

Framing The Solid South: The State Constitutional Conventions Of Secession, Reconstruction, And Redemption, 1860-1902

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Review

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Herron, Paul E. *Framing the Solid South: The State Constitutional Conventions of Secession, Reconstruction, and Redemption, 1860-1902*. University Press of Kansas, \$24.95 ISBN 9780700624379

Beyond Conventions: A Less than Solid South

Paul E. Herron's *Framing the Solid South: The State Constitutional Conventions of Secession, Reconstruction, and Redemption, 1860-1902*, examines how State Constitutional Conventions evolved in the South. It is an ambitious book examining conventions from the antebellum through the early Jim Crow-era. Herron, a political science professor at Providence College, includes numerous tables that will be a handy reference to historians and those interested in southern states' constitutional conventions.

Dividing state constitutional conventions into categories of Antebellum, Secession, Reconstruction, and "Redemption," Herron finds novel insights into how each set of conventions influenced the next set and shaped American legal thought. In finding how state conventions influenced each other and shaped legal thought, the book makes its biggest contributions to the field. For example, in many ways conventions from the post-Reconstruction-era, kept alive and re-reified the idea of state's rights, which remains a crucial legal issue today. He also recognizes and shows how Reconstruction—and white conservatives aversion too anything associated with it—had a central role in shaping southern politics for years afterwards. Reconstruction is far too often overlooked, yet it was, in many ways, as central to southern history as the Civil War.

The author's focus in the evolution of legal thought makes for an interesting and yet frustrating approach. *Framing the Solid South* is clearly a political science book which leads to conclusions and questions historians might not normally consider, but historians of race, racism, and Reconstruction will likely find his terminology and generalizations problematic. For example, Herron often uses "southerner" when he means white southerner or white conservative

southerner. In one instance, Herron writes that the conventions held during Congressional Reconstruction “fostered even more resentment against Washington and drew southerners together,” (34) forgetting hundreds of thousands of southerners both black and white, who saw Congressional Reconstruction as a positive development, attended the conventions, and voted for ratification. In North Carolina, for example, 93,086 southerners supported ratification and were not drawn together by resentment towards the 1868 Constitution. This is part of a general problem throughout the book. In his seeking the roots of a solid South that was only created, politically at least, through massive disenfranchisement, Herron is often only reading the words of white men, which harms his analysis. Though he acknowledges this difficulty of addressing “the diversity of the region and its people” (239), Herron treats convention delegates as representatives of the entire South and does not seek out more diverse sources. This heavily influences his interpretation of events and is a major problem for the book as a work of history.

This problem is especially noticeable in regards to his treatment Reconstruction-era and “Redemption” conventions. Herron’s source base, primarily the convention debates, leads him to at times present events in an older way of thinking that uncritically accepts white conservatives’ version of Reconstruction and fails to fully empathize or understand the motives of other actors (for example southern Republicans). This leads him to overstate the extent of disenfranchisement among former Confederates and see Reconstruction conventions which granted more power to Federal authorities as a product of outside federal interference and not also a feature desired by the southerners who actually attended them. Reading Michael Fitzgerald’s *Splendid Failure* or Eric Foner’s *Freedom’s Lawmakers* might have helped solve these problems by revealing the southern roots of these conventions.

At times the combined use of sloppy language and source bias leads *Framing the Solid South* to read almost like a work of the Dunning school. For example, Herron refers to the “growth of national authority over state conventions” during Reconstruction as “federal overreach” which resulted in a “southern backlash” (235). First, let me be clear, any backlash was not a southern one, but a white conservative southern one. Second, in the eyes of southern African Americans and many other southern Republicans, an already existing resistance to black enfranchisement and civil rights had necessitated the growth of national authority. The refusal to pass the 14th Amendment and creation of restrictive black codes across the former Confederacy were major

impetuses for the Reconstruction Acts. Far from being an effort to “humiliate the South” (162) as Herron presents them, federal supremacy clauses in Reconstruction-era constitutions can best be understood as efforts to protect newly won rights and ensure no future attempts at secession, both extremely understandable goals in light of the war and presidential Reconstruction. These conventions were as much a product of southerners as they were the North. Not only did southerners write these new constitutions, but southerners had appealed to congress to overturn Presidential Reconstruction, and create a process where their rights would be protected. Some historians have argued that in retrospect the constitutions actually did not go far enough in providing for federal supremacy given what subsequently occurred during “Redemption.” Third, white conservative resistance to national authority can be seen as continued resistance to black enfranchisement. Thus, “Redemption” was not so much a “backlash” against federal overreach but a victory in white supremacists’ continued struggle to constrain African American political participation. Just as cries for protecting state’s rights during secession were really about a state’s rights to slavery, postwar calls for state’s rights were often still about white supremacy.

While Herron draws attention to aspects of these conventions historians often ignore—for example, he has a fascinating examination of the overlooked question of whether treason can be committed against a state—the central role that race and violence have played in Southern politics is sometimes obscured by a focus on convention debates about federal versus state power. Herron’s focus on evolving legal thought will not pose an issue for scholars of the era but might contribute to skewed understandings of why political power shifted among general audiences who are less well read on the topic. For example, Herron claims that “Redemption” conventions were the means with which “conservatives regained control of a defeated region” (195) despite the fact that most of these conventions occurred after conservatives had retaken control of state governments, often through fraud and violence. Conventions—along with continued threats, violence, constitutional amendments, arguments about states’ rights, and fraud—were actually how conservatives cemented their control once they had already regained it. He recognizes that “Redemption” conventions had the “primary goal of disfranchising blacks” (212) but his narrative focus often remains on efforts to reclaim state power from federal government and the evolution of legal arguments. His narrow focus on convention debates means this is not a book for those wanting an introduction to nineteenth century southern politics but is instead for people already familiar with the historiography.

None of this is to say Herron is some sort of Lost Cause apologist. Herron acknowledges “slavery, along with the rights surrounding the transport and use of human chattel in the territories, was the primary cause of the conflict between North and South” (106) and makes clear that “it was slavery that ultimately dictated the content of the Confederate Constitution [...and] helped drive states’ rights philosophy during the early and mid-nineteenth century” (119). Indeed, one of the strongest parts and most important interventions of his book are found in his examination of how slavery influenced antebellum state constitutions. His first chapter, for example, convincingly argues that slavery “had a profound impact on the fundamental law” (32) found in southern state constitutions, a contribution that will be welcomed by historians of antebellum legal thought.

In the later chapters, the issues of terminology and its resulting influence on analysis often distract attention from research that could otherwise be extremely revealing. This is unfortunate, as many of his arguments themselves might not be problematic if they had been made with more nuanced language and with a bit more context. Perhaps the lesson is that political scientists engaging in studies of historical topics would benefit from engaging with more historians. Despite the problems, the book is a thought-provoking contribution to political science that experts may find stimulating. Hopefully its ambitious scope will encourage more political scientists and historians to consider state conventions as a field of study.

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