POLITICS & GOVERNMENT

The Southern Shift

"The Newest Southern Politics" by Earl Black, in *The Journal of Politics* (Aug. 1998), Univ. of North Carolina at Chapel Hill, Rm. 313 Hamilton Hall, CB #3265, Chapel Hill, N.C. 27599–3265.

The truly "revolutionary feature" of the 1994 election was neither the Republicans' capture of Congress nor their much-ballyhooed Contract with America. Rather, argues Black, a political scientist at Rice University, it was the fact that Republicans won majorities of House and Senate seats in both the South and the North. Not since the early 1870s had the GOP been able to do that.

The northern politicians who created the Republican Party in the 1850s believed that with enough support from the more numerous states of the North, the party could write off the South and still control the national government. Abraham Lincoln's election in 1860 showed that it was possible to win the presidency that way. But the Civil War intensified sectional hatreds, and after Reconstruction, the South remained a persistent problem for the Republicans, Black observes. From 1874 until 1994—for 60 consecutive elections—the Republicans never held a majority of the southern delegation in the House of Representatives. Nevertheless, because northern seats outnumbered southern ones, the GOP controlled the House in almost two-thirds of the 36 congresses between 1860 and 1930. But once the Great Depression undermined their party in the North, Republicans were reduced, for the next six decades, to a permanent minority in the House.

The Civil Rights Act of 1964 and the Voting Rights Act of 1965 changed the political landscape in the Democratic "Solid South," Black observes. In time, "blacks joined whites as full-fledged participants," and many whites moved to the GOP, creating "a more competitive two-party politics." The Republicans went over the top in 1994, as their share of southern House seats jumped from 38 percent to 51 percent, then further increased in 1996 to 57 percent (where it remained after the 1998 elections).

The chief constant in southern politics since the mid-1960s, says the author, has been black voters' overwhelming preference for Democrats. White Democratic candidates typically enjoy a 9 to 1 advantage over white Republican rivals among black voters, and black Democratic candidates do even better. Republicans need to amass white votes to offset the black ones.

This shifting political dynamic has "dramatically transformed" the South's delegation to the House in this decade, Black points out. In 1991, it consisted of 72 white Democrats, 39 white Republicans, and five black Democrats; six years later, after the creation of many new majority-black districts, it included 71 white Republicans, 38 white Democrats, and 16 black Democrats. In the Deep South (Alabama, Georgia, Louisiana, Mississippi, and South Carolina), the transformation has been astonishing, with the number of white Democrats plummeting from 24 to four.

Ironically, Black observes, the party of Lincoln is now "heavily dependent on conservative white majorities for its success," while the party so long identified with white supremacy has become "a vehicle for black Democrats and moderate white Democrats."

A Wall of Separation?

"Original Unintentions: The Franchise and the Constitution" by Forrest McDonald, in *Modern Age* (Fall 1998), P.O. Box AB, College Park, Md. 20740.

Should judges interpreting the Constitution be guided by the original intentions of the Framers? Yes, says McDonald, a leading historian who teaches at the University of Alabama and is the author of *We the People: The Economic Origins of the Constitution* (1958). Nevertheless, he warns, "the Constitution contains both more and less than is visible to the naked eye." More, because certain features of the document "refer to previously existing institutions, constitutions, laws, and customs that are

nowhere defined in the Constitution itself." And less, because the Framers sometimes failed to accomplish with their words what they intended to accomplish.

It is clear, for instance, that the Framers intended, as Article 6 states, that no religious test be required as a qualification for public office. This meant, as Edmund Randolph explained in the Virginia ratifying convention in 1788, that men of ability and character "of any sect whatever"—but not of no sect—would be able to serve in the federal government. Yet elsewhere in the Constitution, McDonald contends, the Framers not only failed to prevent religious tests from being imposed, "but even in some instances actually incorporated such tests. Unintentionally."

The Framers said in Article 1, Section 2, that the electors for members of the House of Representatives "shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature," and in Article 1, Section 3, that senators shall be "chosen by the Legislature" in each state (a practice that was abandoned in 1913, with enactment of the 17th Amendment). But some states, such as South Carolina, Rhode Island, and Connecticut, had religious tests for voters and officeholders. Delaware insisted that its legislators state that "I, AB, do profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost, one God, blessed for evermore; and I do acknowledge the holy scriptures of the Old and New Testament to be given by divine inspiration." Maryland and Massachusetts, says McDonald, "required their legislators to be of 'the Christian religion'; Georgia, New Hampshire, New Jersey, and South Carolina required that they be of 'the Protestant religion.'" Of the 13 states, only New York and Virginia did *not* impose any religious qualifications for legislative service.

Although the Supreme Court has often cited Thomas Jefferson's notion of a "wall of separation" between church and state, McDonald—noting that Jefferson had nothing to do with the writing of the First Amendment or the Constitution—says that his statement "must be read in light of an important distinction. Several state constitutions, even when imposing religious qualifications for voting and officeholding, expressly forbade active ministers of the Gospel from holding public office. . . . For the Founders, to mix *church* and state was to invite dissension and disorder; to separate *religion* and state was to invite mortal peril. The difference is useful to bear in mind."

Criminalizing Politics

Writing in *The New Republic* (Sept. 28, 1998), Michael Walzer, coeditor of *Dissent*, decries the readiness to criminalize American politics.

Yes, there really were criminal acts committed in the course of Watergate and Iran-Contra, and the people who committed them belonged in jail. But the process of finding those people and proving their criminality became a kind of surrogate politics for people like me—and it has turned out to be a very bad politics. The legal process, set loose from its everyday constraints, will always turn up criminals. But what we should want, what democratic politics requires, are opponents.

Political disagreements and conflicts in well-functioning democracies should end with congressional votes and local or national elections. Or, rather, they should never definitively end, for losers are always free to reopen the argument and to try again. Trials and impeachments make for bad endings, chiefly because they aim to be definitive. When we turn opponents into criminals and enemies, we no longer look to compromise with them or to win some temporary victory over them; our goal is to drive them out of politics entirely, ban them from office-holding, lock them up.

The reality and, even more, the threat of trials and impeachments has been a potent factor in American politics these past 25 years—a sure sign that something is wrong. We should be focused on the issues, on policy proposals and party programs, not on crimes and misdemeanors, not on sex, lies, and telephone tapes.