

The Right to Vote - Part II and III

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- 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
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Voting Rights under attack

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- 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
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- 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**

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

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Effect of new suppression laws

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- 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
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- **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
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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.
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The Redemption of the North

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 - Control of Congress changed hands frequently
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- By 1910, there were eight, three of which contained more than a million people
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 - 25% of the 1917 (WWI) population was immigrant
 - The vast majority of these immigrants were propertyless workers rather than settlers.
 - The Irish and Germans continued to arrive
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 - immigrants were seen as being:
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- They purportedly were prone to voting illegally, irresponsibly, and against the interests of their betters
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 - electoral outcomes were twisted by “naturalization mills” that, with the aid of “professional perjurers and political manipulators,” transformed thousands of immigrants into citizens in the weeks before elections
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 - at-large rather than district voting
 - increased public accountability for office holders
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Reforms to strength democracy

Other critics were more optimistic about the possibilities of changing the size and shape of the electorate. Some advocated reinstituting property and tax qualifications or imposing literacy tests on prospective voters. More subtle approaches also were proposed, including longer residence periods, stricter naturalization laws, waiting periods before new citizens could vote, complex ballot laws, and elaborate systems of voter registration.

The laws governing elections in most states were revised often between the Civil War and World War I. Many of these laws were straightforwardly administrative, while other laws were more controversial, inspired by partisan interests, enacted to influence the outcome of elections.

The apportionment of state legislative as well as congressional seats was a key issue, generating recurrent conflicts, particularly between urban and rural areas. Linked to apportionment was the location of district boundaries in states and within cities: gerrymandering was a routine form of political combat, practiced by both major parties against one another and against any upstart political organizations. Technical rules governing the presence of parties and candidates on the ballot also were subjects of contention—since they could encourage, or discourage, third parties and fusion slates.

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- These were of two types.
 - First and most important were those that set out the fundamental qualifications that a man (or woman) had to meet in order to become an eligible voter
 - The second, of increasing significance, established the procedures that a potential voter had to follow in order to participate in elections

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Economic qualifications

Contrary to received wisdom, economic requirements for voting were not a dead issue after 1850. Economic qualifications continued to offer opponents of universal suffrage a direct and potentially efficient means of winnowing out undesirable voters. The tax requirement had served as an obstacle to poor people's voting and as a drain on the treasuries of both political parties. By the late 1880s, the Massachusetts Democratic Party—with more working-class supporters and thus greater financial exposure—reportedly was spending \$50,000 at each election to pay the poll taxes of its supporters.

Court on economic constraints The U.S. Supreme Court made clear that it too did not see anything unconstitutional about taxpaying or property requirements in *Myers v. Anderson* in 1915. The Court thus found the law to be racially discriminatory in violation of the Fifteenth Amendment; at the same time, however, it noted that economic discrimination in the form of a property requirement was presumed to be “free from constitutional objection.”

Class motivation Overtly class-based economic restrictions were accompanied by legal changes expressly designed to reduce the number of “undesirable” immigrants who could vote. Beginning in the 1890s, the nation witnessed the growth of a significant movement to restrict immigration altogether, one