willing to settle for an amendment merely proscribing racial qualifications in determining who could vote under any other standards the states wished to have.[4] The latter group ultimately prevailed.

The Judicial View of the Amendment.—In its initial appraisals of this Amendment, the Supreme Court appeared disposed to emphasize only its purely negative aspects. "The Fifteenth Amendment," it announced, did "not confer the right . . . [to vote] upon any one," but merely "invested the citizens of the United States with a new constitutional right which is . . . exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude."[5] But in subsequent cases, the Court, conceding "that this article" has originally been construed as giving "no affirmative right to the colored man to vote" and as having been "designed primarily to prevent discrimination against him," professed to be able "to see that under some circumstances it may operate as the immediate source of a right to vote. In all cases where the former slave-holding States had not removed from their Constitutions the words 'white man' as a qualification for voting, this provision did, in effect, confer on him the right to vote, because . . . it annulled the discriminating word white, and this left him in the enjoyment of the same right as white persons. And such would be the effect of any future constitutional provision of a State which would give the right of voting exclusively to white people. . . ."[6]

Although "the immediate concern of the Amendment was to guarantee to the emancipated slaves the right to vote," the Amendment "is cast in fundamental terms, terms transcending the particular controversy," and "grants protection to all persons, not just members of a particular race."[7] Moreover, the Court has construed "race" broadly to comprehend classifications based on ancestry as well as those based on race.[8] "Ancestry can be a proxy for race," the Court has explained, finding such a proxy in Hawaii's limitation of the right to vote in a statewide election for an office responsible for ad-

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[4] Gillette, supra, at 46–78. The congressional debate is conveniently collected in 1 B. Schwartz, Statutory History of the United States: Civil Rights 372 (1971).

[5] United States v. Reese, 92 U.S. 214, 217–18 (1876); United States v. Cruikshank, 92 U.S. 542, 566 (1876).

[6] *Ex parte* Yarbrough, 110 U.S. 651, 665 (1884); Guinn v. United States, 238 U.S. 347, 363 (1915). A state constitutional provision limiting the right of suffrage to whites was automatically nullified by ratification of the Fifteenth Amendment. Neal v. Delaware, 103 U.S. 370 (1881).

[7] Rice v. Cayetano, 528 U.S. 495 (2000).

[8] Guinn v. United States, 238 U.S. 347 (1915) (invalidating Oklahoma exception to literacy requirement for any "lineal descendants" of persons entitled to vote in 1866).