced an ever-present threat of harm. “My fears,” Rainey said, “are that want and starvation will drive many a good and faithful Republican from our ranks, unless they be secured in life, liberty and property.”

Rainey’s letter to the *Washington Chronicle* was a clarion call for the federal government to intervene. Democrats had tried to obscure the incidents of violence and intimidation against African Americans in the South. In fact, soon after the publication of Rainey’s letter, a South Carolina newspaper proved this very point when it wrote that the Congressman had fallen for “a very poor joke” that was most likely sent by a Republican rival, not the Ku Klux Klan. But Rainey was not easily intimidated: he and the other officials who received the Klan letter, he

In this 1872 print, “Visit of the Ku-Klux,” artist Frank Bellew portrays the terror caused by the Ku Klux Klan. As an African-American woman cooks at home with her children, hooded Klansmen approach, and one points a rifle at the family.

*Image courtesy of the Library of Congress*





*Harper's Weekly* printed this drawing of New York Representative Samuel Sullivan Cox in 1888.

*Collection of the U.S. House of Representatives*

said, “have come to the conclusion to remain, and, if needs [*sic*] be, sell our lives dear as the price of liberty and manhood.”

Rainey’s brush with the Klan was not unique. By October 1871, with violence escalating across South Carolina, President Grant used the Klan Act to declare a “condition of lawlessness” in nine counties. He suspended the writ of habeas corpus and sent federal troops to occupy the region. Many Klansmen fled South Carolina as the United States Army arrested hundreds and Black-majority juries sentenced several dozen to prison. Along with hundreds of indictments in North Carolina and Mississippi, Grant’s show of force decisively damaged the Klan.

Although Klan violence subsided in the former Confederacy in the early 1870s, Rainey remained concerned. In Congress, Democrats sought additional ways to weaken the federal presence in the South. On March 5, 1872, Representative

Richard Thomas Walker Duke of Virginia tried to cut \$1 million in supplemental funding to protect voting rights in the South. To Rainey, this was outrageous. African-American communities in South Carolina had been “persecuted, maltreated, murdered, and in every way abused, not only men, but helpless women and children,” he said. Congress needed to direct the vast resources of the federal government to protect its loyal citizens.

I, sir, for one, stand here in favor of voting every dollar that may be necessary to carry on these prosecutions until every man in the southern States shall know that this Government has a strong arm, and that there is a power here that will make them feel that if they will not obey the statutes of the country they shall be made to bow submissively to those enactments at the point of the bayonet, be they white or black.

Democrat Samuel Sullivan Cox of New York spoke after Rainey in support of the funding cuts. A renowned debater, Cox was known for rhetorical flourishes and lengthy diatribes. He accused northern white Republicans who moved south after the war of political opportunism and alleged the Republican-led state government of South Carolina was rife with corruption. The federal government, he argued, was careless with the public purse and he claimed that any new funding would be used to strip white southerners of their rights. After disingenuously insisting that the Democratic Party had done much to attract the support of African-American voters, Cox ended his remarks by questioning why Rainey and the other Black Members—whom he called “the special guardians of the wards of the nation”—had not done more for the freed people.

Rainey refused to let Cox’s comments stand unchallenged. Without more funding to prosecute crimes and protect the people, Rainey said, “you cannot expect the negro to rise while the Democrats are trampling upon him and his rights.”

Rainey called out Democrats for their duplicity. He demanded they stop belittling the everyday realities of his Black constituents and instead support the much-needed federal civil rights legislation. “I will then see who are our best friends on that side of the House,” he said, directing his comments at Democrats. His Republican colleagues erupted in laughter and applause.

The *New York Daily Herald* called Rainey’s remarks “the greatest sensation of the season,” made by “the representative of a race who ten years ago were not allowed within the walls of the Capitol, except in the capacity of servants.” When it was his turn to speak, Representative Henry Laurens Dawes of Massachusetts said that he could not “add anything to the hot words” Rainey had aimed at Cox. The *Herald*’s Capitol Hill correspondent noted that

Members on the floor and visitors in the gallery frequently applauded Rainey’s “manly, temperate and able effort” to deliver the “vindication of his race against the aspersions of the member from New York.” Ultimately, the House approved the \$1 million appropriation Rainey supported.

## Education and Freedom

At a time in American history when local concerns dictated the rhythms of daily life, Rainey had an expansive, national understanding of the role of government in American society. He believed Congress had a duty to both protect its citizens—especially the freed people in the South—and to take proactive measures to promote the well-being of Americans everywhere. On February 3, 1872, Rainey addressed the House

This image, taken between 1862 and 1865, shows African-American men, women, and children outside a building on Edisto Island, South Carolina. This structure, which was likely used as a school and a chapel, would have been similar to buildings erected by Black communities across the South after the war.

*Image courtesy of the Library of Congress*



to urge passage of an education bill introduced by Union Army veteran Legrand Winfield Perce of Mississippi that would funnel a percentage of the proceeds from the sale of public lands into a national network of public schools.

Education was an immediate and aching priority for the freed people. Across the antebellum South, law and custom had prohibited enslaved African Americans from learning to read and write. In his autobiography, Frederick Douglass recalled exactly when, as a boy, he realized that “the white man’s power to enslave the black man” depended on denying men, women, and children an education. “From that moment,” Douglass wrote, “I understood the pathway from slavery to freedom.”

After the war, African-American communities pooled their resources to build schools and hire teachers. They received additional funding from the federal government’s Freedmen’s Bureau and northern aid societies. For Rainey, that was not nearly enough, and he implored Congress to provide more resources. Rainey told the House of children “striving to read” and “old gray-headed men, formerly slaves, learning the alphabet, and straining their blunted senses in quest of knowledge, and this, too, after the hard toils of the day.”

Many northern states already had robust local school districts, but Rainey saw in the South an opportunity to finance and sustain a federal, publicly funded school system to develop the “future lawmakers and rulers of our country.” The lack of governmental support had created a “mental midnight” in America, Rainey said, which was “not necessarily sectional.” He cited statistics to demonstrate that schools and teachers were “needed alike by all classes, both white and black,” and dismissed complaints about “centralization.” Instead, he celebrated the federal government’s capacity to provide equal public services. A national school system, he added, was a “great remedy” that could eliminate

America’s “sectional feeling” and prevent future Klan violence in the South.

Rainey also rebuked Members who stoked fears about integrated public schools. He touted what he called the “mixed” schools in New England and described Democratic opposition to integration as “the remnant of the old pro-slavery spirit, which must eventually give place to more humane and elevating ideas.”

Poor access to schools and educational opportunity was a major injustice, Rainey believed, and he pushed the federal government to distribute “its benefits and wealth to another class besides railroad corporations, who already have too much of what in right and equity belongs to the people.” A national education system would better leverage public resources, foster an informed citizenry, and ensure that “the people are the rightful rulers, and those in power are but their servants.” Despite Rainey’s impassioned arguments, Perce’s education bill never became law.

### “The Class to Which I Belong”

On March 3, 1873—the final day of the 42nd Congress—Democrat Ephraim Leister Acker of Pennsylvania took to the House Floor to complain that he had not been allowed to put a “general amnesty” bill up for a vote. Following the war, Congress limited the opportunities of former Confederates to vote and hold public office. Democrats from both the North and South had long pushed to remove these “political disabilities,” and Members from across the country introduced private bills erasing such restrictions on a case-by-case basis. In May 1872, Congress passed the Amnesty Act, which provided relief for “all persons” in the South except for a few hundred who had held specific high-ranking federal offices when they joined the rebellion. Despite the Amnesty Act, Acker wanted Congress to remove once and for all the “political disabilities of all persons still laboring under them.”

In the House, Rainey had dutifully worked to restore rights to some of his South Carolina constituents. But he could not support Acker's bill for blanket forgiveness without conditions. Rainey took the floor, warning that Acker's call to help "a few men who had raised their traitorous hands against this Government," overlooked the very real plight of African Americans in the United States. Why, he asked, would Congress ignore the rights and interests of its most loyal citizens to address the concerns of its most disloyal?

Since 1870, when Senator Charles Sumner of Massachusetts introduced a sweeping civil rights bill, Republicans in Congress had worked to pass new protections for the millions of freed people living in the South. Sumner's bill preserved equal access to public accommodations, transportation, schools, churches, and cemeteries—and, importantly, created federal enforcement measures.

But for three years, Acker and congressional Democrats denied the immediacy of the situation in the South. For Rainey, the time to act on civil rights, not amnesty, was long overdue. If the House refused to vote as the 42nd Congress came to a close in March 1873, "four million people" would continue to suffer from "the prejudice and oppression that have for so long existed against them in this country." The political status of former Confederate leaders—the very people who tried to destroy the country—was far less important than the life, liberty, and general welfare of his Black constituents. "We should be generous to all," Rainey said, "not simply to a few."

Rainey condemned Democrats who habitually rejected any and all legislation "for the benefit of the class to which I belong, a class that have always been ready to stand up for the country and its rights, and for the rights of all." As had been so often the case, the House adjourned without acting on the civil rights bill.



Senator Charles Sumner of Massachusetts, photographed by Mathew Brady, was a prominent abolitionist in Congress before the Civil War and a leading Radical Republican during Reconstruction.

*Image courtesy of the Library of Congress*

In the summer of 1873, with the opening of the 43rd Congress (1873–1875) still months away in December, Rainey was invited to visit the village of Tariffville in northern Connecticut in late July. A year later, he purchased a summer home in the nearby town of Windsor, Connecticut, where his family became enmeshed in the local community.

In Tariffville, Rainey spoke to a mostly Black crowd of more than 700 who had gathered to commemorate the end of slavery in the West Indies nearly 40 years earlier. According to the *Hartford Courant*, Rainey did not mention his time in Bermuda, but he was effusive in his praise for those who had rid the British territories in the Caribbean of slavery and offered "glowing words" for the Haitian revolutionary Toussaint L'Ouverture.

During his remarks, Rainey promised to "represent the interests of the colored men of the whole country; first the colored men, then

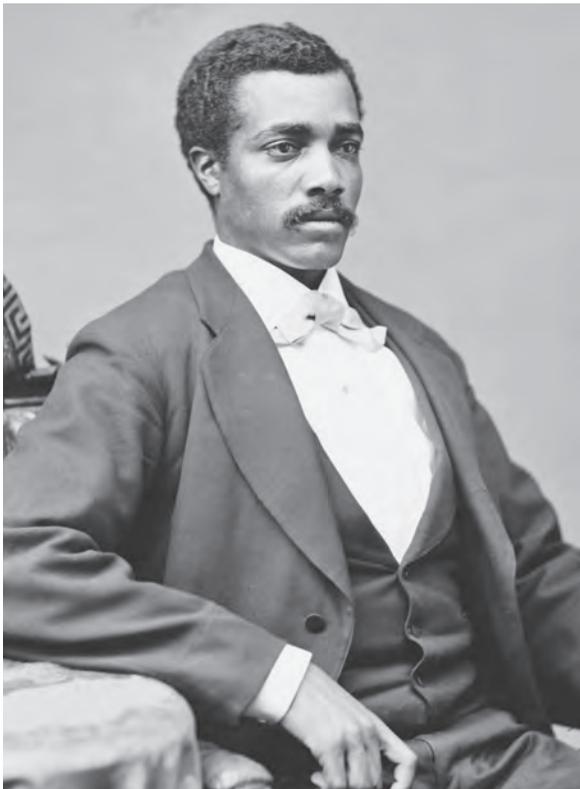
somebody else's interests." Rainey was one of seven African-American Representatives in the 43rd Congress, all of whom, he said, were prepared to return to Washington and "go against the interests of every state whose representatives go against ours." For Rainey, the very presence of more African-American lawmakers was essential to transforming American society and politics. Once ensconced in their "high office," Rainey said, each African-American Member of Congress will "make the white man recognize his black face, and know he has met his equal."

## Creating a More Equitable America

Despite the departure of Turner and De Large, four first-term African-American Members were elected in 1872, thereby establishing the largest

Josiah T. Walls served in the House from the 42nd to the 44th Congresses (1871–1877). In 1870 Walls was nearly assassinated on the campaign trail. At a rally in Gainesville, Florida, a bullet missed him by inches.

*Image courtesy of the Library of Congress*



contingent of Black Representatives in any Congress during the nineteenth century. Once again, South Carolina led the way with two new Members, Richard Harvey Cain and Alonzo Jacob Ransier, meaning that four of South Carolina's five Representatives in the U.S. House were Black. They were joined by John Roy Lynch of Mississippi, James Thomas Rapier of Alabama, and the remaining incumbent from the 42nd Congress, Josiah Walls of Florida.

On December 18, 1873, only three weeks into the 43rd Congress, Representative Benjamin Franklin Butler of Massachusetts introduced a version of Sumner's civil rights bill in the House. Butler, a dour and brash lawyer, was a convert to the cause of civil rights. A former Democrat, he had served as major general in the Union Army

Photographed by Mathew Brady's studio, Benjamin Franklin Butler served as a major general in the Union Army. In 1873, as a Massachusetts Representative, Butler introduced the civil rights bill that later became law.

*Image courtesy of the Library of Congress*



and almost singlehandedly created the military's contraband policy, which instructed U.S. forces to offer shelter and protection to enslaved men and women who fled to Union lines. Butler became a Republican and after the war championed the cause of the four million freed people in the South.

The day after Butler introduced the civil rights bill, Representative James Burnie Beck of Kentucky argued against it. Much like the earlier resistance to the Ku Klux Klan Act, Beck and his Democratic colleagues accused Republicans of federal overreach. He cited Kentucky's decision to allow "colored men to testify in cases where white men were parties," and insisted that such a change would not have been possible if "forced upon" the people of his state by the federal government.

For Democrats—and even many Republicans—it was enough that the Fourteenth and Fifteenth Amendments provided equality under the law. Legislation that might provide conditions for an equitable society was a step too far. During Rainey's career on Capitol Hill, opponents routinely decried "social equality" in the halls of Congress. When used by Beck and his contemporaries, "social equality" signaled the creation of personal relationships across the color line—from interracial marriages to more subtle violations of long-standing norms barring interracial socialization and association in public spaces. White southerners saw this and feared the collapse of the established racial order in the South.

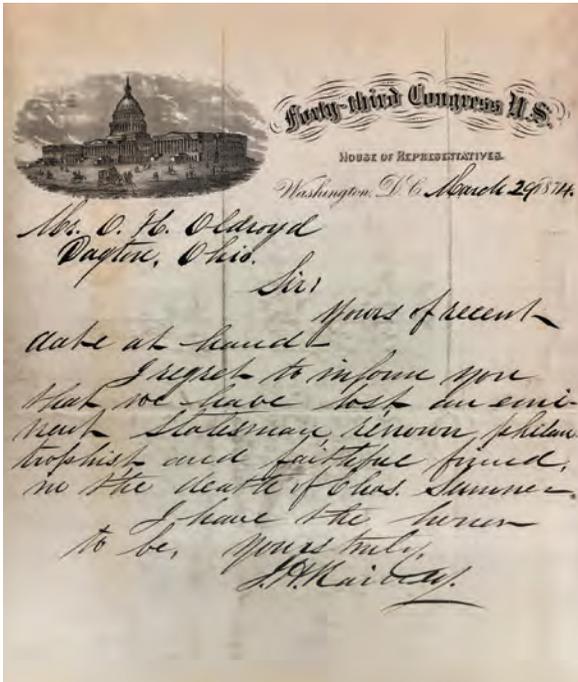
Rainey patiently explained to the House that he understood these issues much differently. Social and legal equality, he said, should be understood in "the light of humanity; I view it in the light of progress and civilization which are now rapidly marching over this country." Democrats, Rainey said, "have a feeling against the negro in this country that I suppose will never die out." But he insisted that this "feeling" should not derail the effort to codify, once and for all, the right to equal standing and equal status.

"I can say for myself that I am contented to be what I am so long as I have my rights," Rainey declared. "I prefer to choose my own associates, and all my colleagues here and the whole race I belong to prefer to make that choice. We do not ask the passage of any law forcing us upon anybody who does not want to receive us. But we do want a law enacted that we may be recognized like other men in this country."

During his remarks, Rainey made the case for what he often referred to as "class legislation"—laws designed to ensure the rights of a specific group in American society. At the time, opponents criticized these laws for applying differently to diverse groups, which they claimed established social, economic, or political hierarchies. For Rainey, however, "class legislation" was key to creating a more equitable America. The civil rights bill, for instance, rectified an injustice and did not create new restrictions. If southern states refused to acknowledge and protect the rights of the freed people, then Congress needed to pass targeted legislation to eliminate legal disparities and guarantee those rights. The revolutionary promises of American democracy, Rainey argued, were only as secure as America's least protected citizens.

Three months later, on March 11, 1874, Senator Charles Sumner died in Washington, DC. Before the war, Sumner had been a stalwart abolitionist who was nearly beaten to death by South Carolina Representative Preston Smith Brooks on the Senate Floor following comments condemning slavery. After the war, Sumner was a leading Radical Republican and a champion of Radical Reconstruction. Rainey was the only African-American Member in the House delegation appointed to accompany Sumner's body home to Boston.

On April 27, Rainey eulogized Sumner on the House Floor, offering a "humble and heartfelt tribute." "The cause of my race was always foremost in his mind," Rainey said. Rainey recalled "the



In a letter dated March 29, 1874, Joseph Rainey informs Osborn H. Oldroyd, a former Union sergeant and author, of the death of Senator Charles Sumner. “I regret to inform you that we have lost an eminent Statesman, renowned [sic] philanthropist, and faithful friend.”

*Image courtesy of the Alexander Gumbo Collection of Negroiana, Rare Book & Manuscript Library, Columbia University in the City of New York*

warm and friendly grasp he gave my hand soon after I was admitted a member of this House. On my first visit to the Senate he said: ‘I welcome you to this Chamber. Come over frequently; you have rights here.’” Sumner’s dying words were reportedly an appeal to pass the civil rights bill, a fitting end for someone who had spent his entire life, Rainey said, as “an advocate of human rights.”

## Reconstruction and Human Rights

Sumner had made “human rights” for the freed people a central goal of Reconstruction, using the term almost interchangeably with “equal rights” and “the rights of man.” Rainey’s vision of human rights was similarly expansive. After the Civil War, for instance, as the federal government brutally suppressed American Indian nations

west of the Mississippi River, Rainey advocated for the rights of Native Americans on the House Floor. Like many of his contemporaries, Rainey seemed to believe in the inevitability of westward expansion. But he urged the U.S. government to abandon the “sword and bayonet” and abide by its existing treaties with western tribes. Rainey’s support for tribal autonomy was complicated by his desire to impart what he called the “civilizing influences” of American society to Native Americans. At the same time, he recognized their sovereignty and condemned the government’s willingness “to dictate to them, as though they were children and not entitled to say one word in behalf of their own rights.”

Rainey also applied his perspective on individual rights to the workplace. On June 13, 1874, Representative John King Luttrell of California offered an amendment to a spending bill to prevent employers from hiring Chinese immigrants to work on a federally funded building project north of San Francisco. Luttrell’s measure, which ultimately failed, explicitly banned Chinese laborers because he believed they would “displace white labor.”

Rainey objected to the amendment on several grounds, but chief among them was that he welcomed Chinese workers as part of a needed influx of immigrants to the United States. “They come here and are willing to work and assist in the development of the country,” he said, and they should be free to sell their labor without restriction. Rainey rejected the claim that Congress had the power to condition federal funding on discriminatory hiring requirements, and he could see the inevitable end of such a policy: if Congress could limit the opportunities of Chinese immigrants, “not many days will elapse before we shall have a proposition presented that negroes shall not be employed under appropriations made by the Government,” he predicted. Equal access to the workplace was an essential part of a truly democratic society, according to Rainey. “I say that the Chinaman, the Indian, the negro, and

the white man should all occupy an equal footing under this Government; should be accorded equal right to make their livelihood and establish their manhood.”

## “Tired of this Dilly Dallying”

In June 1874, a reporter from the *Pittsburgh Evening Leader* interviewed Rainey about the fate of the civil rights bill. Rainey’s responses underscored his increasing concern about the slow pace of political change. Appalled at the lack of urgency on Capitol Hill, Rainey noted that he and the other African-American Members were “tired of this dilly dallying” and demanded action on a bill guaranteeing equal access to education and public accommodations. He conceded, though, that desegregating churches was not his priority. “I guess I can get to heaven by some other road if necessary, and will not ask Congress to help me in that.”

For Rainey, equal access to educational opportunity was paramount. He had been denied an education before and after his emancipation and told the reporter that he would rather send his children to Europe or Canada than have them educated in segregated schools in America. Why should his children be “hindered in the enjoyment of the educational institutions of the country,” he asked, “merely on account of their color, when we are taxed for the support of these schools?”

Rainey also spoke frankly about his experience as an African-American Member of Congress living and working in the distinctly southern confines of Washington, DC. Every day, he said, he and the other Black lawmakers confronted the types of discrimination the civil rights bill sought to outlaw. There was an inherent contradiction in their status as duly elected legislators, Rainey noted. They had the right to vote on “important legislation having a direct effect upon the interest of the country,” he said, “and yet when we go out it is with fear and trembling that we may be openly insulted when we are seeking only the common necessities of life.”

Rainey noted that he and his fellow African-American Representatives were “charged more for living than any of the white members”—so much so that he did not even consider staying at any Washington hotels. And he described visiting a Washington establishment where he was charged 50 cents for a glass of beer—ten times the standard price. “Is this because I am a colored man?” Rainey asked. The waiter replied that it was. “I went away, at this very much mortified,” Rainey recalled.

Rainey also struggled to secure equal accommodations during his travels. When he boarded a train in Charleston, for instance, Rainey noted he could sit in the first-class car for the entire trip south to Savannah, Georgia. On the return journey, Rainey was forced to sit in the second-class car, despite his first-class ticket. “Now how can it be that I am all right one way and a social leper the other?” Similarly, when Rainey traveled first class by boat between Washington, DC, and Norfolk, Virginia, he was prevented from eating in the main dining hall and forced to sit with the wait staff. On subsequent trips, he carried his own lunch.

In the summer of 1874, Rainey tried to eat at a hotel in Suffolk, Virginia, and was refused service in the dining room with white patrons. The press then subjected him to further indignity. One article about the incident, which was reprinted across the country, almost surely exaggerated Rainey’s reaction to make him seem like the aggressor rather than the victim of yet another injustice. “Rainey became so violent in his expressions that the clerk took him by the collar and threw him out,” the reporter noted.

## The Civil Rights Act of 1875

Incidents of public discrimination had become more frequent during Rainey’s tenure in Congress and served as a harbinger of changes to come. In November 1874, the Democratic Party seized the majority in the House for the

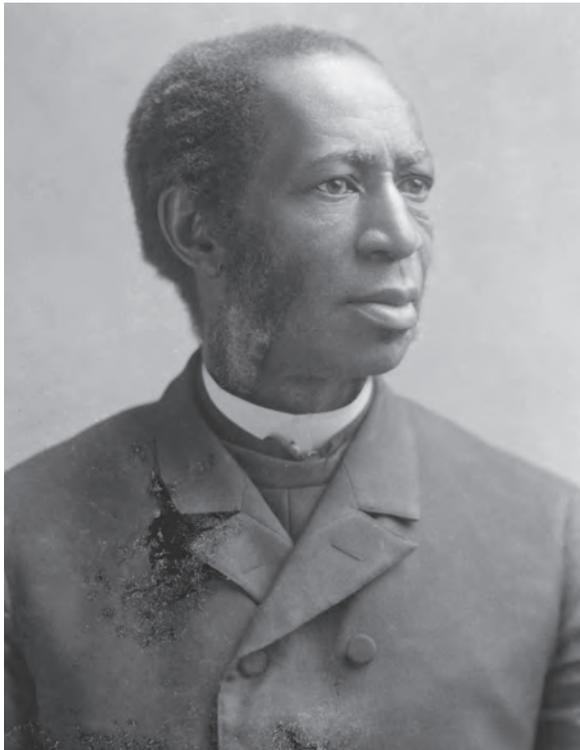
first time since before the Civil War. A severe, nationwide economic depression that began in 1873, coupled with significant Democratic victories at the state level, primed the party for a return to power on Capitol Hill at the start of the 44th Congress (1875–1877).

The incoming Democratic majority threatened the fragile progress Rainey and others had made on the civil rights bill. With Republicans still in control of the House for the remaining months of the 43rd Congress, proponents redoubled their efforts to pass a compromise agreement before the session ended on March 3, 1875.

On February 3, Rainey again brought his concerns about segregated public spaces to the House Floor. With Republicans racing against

A pastor, newspaper editor, and state senator, Richard Harvey Cain represented South Carolina during the 43rd and 45th Congresses (1873–1875; 1877–1879). Cain, photographed by the C. M. Bell Studio in Washington, DC, spoke forcefully in support of civil rights on the House Floor.

*Image courtesy of the Library of Congress*



the clock, Democrats dug in. During debate on the civil rights bill, Democrat Thomas Whitehead of Virginia boldly claimed that discrimination in public transportation and in restaurants did not exist in his state. Rainey responded by describing a visit to Richmond where he said he was forced into a segregated carriage on the city’s street cars. “Did you tell them who you were?” Whitehead asked. Rainey replied that he did not. “It is not necessary for me to do so in order to ride in the street cars of New York or Boston,” Rainey said, making the accompanying point that his status as a Member of Congress should have no bearing on his rights. Representative Richard Cain cited a similar example of an acquaintance who experienced segregated street cars in Richmond.

As the day wore on, Rainey once again rose to defend the civil rights bill. He was adamant that school integration was both a matter of equal rights and the key to building a better society. Bringing together white and Black children in the classroom, he said, was a way to “remove fears and annihilate that prejudice” at a young age. “Surely the children are not better than their parents, who now sit with us in the jury box [and] the legislative hall.”

Democrats repeatedly cited the Fourteenth and Fifteenth Amendments to make the case that Congress did not need to pass additional legislation. Rainey, however, noted that Democrats read the Constitution “with partial and selfish motives.” African Americans were part of the larger body politic and were thus afforded rights by the entire document. The civil rights bill, he said, was necessary to ensure the enjoyment of these rights. “The only ground upon which these privileges and immunities are withheld,” Rainey said, “is because of complexional differences.”

For nearly five years, Democrats told Rainey that the discrimination, threats, and inequality he and millions of African Americans faced



A significant but flawed achievement, the Civil Rights Act of 1875 extended federal protections to African Americans but did not ban discrimination in education. “To Thine Own Self Be True,” an 1875 print by artist Thomas Nast, imagines Columbia, a female personification of the United States, passing the civil rights bill to an African-American man.

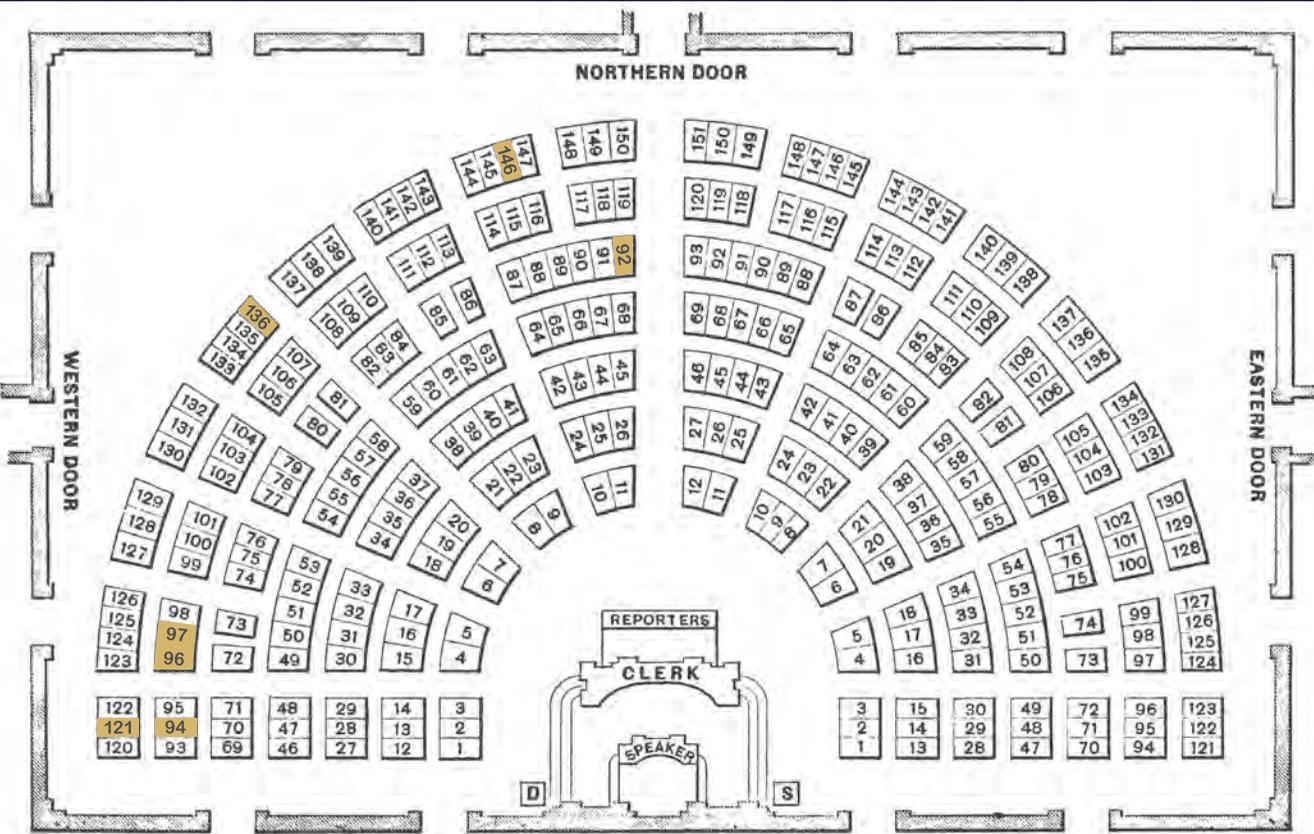
*Collection of the U.S. House of Representatives*

everyday simply did not exist. Rainey rebuffed them, imploring Congress to uphold America’s founding declaration that all men were created equal. Finally, on March 1, 1875, Butler’s civil rights bill, H.R. 796, was signed into law, only two days before the end of the Congress. It was a partial victory. Although the law prohibited discrimination in juries, transportation, and public accommodations, it lacked enforcement power, and the provisions related to schools, churches, and cemeteries had been removed. Only eight years later, in 1883, the Supreme Court ruled that key portions of the Civil Rights Act of 1875 were unconstitutional. The decision had a lasting effect and severely curtailed the federal government’s ability to protect African-American civil rights for decades.

## “Sent Here by the Suffrages of the People”

Beyond the bills and resolutions and amendments, Rainey saw the House itself as a forum to assert his rights and demonstrate how to reform an institution traditionally resistant to change. It was an uphill struggle. Rainey and his African-American colleagues faced daily indignities on and off Capitol Hill. But over the course of nearly a decade, Rainey became an expert in House procedure and a tireless contributor in committee.

Just as Rainey and the other African-American Members faced discrimination when traveling, so too did they confront it in the seat of America’s



- |                                  |                                 |                                   |                                |
|----------------------------------|---------------------------------|-----------------------------------|--------------------------------|
| <b>92</b> Alonzo J. Ransier (SC) | <b>94</b> John R. Lynch (MS)    | <b>96</b> Joseph H. Rainey (SC)   | <b>97</b> Josiah T. Walls (FL) |
| <b>121</b> Richard H. Cain (SC)  | <b>136</b> James T. Rapier (AL) | <b>146</b> Robert B. Elliott (SC) |                                |

In the 43rd Congress (1873–1875), African-American Members held seven of the 292 seats in the U.S. House. This seating chart from 1874 depicts their desk locations on the House Floor.

*Congressional Directory, 43rd Cong., 1st sess., 4th ed. (Washington, DC: Government Printing Office, 1874): 140.*

government. And just as Rainey demanded equality under the law, so too did he demand equal treatment in the House. Rainey and the other Black lawmakers had been duly elected by the voters of their district—“sent here by the suffrages of the people,” he said in 1873—like every other Member who had ever served in the House. “Why cannot we enjoy the same benefits that are accorded to our white colleagues on this floor?”

Of the House’s 292 total seats in the 43rd Congress, only seven were held by African-American lawmakers. Although they had limited power as a voting bloc, Rainey occasionally appealed to the House’s byzantine rules to influence the legislative process. “It is nonsense to suppose that we colored

members cannot hinder legislation, if we feel so inclined. We have the same right to object and move advancements as any other members.” Rainey acknowledged that while he and other Black Members had been “content to defer so far as possible to the wishes of all the members,” he could nevertheless look to the House Rules for a measure of support. “I will say that if we are crowded to the wall, and no consideration shown for us, whatever, we will retaliate with the weapons the rights of our position have placed in our hands.”

Unfortunately for Rainey, those procedural weapons were only so powerful in the House, where a simple voting majority could override

any dilatory motions. Despite his avowal, Rainey rarely used his right to object, and when he did—as was the case for several bills returning political rights to Confederate military officers—the House voted him down.

Away from the House Floor, in cramped committee rooms scattered around the Capitol, Rainey worked on policies that concerned people who had long been marginalized by society. His first assignment was on the Committee on Freedmen's Affairs. He also served on the Committee on Indian Affairs and the Committee on Invalid Pensions, which considered pensions and federal benefits for wounded veterans.

On the Select Committee on the Freedman's Bank, Rainey sought to protect the interests and investments of tens of thousands of African-American depositors and their families following the collapse of the Freedman's Savings and Trust Bank in 1874. Originally chartered by Congress in 1865, the Freedmen's Bank was intended to help Black Union veterans and freed people across the South build wealth. Rainey himself had opened an account. But the bank failed amid gross mismanagement and the effects of the 1873 financial crisis. In 1875 Rainey successfully warded off a measure to limit oversight of the distribution of its remaining assets. Several months later, the House created the select committee to lead the salvage operation. During committee hearings, Rainey worked to identify what went wrong and help depositors recover their money, but ultimately few did.

Rainey also received appointments on committees that handled the administrative business of the House. As the United States approached its century mark, Rainey served on the Select Committee on the Centennial Celebration, which planned commemorative events in 1876. And during his final term in the 45th Congress (1877–1879), Rainey was praised for his diligent work on the Joint Committee on Enrolled Bills, where he collaborated with House clerks and his

Senate counterparts to ensure that each measure Congress considered was properly formatted and accurate as it passed between chambers.

After five years on the Committee on Freedmen's Affairs, Rainey submitted a resolution to abolish it at the start of the 44th Congress. Although he did not speak on the resolution, former Speaker of the House James G. Blaine took the floor to explain Rainey's reasons for changing the way the House considered the interests of the freed people in the South. Rainey, Blaine said, was acting “on behalf of those whom he more especially represents” to eliminate the committee, as “circumstances have entirely changed” since its creation in 1865. Following the burst of constitutional amendments and the passage of the Civil Rights Act, Rainey believed that there was “no longer any distinction between American citizens,” and therefore no need to direct the concerns of the freed people to a separate committee. Rainey insisted that “all legislation respecting the rights of any person should go through the ordinary standing committees,” Blaine said. The House agreed and disbanded the committee in December 1875.

### “Nominal or Actual Freedom?”

Despite Rainey's work on Capitol Hill, an emerging political upheaval back home in South Carolina threatened his seat in Congress. Rainey's final two elections were close victories contested by his opponents. He was not alone: six other African-American Members had their elections formally challenged by Democrats during Reconstruction.

Contested elections were common in the nineteenth century, and the House Committee on Elections often dealt with a flood of cases every two years. The committee frequently voted along partisan lines to seat Members-elect from the party in the majority. Rainey held on to his seat in 1874, but his 1876 re-election campaign and his final two years in office highlighted the changing fate of African Americans as Reconstruction wound to a close.



Robert Smalls became a national celebrity during the Civil War by seizing the Confederate supply ship on which he was enslaved and turning it over to the U.S. Navy. Photographed between 1870 and 1880, Smalls served five terms in the House, where he strongly denounced white violence against African-American voters in the South.

*Image courtesy of the Library of Congress*

By 1876 violence against African-American voters and political candidates had become the defining characteristic of elections across the South. Democrats established so-called “rifle clubs” to disrupt Republican gatherings, and in South Carolina former Confederate general and Democratic gubernatorial candidate Wade Hampton and his supporters, known as “Red Shirts,” engaged in a campaign of violence and intimidation that would ultimately bring the Democratic Party back into control of the state government. In response, Black militia groups mobilized for self-defense—some as independent local organizations and others sanctioned by the state.

The intensity of the violence committed by Democrats was devastating. In July 1876, a

small South Carolina town near the Georgia border named Hamburg became the site of racial conflict that profoundly shaped the pivotal fall election that year. What came to be known as the Hamburg Massacre began with a white farmer’s dispute with the local Black militia. Days later, a white mob—including residents from both sides of the state border—attacked the Black militia, killing six men, taking 25 prisoners, and destroying homes and property in the town’s African-American neighborhood. Rainey later called the incident in Hamburg a “cold-blooded atrocity.”

On the House Floor, Rainey and his South Carolina colleague, Robert Smalls, forced Congress to confront what happened in Hamburg. Smalls was a celebrated United States Navy veteran who had escaped slavery during the war by piloting a Confederate ship to freedom. On July 15, Smalls introduced an amendment barring the removal of federal troops from South Carolina so long as Black militias were being “massacred in cold blood by lawless bands of men invading that State from the State of Georgia.” During debate on the amendment, Rainey yielded time to Smalls, who read an account of the massacre. Rainey asked the Members in attendance if they would submit to such violence in their own communities and wondered aloud if the Black population of the United States were American citizens or “whether we are to be vassals and slaves again?”

As summer gave way to fall, Rainey stood for re-election against John Smythe Richardson, a former Confederate soldier and a member of the Democratic state committee. Violence continued to escalate in South Carolina, as Black Republicans fought back against Democratic aggression.

At one point during his 1876 campaign, Rainey traveled 14 miles on horseback between the towns of Cheraw and Bennettsville in his congressional district, accompanied by “fifty or sixty of our republican friends.” On the way, “mounted and armed democrats, numbering several hundred”

confronted his party at an intersection. Luckily, a company of federal troops arrived on the scene and prevented bloodshed. “I felt as though I carried my life in my hands during the last campaign,” Rainey recalled. Despite concerted Democratic efforts to intimidate at the polls, Rainey prevailed by 1,500 votes.

Rainey may have won in 1876, but he feared the worst was yet to come. Hampton’s victory as governor had turned the tide against the Republican Party in the Palmetto State. Since the end of the Civil War, Democrats had made it clear that they would never willingly share power with African Americans. As Republicans lost control of the levers of power throughout the South, the civil rights victories of the previous decade grew increasingly tenuous and uncertain.

Rainey knew that the military might of the federal government had enabled African Americans to retain the franchise during Reconstruction. And he warned that as those protections became less certain, Democrats would try to force Black voters to “consent to become docile to dictation from our former masters.” Rainey offered a reminder that violence, voter suppression, and outright election fraud had already curtailed the civil and political rights of African Americans. The “great southern question,” Rainey said, centered on the extent to which Reconstruction had truly changed the South. “Has the negro become possessed of nominal or actual freedom?”

South Carolina had once been in the vanguard of a revolutionary experiment in interracial government—Black Republicans, many of whom had once been enslaved, and white Republicans sharing power. The terror campaign waged by white Democrats had smashed that alliance. By 1877, Rainey lamented, “I regret to say the color line is the party line in my state.”

Rainey’s fourth full term in the House began under the cloud of a contested election. The 45th

Congress opened on October 15, 1877, nearly a year after the 1876 election. In the House, Rainey presented election credentials signed by South Carolina’s Republican secretary of state, as had other members of the state delegation. Richardson challenged Rainey’s victory and provided a statement from the secretary of state installed by Democratic Governor Hampton, who assumed office in 1877. Hampton added a personal endorsement to the letter that questioned Rainey’s claim to the seat and criticized the presence of federal troops in South Carolina as part of a campaign of intimidation against Democrats.

Rainey agreed to send the case to the Committee on Elections—but only after he was seated. Otherwise, the House would set a precedent that could be used to prevent any Member from being sworn in. “Though I be a republican and a colored man,” Rainey said, “I know that I have rights under the Constitution.” The House agreed, swore in Rainey, and immediately referred the case to the Committee on Elections.

Contesting elections in the House both challenged the legitimacy of Black Members like Rainey and defied the will of Black voters across the South. Had Rainey not been seated, the slow-moving Committee on Elections, saddled with a large workload, would have left Rainey’s district without representation in Congress for months.

In May 1878, the committee, led by Democrats, concluded that federal troops and the Republican Party had undermined the integrity of the election and declared Rainey’s seat vacant. But the full House refused to vote to remove Rainey, and he remained in office.

Rainey faced Richardson for a rematch in 1878. Given the Republican voter majority in his district, Rainey was confident that he could not be defeated “by any fair means.” But once again, rifle clubs and other organized bands of white Democrats perpetrated violence across the state in the weeks

leading up to the November election. During the campaign, opponents threatened Rainey and Smalls with physical violence and prevented them from addressing crowds. On October 12, white state militia went so far as to fire on Republicans with cannons in Sumter County.

Rainey went to the press to draw attention to the plight of Republicans in his home state, citing instances of violence and voter suppression. Hoping to enlist federal troops to ensure a fair election, Rainey and Stephen Swails, a former South Carolina state senator and Civil War veteran of the famed African-American 54th Massachusetts Regiment, met with President Rutherford B. Hayes in Washington, DC, on October 14, 1878. Swails had been shot at twice before being given an ultimatum to leave South Carolina or risk being assassinated, and he and Rainey asked Hayes to send in the military to stop the attacks on Republicans throughout their state.

A little more than a year earlier, Hayes had prevailed in one of the closest presidential elections in American history. When no candidate captured a majority in the Electoral College in 1876, Congress created a special commission to determine the victor. As part of a deal to secure the presidency, Hayes agreed to turn the attention of the federal government away from the South, effectively ending Reconstruction. As federal troops pulled out of the region, emboldened Democrats waged a campaign of violence to win the 1878 election. Hayes did little to stop it. Weeks before the election, the *Yorkville Enquirer* celebrated the Democrats' return to power in South Carolina by declaring, "The Republican Party is dead." Richardson, a Democrat, took nearly 62 percent of the vote against Rainey in a predominantly Republican district. Rainey considered challenging the election results, but ultimately decided against it.

With several months remaining in the 45th Congress, Rainey pursued legislation to combat some of the Democrats' more underhanded

voter suppression efforts. Rainey argued that he had been "legally elected, but was defrauded and tissued out of my seat" in 1878. In an era before rigorous election oversight, ballots for Democratic candidates were printed on tissue-thin paper, which allowed voters to combine, fold, and insert multiple ballots into the ballot box. Moreover, a South Carolina law required that whenever the total number of votes surpassed the number of voters recorded by poll managers during the election, the excess votes would be removed randomly by blindfolded judges. Since Democrats controlled the local polls, they judiciously removed only those ballots not printed on tissue paper—invariably votes for the Republican candidate. On December 3, 1878, Rainey proposed a bill to make the use of "tissue paper" ballots a felony, but it was never voted on.

In the final weeks of the 45th Congress, Democrats again tried to force a vote on the Committee on Elections report and remove Rainey from his seat. The House roundly defeated the ouster effort after Representative Omar Dwight Conger of Michigan pointed out that Rainey was needed on the Joint Committee on Enrolled Bills to guide the pending appropriations bills through Congress.

On his last day in Congress, Rainey made one more attempt to defend his 1876 election. He had compiled testimony, vote tallies, and accusations of vote tampering—made all the worse by egregious episodes of violence—to press his case. The Sumter County attack, he said, was both an effort by Democrats to "defeat my re-election in 1878," and "a specimen of the manner in which they acted not only throughout my congressional district but in every other part of the State." Massive resistance from white southerners and indifference on Capitol Hill had crushed democracy in the South and erased the voting rights of African Americans across the region. "The Government that had bestowed the gift," Rainey declared, "failed to sustain and protect them in the enjoyment of the same."

Rainey spent his remaining hours as a Member of Congress enrolling bills and dutifully submitting pension requests for Civil War veterans. The 45th Congress adjourned the next day, and Rainey was out of work.

## The “Imperishable Truth” of Reconstruction

Well-connected in Washington after nearly a decade in Congress, Rainey searched for a federal position after leaving the House in 1879. For the 46th Congress (1879–1881), Republicans nominated Rainey for Clerk of the House, the office responsible for the chamber’s daily operations. But with the Democrats in control, the nomination was merely symbolic. Rainey was, however, able to procure an appointment as a special agent of the U.S. Treasury Department in South Carolina.

During a visit to New York in July 1879, a reporter from the *New-York Tribune* asked Rainey about the conditions facing African Americans in the South. In swift succession, Rainey outlined the range of political and economic issues facing Black communities in the region. Ever the Representative, Rainey reached into his satchel to retrieve a stack of letters he received filled with descriptions of the dire conditions in South Carolina.

Rainey observed that the southern states had abused the system of representative government by “defrauding the other parts of the country.” The former Confederate states enjoyed increased representation in Congress “based upon the colored population,” he said, but white southern Members refused to advocate for the interests of their Black constituents. In these conditions, Rainey said, African Americans consider “freedom as a mere name and sham.” By 1879 Rainey had concluded that the only solution to such entrenched inequality was for African Americans to leave the South and search for a new home where they could enjoy the full benefits of citizenship and representation in the United States.

Following another unsuccessful attempt to secure an appointment as Clerk of the House in 1881, Rainey moved on. He started a brokerage and banking firm in Washington, DC, and later a wood and coal business with a partner.

Rainey may have been out of Congress, but many continued to look to him for leadership. He remained active in political circles, and regularly accepted invitations to speak at conventions and commemorative events. In 1885 and 1886, he boarded at the Washington home of educator and activist Louisa Jacobs and her mother, renowned African-American activist Harriet Jacobs, whose narrative of her escape from slavery, *Incidents in the Life of a Slave Girl*, was published in 1861. In 1887 Rainey returned to his home on Prince Street in Georgetown, South Carolina, where, in August that year, he died after a brief illness at age 55. His house was added to the National Register of Historic Places in 1984.

A year and a half after he left the U.S. House, Rainey reflected on his career in a letter to an autograph seeker in New York, proudly writing that he had been “the first colored (*bona fide*) Member of Congress.” But his unceremonious exit in 1879 remained a disappointment. The 46th Congress was the first since Rainey’s election in 1870 that no African-American Members served in the House. Only Senator Blanche Kelso Bruce of Mississippi remained in Congress, and Rainey sensed the window of opportunity was closing for African Americans in politics. “I might add that, up to this time, I have not only been the first, but the last of our race that held membership in the U.S. House of Representatives,” he lamented.

Although John Roy Lynch of Mississippi and Robert Smalls of South Carolina successfully contested elections to take their seats in the 47th Congress (1881–1883), the declining fortunes of African-American candidates paralleled the steady consolidation of Jim Crow segregation

across the South. By the dawn of the twentieth century, African Americans in the region had seen their voting rights all but eliminated. Transportation and public accommodations had been rigidly segregated. And limited access to educational opportunities and devastating economic prospects restricted the accumulation of wealth across generations. The constant threat of violence—the number of lynchings in the United States peaked in the decades after Rainey left the House—compounded a harsh and undemocratic society that was both separate and unequal. By the 56th Congress (1899–1901), only George Henry White of North Carolina remained in the House—the last of the Black Representatives elected in the nineteenth century.

White tried valiantly to address the problems facing African Americans in the South. He introduced the first federal anti-lynching bill in American history on January 20, 1900, and worked to enact provisions of the Fourteenth Amendment to punish noncompliant states by reducing their representation in Congress. In his final speech on the House Floor, White reflected on his imminent exit in early 1901 and what it meant for African Americans across the nation.

This, Mr. Chairman, is perhaps the negroes' temporary farewell to the American Congress; but let me say, Phoenix-like he will rise up someday and come again. These parting words are in behalf of an outraged,

George Henry White of North Carolina (left) introduced the first federal anti-lynching bill in 1900. When he left the House in 1901, no African American served in Congress until Oscar Stanton De Priest of Illinois (right) nearly 30 years later. De Priest was the first African American elected in the twentieth century and the first from a northern state.

*Images courtesy of the Library of Congress*



heart-broken, bruised, and bleeding, but God-fearing people, faithful, industrious, loyal people—rising people, full of potential force.

For the next six decades, however, the crushing weight of Jim Crow stifled that force in the halls of government. After White's departure, Congress did not seat another African-American Member until 1929, when Oscar Stanton De Priest of Illinois was sworn in to represent a Chicago House district with a large Black population. De Priest was the first congressional beneficiary of the Great Migration, a demographic shift that by the 1920s established thriving Black communities in the urban industrial north. Another wave of migration during the Second World War created Black enclaves in western states. The number of African-American Members in Congress slowly increased, with each one representing districts in northern and western cities.

Nearly 100 years after Rainey's election to the House, Congress finally passed legislation that realized some of the goals set by the first African-American Congressmen in the 1870s. The Civil Rights Act of 1964 prohibited racial discrimination in public accommodations, schools, and the workplace. The Voting Rights Act of 1965 set the stage for a dramatic increase in the number of Black Members, especially from the South, by providing federal oversight of elections. In the twentieth century, no more than six African-American Members served simultaneously until the 91st Congress (1969–1971), when 10 Black Members held seats in the House for the first time. After White's departure in 1901, no African-American legislator served in Congress from a southern state until 1973, when Barbara Charline Jordan of Texas and Andrew Jackson Young Jr. of Georgia took their seats in the U.S. House.

By the 1970s, African-American Members of Congress began to slowly chip away at the restrictions minority lawmakers faced in the House.



Barbara Jordan of Texas was the first African-American Congresswoman from the South. Jordan took her seat in the House in 1973, around the time this photograph was taken.

*Collection of the U.S. House of Representatives*

As their numbers increased, so did their power. They organized the Congressional Black Caucus (CBC), chaired committees and subcommittees, and took the lead on sweeping, national legislation. Since 1968, when Shirley Anita Chisholm of New York became the first African-American woman elected to Congress, a total of 47 Black women have served in Congress. At the start of the 116th Congress (2019–2021)—the Congress marking the 150th anniversary of Rainey's historic seating—African Americans held 54 seats in the House and three in the Senate, the highest total in any Congress in U.S. history.

It was impossible for Rainey to know what the future held, but he knew with certainty that the African-American Members of Congress had left their mark on the institution during the 1870s.



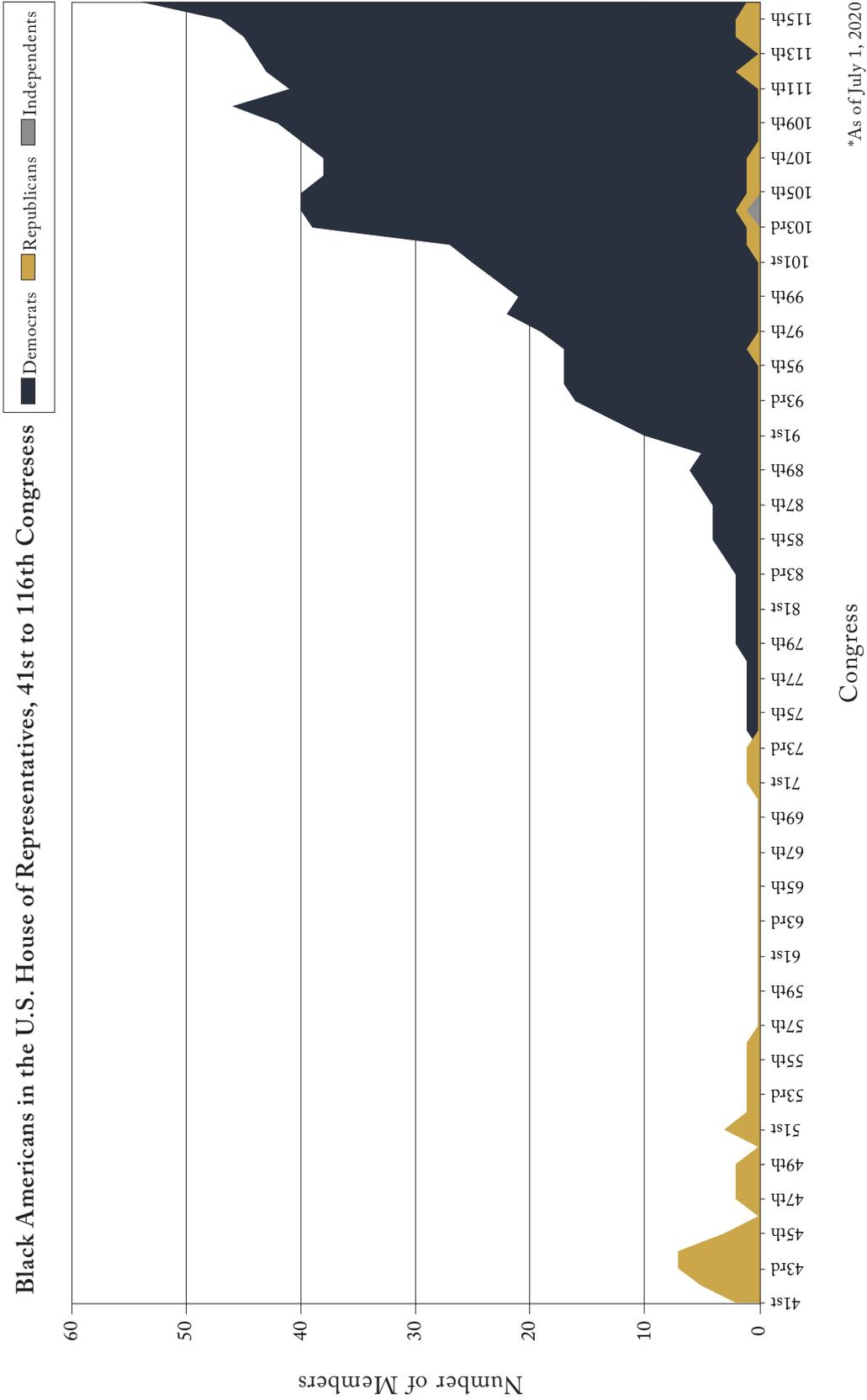
As the first African American to serve in the House, Joseph Rainey paved the way for future Members of Congress. “We were earnest in the hour of the nation’s perils and dangers,” Rainey proclaimed on the House Floor in 1872, “and now, in our country’s comparative peace and tranquillity, we are in earnest for our rights.”

*Image courtesy of the Library of Congress*

On March 3, 1879, Rainey reflected on his time on Capitol Hill. Over nearly a decade, Rainey had worked to re-shape America and experienced firsthand the achievements and disappointments of the struggle for Reconstruction, from the successful pursuit of civil and political rights for African Americans to the startlingly rapid decline of this promising experiment in American democracy. It would require an “impartial historian,” Rainey said, to fully capture the “imperishable truth” of Reconstruction: that for a brief moment Congress worked to establish a government founded upon the full expression of “human liberty and human rights.”

“These are fundamental and much prized by my race; yes, sir, superior to all pecuniary consideration, as the soul is to the body.” For Rainey, this was the “political heritage of American citizens,” realized in fleeting moments during Reconstruction, and requiring constant vigilance to sustain.

### Black Americans in the U.S. House of Representatives, 41st to 116th Congresses



\*As of July 1, 2020

Beginning in 1870 with Joseph Rainey, 153 African-American Members have served in the House of Representatives as of July 1, 2020. During the 116th Congress (2019–2021), a record number of Black Members have served in the House: 55.

<https://history.house.gov/Exhibitions-and-Publications/BAIC/Black-Americans-in-Congress/>

On December 12, 1870, Joseph H. Rainey of South Carolina was sworn in as the first African-American Member of the U.S. House of Representatives. Born enslaved, Rainey worked to remake America during Reconstruction by advocating for civil rights, public education, and an active federal government to ensure equal protection for all. By the end of his House career in 1879, he was the longest-tenured Black Member of Congress during the nineteenth century.

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