

The Right to Vote - Part II

Prof. Jonathan Cervas

Updated: February 02, 2023

Mid-Nineteenth Century to the Twentieth Century

Changing Country

- ▶ After 1850, conflict over the right to vote heightened dramatically
- ▶ There was a shift in temper after mid-century, marked by a heightened resolve on the part of those seeking to contract the right to vote or limit its further expansion
- ▶ Freedmen were enfranchised during Reconstruction because Republicans in Congress came to believe that freedom would be illusory without political rights
- ▶ The potential electorate in 1880 or 1900 looked very different than it had in 1840
- ▶ The optimism about popular participation, so visible in the 1830s and 1840s, gave way to apprehension and fear by the late 1870s and 1880s
- ▶ Country increasingly consisted of men and women who were racially, ethnically, and culturally unlike old-stock white Americans

High Point of Democracy

“the democratic principle . . . reached its culmination about 1850.” - Atlantic Monthly

- ▶ The high tide of faith in democracy in the United States was reached at mid-century in the 1800s; thereafter it ebbed

Immigrants

- ▶ The first targets of the nation's shifting political mood in the 1850s were working-class immigrants, especially those from Ireland
- ▶ Although foreshadowed by the public debates of the 1840s, a full-blown *nativist* movement surfaced only during the following decade, precipitated by an extraordinary surge in immigration after 1845
- ▶ Between 1845 and 1854, nearly three million foreigners arrived, equal to roughly 15 percent of the population in 1845; in 1854 alone, the flow reached a record high of 427,833, a figure that would not be surpassed until the 1870s

By the mid-1850s, more than one-fifth of all residents of Boston and New York were Irish-born

Immigrants, settlers

- ▶ In the 1850s, foreign-born settlers were not only welcomed to the United States but often *encouraged* to participate in politics
- ▶ Laws permitting declarant non-citizens to vote after a limited residence period were passed in Wisconsin, Minnesota, Michigan, Indiana, Oregon, Kansas, and Washington territory between 1848 and 1859.
 - ▶ All of these states were predominantly *agricultural*, thinly *populated*, and hoping to encourage *settlement*
 - ▶ their immigrant populations, actual and prospective, consisted primarily of farmers

Immigrants, workers


- ▶ Workers, however, were a different story
- ▶ They were generally poor
 - ▶ they crowded into densely populated, urban neighborhoods
 - ▶ they were commonly depicted as rowdy rather than “upright, honorable, and industrious”
 - ▶ most were Irish Catholic.
- ▶ Although their labor was welcome and there was substantial sympathy for the desperate poverty that had impelled them to emigrate, their *religion* , *ethnicity* , and *class* converged to cast doubt on their *desirability* as members of the polity

Nativism

- ▶ Some natives regarded recently arrived immigrants, *even citizens*, as insufficiently tutored in American values and the workings of American democracy
- ▶ Others feared that Catholics were controlled by the Pope and would seek to undermine Protestant society.
- ▶ Charges that immigrants corrupted elections by voting illegally and selling their votes were commonplace, as were stories of politically motivated mass naturalizations in the days before elections

Trump equivlent (there's always one it seems)



Donald J. Trump 

@realDonaldTrump



In addition to winning the Electoral College in a landslide, I won the popular vote if you deduct the millions of people who voted illegally

3:30 PM · Nov 27, 2016



133.8K



87.8K people are Tweeting about this

Objections

- ▶ Whig and then Republican objections were strengthened by the tendency of many immigrants to drink alcohol and vote Democratic
- ▶ Abolitionists came to regard immigrants as a pro-slavery voting bloc that would help to keep the planter aristocracy in power in the South

Political nativism moved to the foreground of the political stage, however, when the Know-Nothings burst onto the scene in 1853–1854

Know-Nothings

- ▶ The Know-Nothings dominated political life in the Northeast, parts of the Midwest, and even southern states with sizable immigrant populations, such as Louisiana and Maryland
- ▶ By 1854, the Know-Nothings had a million members, as well as chapters in all northern states
- ▶ The Know-Nothings expressed disdain for the existing party system, opposed the extension of slavery, and endorsed a host of genuinely progressive reforms:
 - ▶ strengthened lien laws for mechanics
 - ▶ property rights for married women
 - ▶ expansion of public schools

Religious Bigotry

- ▶ But, they gave voice to unvarnished ethnic and religious bigotry, denouncing and caricaturing immigrants in general, and Catholics in particular
- ▶ To join the “Order of the Star Spangled Banner” (original name for their a secret organization), one had to be:
 - ▶ native-born
 - ▶ white male adult
 - ▶ no personal or familial connection to Catholicism

Order of the Star Spangled Banner became known as “know-nothings” because they would deny knowing anything about the order

They feared that immigrants, especially Catholics, wielded too much electoral power and would use it to subvert American values and institutions

Proposed Changes to Law

- ▶ They proposed that federal laws be changed to require a twenty-one-year (rather than five-year) waiting period prior to naturalization – or even permanent denial of citizenship to the foreign-born.
- ▶ The Know-Nothings also advocated significant changes in state voting laws, including *registration systems*, *literacy tests*, and in the absence of a change in naturalization laws, a twenty-one-or fourteen-year post-naturalization *residence period* before a foreign-born male could vote

Know-Nothing Political Success

- ▶ The Know-Nothings stunned the nation's political elite by scoring huge electoral successes between 1854 and 1856.
 - ▶ They won gubernatorial elections in nine states and controlled legislative branches in at least a half dozen
 - ▶ Their vote was particularly strong in states and cities with sizable immigrant populations, including Massachusetts, Maine, Connecticut, New Jersey, New York, Michigan, and parts of Ohio, as well as cities such as Baltimore, New Orleans, and Pittsburgh

The Know-Nothings were victorious enough to kill off the faltering Whig party and briefly emerge as the primary alternative to the immigrant-friendly Democrats

Massachusetts Know-Nothings

- ▶ Their success was most pronounced in Massachusetts, where the Know-Nothings elected a governor and won control of the legislature in 1854, retaining considerable power throughout the decade.
- ▶ Most Know-Nothing support came from the eastern half of the state, which had rapidly industrialized and become home to hundreds of thousands of Irish immigrants.
- ▶ In 1857, Massachusetts passed a law requiring prospective voters to demonstrate their ability to read the Constitution and to write their own names
- ▶ Such laws, according to the Know-Nothings, would keep the “ignorant, imbruted Irish” from the polls

End of the Know-Nothings

- ▶ After the mid-1850s, the Know-Nothings quickly disappeared from view, as nativism was eclipsed by sectional politics and the Republican Party gained the support of many former Know-Nothing backers
- ▶ Although the Republicans succeeded in part by embracing some of the nativist agenda, they quickly turned their attention to other issues and were increasingly sensitive to the political risks they ran, particularly in the Midwest, by associating themselves too closely with anti-immigrant politics

Black Voting Rights

- ▶ Four years of armed conflict, as well as *the challenge of reconstructing the nation* after the war, brought the question of **Black voting rights** to the foreground of national politics
- ▶ The issue of Black enfranchisement raised critical questions, largely ignored since the writing of the Constitution, about the *role of the federal government* in determining the breadth of the franchise

War and veteran rights

- ▶ At the outset of the Civil War, only five states, all in New England, permitted Blacks to vote on the same basis as whites
- ▶ A sixth, New York, enfranchised African Americans who met a property requirement
- ▶ The abolition of slavery turned four million men and women into free citizens who had a new claim on political rights
 - ▶ African Americans were loyal supporters of the Union cause and the Republican Party

By 1865, the traditional argument that men who bore arms ought to wield the ballot was applicable to more than 180,000 Blacks

Becoming American

- ▶ To African Americans, enfranchisement not only constituted a means of self-protection but was a critical symbol and expression of their standing in American society
- ▶ Between 1864 and 1868, the more militant and egalitarian Radical wing of the Republican Party included an increasing number of men who embraced “*impartial*” or “*universal*” suffrage

Beecher's Sentiments

"The broad and radical democratic doctrine of the natural rights of men shall be applied to all men, without regard to race, or color, or condition. [Suffrage] is not a privilege or a prerogative, but a right . Every man has a right to have a voice in the laws, the magistracies, and the policies that take care of him. That is an inherent right ; it is not a privilege conferred.""

- ▶ Henry Ward Beecher, *New York's influential Protestant minister*

Black Franchise

- ▶ Most white Americans, however, did not share such views
 - ▶ In the South, the prospect of Black enfranchisement not only violated two centuries of structured and deeply rooted racism but also threatened the postwar white goal of regaining political, social, and economic control over the Black population
- ▶ There was ongoing hostility in the North as well
 - ▶ fear of Black migration to the North was intensified by emancipation
- ▶ Between 1863 and 1870, proposals to enfranchise Blacks were defeated in more than fifteen northern states and territories

Defeat of universal manhood suffrage

- ▶ Prior to the passage of the Fifteenth Amendment, only Iowa and Minnesota, in 1868, adopted impartial suffrage, and the Minnesota vote was facilitated by wording that masked the subject of the referendum.
- ▶ Although most northern Republicans supported Black suffrage, Democrats adamantly were opposed, and they generally were *joined by enough Republicans* to guarantee popular or legislative defeat of any reforms

Reconstruction

- ▶ The political dynamics of *Reconstruction* led to a path-breaking series of steps by the federal government to override state control of the franchise and grant political rights to Black men
- ▶ Pres. Johnson offered lenient terms to the southern states so that they could be restored quickly to the Union
- ▶ Johnson's program demanded few reforms and virtually guaranteed that political and economic power in the South would remain in the hands of whites, including those who had supported the rebellion
- ▶ Alarmed at this prospect and at the resistance of many southern leaders to policies emanating from Washington, the Republican-controlled Congress began to formulate its own program in 1866
- ▶ They did seek to guarantee the civil rights of Blacks and promote greater racial equality in southern society – but *not yet* **Black enfranchisement**

Fourteenth Amendment

- ▶ The moderate majority of Republicans in Congress negotiated the passage of the Fourteenth Amendment in June 1866.
- ▶ A compromise measure, the amendment was designed to
 - ▶ punish Confederate political leaders (by preventing them from holding office)
 - ▶ to affirm the South's responsibility for a share of the national debt,
 - ▶ to protect southern Blacks without arousing the racial fears of northern whites

XIV Amendment

XIV Amendment

Fourteenth Amendment:

- ▶ Section 1
- ▶ **All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

XIV Amendment

Fourteenth Amendment:

- ▶ Section 2
- ▶ **Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.**

XIV Amendment

Fourteenth Amendment:

- ▶ Section 3
- ▶ **No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.**

XIV Amendment

Fourteenth Amendment:

- ▶ Section 4
- ▶ **The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.**

XIV Amendment

Fourteenth Amendment:

- ▶ Section 5
- ▶ **The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.**

Effect of XIV

- ▶ By declaring that “all persons born or naturalized in the United States” were “citizens of the United States and of the State wherein they reside,” the amendment at long last offered a national definition of citizenship and confirmed that Blacks were indeed citizens.
- ▶ Since most congressional Republicans – whatever their personal beliefs – were convinced that northern whites would not support the outright enfranchisement of Blacks, the amendment took an oblique approach
 - ▶ any state that denied the right to vote to a portion of its male citizens would have its representation in Congress (and thus the Electoral College) reduced in proportion to the percentage of citizens excluded

What was left out of the 14th

- ▶ The amendment tacitly recognized the *right of individual states* to **create racial barriers**
- ▶ The use of the word male constituted a de facto recognition of the legitimacy of excluding women from electoral politics
- ▶ The Fourteenth Amendment was fiercely opposed by President Johnson, white Southerners, and northern Democrats

New appetite for Black enfranchisement

- ▶ To more and more Republicans, many of whom were changing their views in the cauldron of circumstance, Black enfranchisement appeared:
 - ▶ essential to protect the freedmen
 - ▶ provide the Republican Party with an electoral base in the South
 - ▶ make it possible for loyal governments to be elected in the once-rebellious states

Federal Intervention

- ▶ Congress first signaled its shift in perspective by passing a law ending racial qualifications for voting in the District of Columbia
- ▶ President Johnson vetoed the legislation, maintaining that it was wrong to enfranchise “a new class, wholly unprepared” for democracy “by previous habits and opportunities.”
- ▶ Congress overrode the veto and weeks later passed a bill prohibiting racial bars in any existing or future federal territories.
- ▶ Congress then proceeded to insist that Nebraska and Colorado adopt impartial suffrage as a prerequisite for admission to statehood

Reconstruction

- ▶ This surge of activity, fed by continued southern intransigence, culminated in the passage of the Reconstruction Act of March 1867.

The act was the legal centerpiece of Radical Reconstruction - it *denied recognition to the existing state governments of the South* and authorized *continued military rule* of the region under the control of Congress. - In order to terminate such rule and be fully readmitted to the Union, each southern state was required to ratify the Fourteenth Amendment and to approve, by manhood suffrage, a state constitution that permitted Blacks to vote on the same terms as whites.

- ▶ President Johnson vetoed the bill, but his veto was quickly overridden.

To rejoin the political nation, the states of the Confederacy were now compelled to permit Blacks to vote

Black Voting

- ▶ In 1867 and 1868, African Americans, working with white Unionists and Republicans, in the South, elected new state governments, wrote progressive constitutions that included manhood suffrage provisions, and ratified the Fourteenth Amendment
- ▶ Black enthusiasm for political participation was so great that freedmen often put down their tools and ceased working when elections or conventions were being held
- ▶ By June 1868, seven states, with manhood suffrage, had been readmitted to the Union, and the process was well under way elsewhere.
- ▶ All this was achieved despite fierce opposition from upper-class whites, who feared that a biracial alliance of Blacks and non-elite whites would bring about a new and inhospitable economic and political order

Backlash

- ▶ Anti-Black and anti-Republican violence flared up throughout the region, often spearheaded by the rapidly growing Ku Klux Klan
- ▶ Republican achievements in the South were accompanied by a succession of electoral defeats in the North
 - ▶ The Democrats gained ground from the Atlantic to the Pacific.
- ▶ Interpreted by both parties as the consequence of Republican support for Black suffrage, this electoral swing led the Republicans to seek more moderate ground — in part out of fear that they could lose the 1868 presidential election and thereby bring a premature end to Reconstruction.
- ▶ The party nominated the uncontroversial General Ulysses Grant for the presidency and adopted a platform that supported Black suffrage for the South while advocating state control of electoral rules in the North.

1868 Election

- ▶ The Republicans did not fare well in the 1868 elections:
 - ▶ Grant was victorious, but the winning margin was surprisingly slim
 - ▶ The Democrats continued to gain ground in Republican strongholds
- ▶ Within days of the 1868 election, the Republicans shifted course, as Radicals, in and out of Congress, announced that they would press forward with a constitutional amendment to enfranchise African Americans

Fading Support

- ▶ The decline in support for the Republican Party, as well as the referenda outcomes in 1867 and 1868, underscored the strength and breadth of opposition to Black enfranchisement.
- ▶ Republicans sensed that control of the national government might be slipping from their grasp
 - ▶ White Southerners were intensifying their opposition to Black equality
 - ▶ Something had to be done soon to guarantee Black political rights, particularly in the event that the Democrats returned to power in the South or nationally.
 - ▶ Election results also indicated that Black voters might be important to the fortunes of the Republican Party in northern as well as southern states

Amendment XV Debate

- ▶ Debate on the Fifteenth Amendment was the first time since the constitutional convention in Philadelphia that the national government of the United States had grappled directly and extensively with the issue of voting rights
- ▶ The debate began with a strategic focus on the rights of African Americans, particularly in the South, but it soon broadened into a far-reaching consideration of the **meaning of democracy and the power of the national government**

15th Proposals

- ▶ Several proposals for the 15th amendment were put forward.
- ▶ Samuel Shellabarger's amendment prohibited the states from denying or abridging the voting rights of any adult male of "sound mind," except those who had engaged in rebellion against the United States or committed other "infamous" crimes. — it implicitly would have ended not only racial discrimination but also property, tax, nativity, and literacy requirements
- ▶ George Boutwell's proposal guaranteed "the right of any citizen of the United States to vote shall not be denied or abridged by the United States or any State by reason of race, color, or previous condition of slavery of any citizens or class of citizens of the United States."
- ▶ Massachusetts Senator Henry Wilson a shoemaker by trade, a long- time foe of slavery, and later vice president of the United States:
 - ▶ prohibited discrimination "among the citizens of the United States in the exercise of the elective franchise or in the right to hold office in any State on account of race, color, nativity, property, education or creed."
 - ▶ prohibited discrimination "among the citizens of the United States in the exercise of the elective franchise or in the right to hold office in any State on account of race, color, nativity, property, education or creed."

Wilson

- ▶ Wilson and his allies, many from the Midwest, mounted a powerful array of arguments in favor of a broadly phrased amendment.
- ▶ They voiced a prescient fear (as had Shellabarger) that a watered down amendment such as Boutwell's would end up being circumvented by southern states that could disfranchise Blacks through literacy, tax, or property requirements.
- ▶ Wilson maintained shrewdly that his proposal might have the best chance of being ratified by the states because it effectively would enfranchise everyone (including many immigrant supporters of the Democrats) and not appear to be granting special privileges to African Americans

“Rights” argument

- ▶ The “rights” arguments in behalf of any particular suffrage extension opened up a Pandora’s box, because the same arguments could justify anyone’s enfranchisement.
- ▶ Enfranchising Blacks on the grounds that voting was a right or natural right carried the implication that all adult male citizens should be enfranchised
- ▶ Some argued to be consistent and to set the matter to rest, once and for all, the franchise indeed should be further extended rather than limited
- ▶ Most Republicans remained reluctant to let women out of the Pandora’s box, but these advocates of a broad constitutional amendment nonetheless were staking out new ground in public debate for the cause of universal suffrage

Pushback

- ▶ That the Wilson amendment sanctioned Black office-holding, as well as suffrage, only intensified the opposition
- ▶ Senators from the West were apprehensive that it would enfranchise the Chinese
- ▶ Several northeastern Republicans wanted states to retain the power to circumscribe the voting rights of immigrants
- ▶ Others argued that municipalities and states ought to be able to impose property requirements in elections dealing with taxes and financial matters

“republican guarantee”

- ▶ The most frequently voiced reason for opposing universal manhood suffrage was not that it would empower an “ *inferior* ” people but rather that it would produce a “ *radical and revolutionary* ” **transformation of the relationship between the federal government and the states**
- ▶ The Wilson amendment would vest that power in the federal government and in so doing alter the Constitution while undermining the autonomy and authority of the states
- ▶ Radicals replied that the “republican guarantee” clause of article 4 already gave the federal government the power to regulate the franchise

Federalism

- ▶ Democrats, of course, were broadly committed to preserving the power of the states, but even moderate Republicans, in the Senate and the House, worried that the Wilson amendment would upset the balance of state and federal authority enshrined in the Constitution
- ▶ Such arguments offered critics of the amendment a convenient, apparently principled means of opposing franchise extension without sounding undemocratic or racist
- ▶ They also reflected a desire to shore up federalism in an era when the exigencies of war and the economic program of the Republican Party were shifting power toward Washington
- ▶ Faced with a choice between a narrowly phrased amendment and the possibility of no amendment at all, advocates of broad-gauged democratization surrendered

Opposition on other grounds to the 15th

- ▶ Opposition to the amendment was widespread and intense
 - ▶ it was passed easily only in New England, where Blacks already voted, and in the South, where the federal government had already intervened to compel Black enfranchisement
 - ▶ Elsewhere, battles over ratification were closely fought and heavily partisan
- ▶ On the West Coast, especially in California, opposition to the Fifteenth Amendment was fueled by the anti-Chinese furor that would sour the region's politics for decades:
 - ▶ whites, including many working-class whites, feared that the amendment would
 - ▶ enfranchise the Chinese
 - ▶ encourage further Chinese immigration
 - ▶ lower the wages and living standards of white workers
 - ▶ State legislatures in the western states (excepting Nevada) refused to ratify the amendment, despite the tiny African-American presence in the region

(Un)remarkable

- ▶ What opponents of a broad amendment rejected in the end was the abolition of discrimination based on nativity, religion, property, and education
 - ▶ They wanted to retain the power to limit the political participation of the Irish and Chinese, Native Americans, and the increasingly visible clusters of illiterate and semi-literate workers massing in the nation's cities
- ▶ As Henry Adams astutely observed, the Fifteenth Amendment was “more remarkable for what it does not than for what it does contain.”

The Fifteenth Amendment was certainly a landmark in the history of the right to vote. The federal government enfranchised more than a million men who only a decade earlier had been slave

Amendment XV

Amendment XV

Section 1

The right of citizens of the United States 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.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

So close...

- ▶ That the Wilson amendment (or some variant thereof) came so close to passage is a remarkable fact, testifying to the ways in which the Civil War and Reconstruction invigorated and extended (in some quarters, at least) the democratic convictions that had flourished at mid-century
- ▶ The extraordinary circumstances surrounding the war propelled many Americans to support Black suffrage, and as happened repeatedly in American history, contending with the issue of race provoked new thinking about democratic rights in general

By the late 1860s, large segments of the nation's citizenry and political leadership were prepared to embrace universal male suffrage, and some men were even ready to endorse women's suffrage

The Right to Vote

- ▶ Congress and state legislatures had created laws that would have been unthinkable in 1860 or even 1865.
- ▶ The words *right to vote* were penned into the nation's Constitution for the first time, announcing a new, active role for the federal government in defining democracy

The celebrations of the Black community would soon prove to be premature, and the unresolved tension between federal and state authorities would vibrate for another century

Rights under attack

- ▶ Even before Reconstruction came to a quasi-formal end in 1877, Black voting rights were under attack
- ▶ Elections were hotly contested, and white Southerners, seeking to “ *redeem* ” the region from Republican rule, engaged in both legal and extralegal efforts to limit the political influence of freedmen
- ▶ In the early 1870s, both in the South and in the border states, districts were gerrymandered, precincts reorganized, and polling places closed to hinder Black political participation
- ▶ Organizations such as the Ku Klux Klan mounted violent campaigns against Blacks who sought to vote or hold office, as well as their white Republican allies

Enforcement & KKK Acts

- ▶ In May 1870, stretching the limits of its constitutional powers, Congress passed an Enforcement Act that made **interference with voting a federal offense, punishable in federal courts** — federal courts were presumed to be more reliable than state courts
- ▶ It also passed the Ku Klux Klan Act, which, among its provisions, authorized the president to **deploy the army to protect the electoral process**

Losing enthusiasm

- ▶ By the mid-1870s, many northern Republicans, including President Grant, had lost their enthusiasm for policing the South
- ▶ Preoccupied with an economic depression and labor conflict in the North, they wearily drifted toward a “ *let alone policy* .”
- ▶ In September 1875, one Republican newspaper referred to the Fourteenth and Fifteenth Amendments as “dead letters”

Southern Redeemers

- ▶ The Redeemers who were gaining power throughout the South in the 1870s had goals that were at once *political, social, and economic*
- ▶ Most immediately they sought to drive the Republicans from power and elect Democrats, an objective hard to attain in a fully enfranchised South.
 - ▶ Limiting Black voting therefore was a means to a end.
- ▶ Keeping freedmen from the polls was also a means of rebuffing broader claims to equality, a way of returning Blacks to “ *their place* ,” of making clear that, whatever the Fourteenth Amendment said, **Blacks did not enjoy full citizenship**

Rising Redeemers

- ▶ The pace of Redemption was quickened by the presidential election of 1876 and the subsequent removal of the last federal troops from the South.
- ▶ In 1878, Democrats won control of both houses of Congress for the first time in twenty years
- ▶ The Redeemers, who controlled most state legislatures, continued to try to shrink the Black (and opposition white) electorate through gerrymandering, registration systems, complicated ballot configurations, and the secret ballot (which served as a de facto literacy test)

Shifting partisan winds

- ▶ National elections were extremely close and fiercely contested in the late 1870s and 1880s
 - ▶ congressional majorities were unstable
 - ▶ in 1884 Grover Cleveland became the first Democratic president since before the Civil War
- ▶ In the eyes of many Republicans, the Democrats' success, their ability to wield national power, was illegitimate, dependent on wholesale violations of the Fifteenth Amendment in the South

Illegitimate power

- ▶ In its 1888 platform, the Republicans charged “ *that the present Administration and the Democratic majority owe their existence to the suppression of the ballot by a criminal nullification of the Constitution and laws of the United States.* ”
- ▶ After they were victorious in that year’s elections, the Republicans had a chance to do something about it: they had won the presidency and control of both houses of Congress
 - ▶ They proposed the *Federal Elections Bill*
 - ▶ a small number of petitions to federal circuit courts could lead to the appointment of federal supervisors were entrusted with:
 - ▶ attending elections, inspecting registration lists, verifying information given by doubtful voters, administering oaths to challenged voters, preventing illegal immigrants from voting, and certifying the count
 - ▶ the bill gave federal officials and courts the power to overturn election results that had been declared and certified by state officials

Federal Elections Bill

- ▶ The Republicans certainly stood to gain from fair elections in the South and from less corrupt elections in some Democratically run northern cities
- ▶ Those who voted for the enforcement acts of the 1870s (which were scaled back by the Courts), were enraged that the hard-won victories of war and Reconstruction were being undermined by fraud and violence.
- ▶ The Democrats, of course, fiercely opposed the bill, denouncing it as “a scheme to rob the people of the States of the dearest right of American citizenship.”
- ▶ Losing 35 to 24 with 19 abstentions, the federal government backed away from a significant expansion of its role in shaping electoral law and guaranteeing democratic rights
 - ▶ this occurred not only because the nation and the Congress were divided, but also because of back-door political dealing and accidents of timing

Federal Involvement

- ▶ This signaled to the South that the federal government was not prepared to act energetically to guarantee the voting rights of Blacks

Whatever the Fourteenth and Fifteenth Amendments said on paper, the right to vote was back in the hands of the states

Not until the 1960s, when the Lodge Force Bill was reincarnated as Lyndon Johnson's *Voting Rights Act* , did Congress again seriously consider federal intervention in southern politics

Rollback

- ▶ The year 1890 also marked the beginning of systematic efforts by southern states to disfranchise Black voters legally
- ▶ Democrats chose to solidify their hold on the South by modifying the voting laws in ways that would exclude African Americans without overtly violating the Fifteenth Amendment.
- ▶ Experiments with these legal strategies had occurred in the 1870s and 1880s, but it was between 1890 and 1905 that they became the primary weapon in enforcing and institutionalizing Redeemer rule
- ▶ White Democrats turned back the clock on the broadly progressive franchise provisions that had been etched into most Reconstruction-era state constitutions

Mississippi

- ▶ Passed provisions that would remove Blacks from Mississippi political life while technically adhering to the Fifteenth Amendment
- ▶ These provisions included a sharp increase in the *residency* requirement (“the negro is . . . a nomadic tribe,” opined the state’s attorney general), the institution of a two-dollar *poll tax* , and the imposition of a *literacy test* that required potential voters to demonstrate that they could understand and interpret the Constitution

In short order, other states followed suit

Suppression

- ▶ The overarching aim of such restrictions, usually undisguised, was to keep poor and illiterate Blacks—and in Texas, Mexican Americans—from the polls.
- ▶ Literacy tests served that goal well, since 50 percent of all Black men (as well as 15 percent of all whites) were illiterate, and even small tax requirements were a deterrent to the poor
- ▶ It was during this period that the meaning of poll tax shifted: where it once had referred to a head tax that every man had to pay and that sometimes could be used to satisfy a taxpaying requirement for voting, it came to be understood as a *tax that one had to pay in order to vote*

Uneven enforcement

- ▶ Small errors in registration procedures or marking ballots might or might not be ignored *at the whim* of election officials; taxes might be paid easily or only with difficulty
- ▶ Discrimination also was built into literacy tests, with their “*understanding*” clauses: officials administering the test could, and did, judge whether a prospective voter’s “*understanding*” was adequate

That, exactly, is what this Convention was elected for—to discriminate to the very extremity of permissible action under the limitations of the Federal Constitution, with a view to the elimination of every negro voter who can be gotten rid of, legally, without materially impairing the numerical strength of the white electorate. - future Senator Carter Glass

Grandfather Clause

- ▶ Discrimination, as well as circumvention of the Fifteenth Amendment, was also the aim of the well-known grandfather clauses
- ▶ exempted men from literacy, tax, residency, or property requirements if they had performed military service or if their ancestors had voted in the 1860s.
- ▶ The first southern grandfather clause was adopted in South Carolina in 1890; with exquisite regional irony, it was modeled on the anti-immigrant Massachusetts law of 1857

Anti-white-opposition

- ▶ Contrary to twentieth-century images of a monolithic solid South, there was substantial white opposition to new restrictions on the franchise
- ▶ many upcountry whites, small farmers, Populists, and Republicans viewed such laws as a means of suppressing dissent, a self-interested and partisan grab for power by dominant, elite, often Black-belt Democrats
- ▶ This resulted in prolonged and bitter debates about the dangers of “ *reform* ”

Effect of new suppression laws

- ▶ The laws, of course, worked.
- ▶ In Mississippi after 1890, less than 9,000 out of 147,000 voting-age Blacks were registered to vote
- ▶ In Louisiana, where more than 130,000 Blacks had been registered to vote in 1896, the figure dropped to an astonishing 1,342 by 1904

Voting Rates

- ▶ Just how many persons were barred from the polls is impossible to determine, but what is known is that both registration and turnout (calculated as the percentage of votes cast divided by the number of men of voting age) dropped precipitously after the electoral laws were reconfigured
- ▶ By 1910, in Georgia, only 4 percent of all Black males were registered to vote.
- ▶ In Mississippi, electoral turnout had exceeded 70 percent in the 1870s and approached 50 percent in the decade after the Redeemers came to power: by the early twentieth century, it had plummeted to 15 percent and remained at that level for decades.
- ▶ In the South as a whole, post-Reconstruction turnout levels of 60 to 85 per-cent fell to 50 percent for whites and single digits for Blacks

The achievements of Reconstruction had been reversed, and the rollback had restored the southern electorate to—at best—pre-Civil War proportions

What this all meant

- ▶ The African-American population remained largely disfranchised until the 1960s, electoral participation remained low, and one-party rule by conservative Democrats became the norm
- ▶ The nineteenth-century trend toward democratization had been not only checked, but reversed
- ▶ The increasingly egalitarian institutions and convictions forged before the Civil War were undermined, while class barriers to electoral participation were strengthened or resurrected

The North stood by

- ▶ All of which took place *without* great protest from the North
 - ▶ Although Republican politicians and newspapers routinely criticized the disfranchising laws, scattered efforts to enforce the Fourteenth Amendment—by reducing the congressional representation of southern states—garnered little support
- ▶ The Supreme Court upheld the legality of all of the major techniques of disfranchisement.
- ▶ In 1898 it ruled that Mississippi's literacy test did not violate the Fifteenth Amendment because the law creating the test was not, *on its face* , designed to discriminate against Blacks

The North in effect tolerated disfranchisement in the South— in part from weariness, in part due to the partisan interests of the Democratic Party, and in part because Northerners too had been losing faith in democracy

END

The Redemption of the North

Elections in the 1870s-80s

National elections were closely contested; control of Congress changed hands frequently; presidents were elected by razor-thin margins and sometimes with less than a majority of the popular vote

Although party identifications were strong, third parties frequently cropped up and remarkably often gained substantial influence in state and local governments

Issues

The issues animating political life were big ones, sparked by the rapid spread of industrialization, fanned by class and interest-group conflict

The tariff and the money supply (which affected prices and the availability of credit) were issues in every national election

Railroad rates and regulation often dominated state political contests

City dwellers fought over the development and financing of increasingly necessary water, sewer, and transportation systems