

# **The Right to Vote**

Prof. Jonathan Cervas

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# What does the Constitution say?

- However, that is not to say the Constitution says nothing about elections.
  - Through the Elections Clause, it gives Congress and the federal government the power to determine the “Times, Places, and Manner” of congressional elections.
  - Congress has used this power throughout the nation’s history to, for example, establish a single national Election Day and mandate single-member congressional districts.
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# Constitutional Amendments

- The **14th Amendment** extends citizenship to all natural born or naturalized Americans regardless of race and guaranteed that rights of citizenship, like voting, cannot be restricted by the states.
- The **15th Amendment** prohibits restricting the right to vote due to race.
- The **17th Amendment** requires states to elect senators by popular vote.
- The **19th Amendment** extends voting rights to all women.
- The **26th Amendment** extends the right to vote to everyone 18 years of age and older.
- Additionally, the **24th Amendment** explicitly bans poll taxes, which often prevented low-income citizens of all races from voting.

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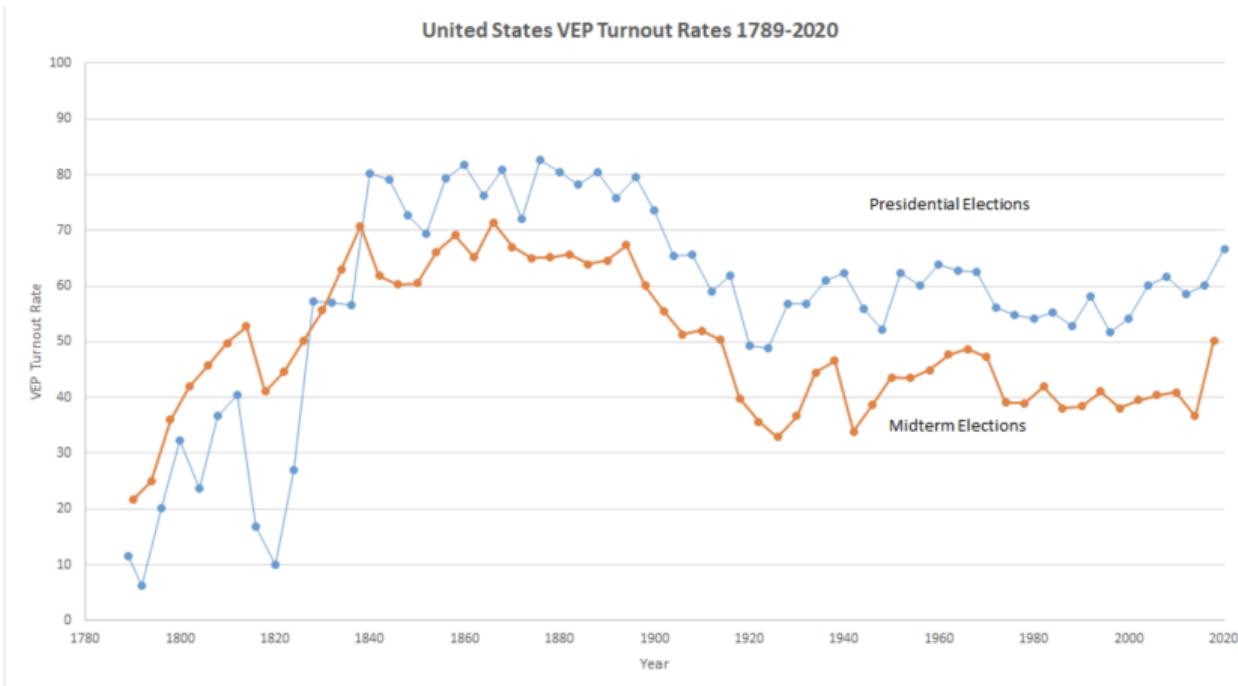
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## Should we have this amendment?

*"Every citizen of the United States, who is of legal voting age, shall have the fundamental right to vote in any public election held in the jurisdiction in which the citizen resides."*

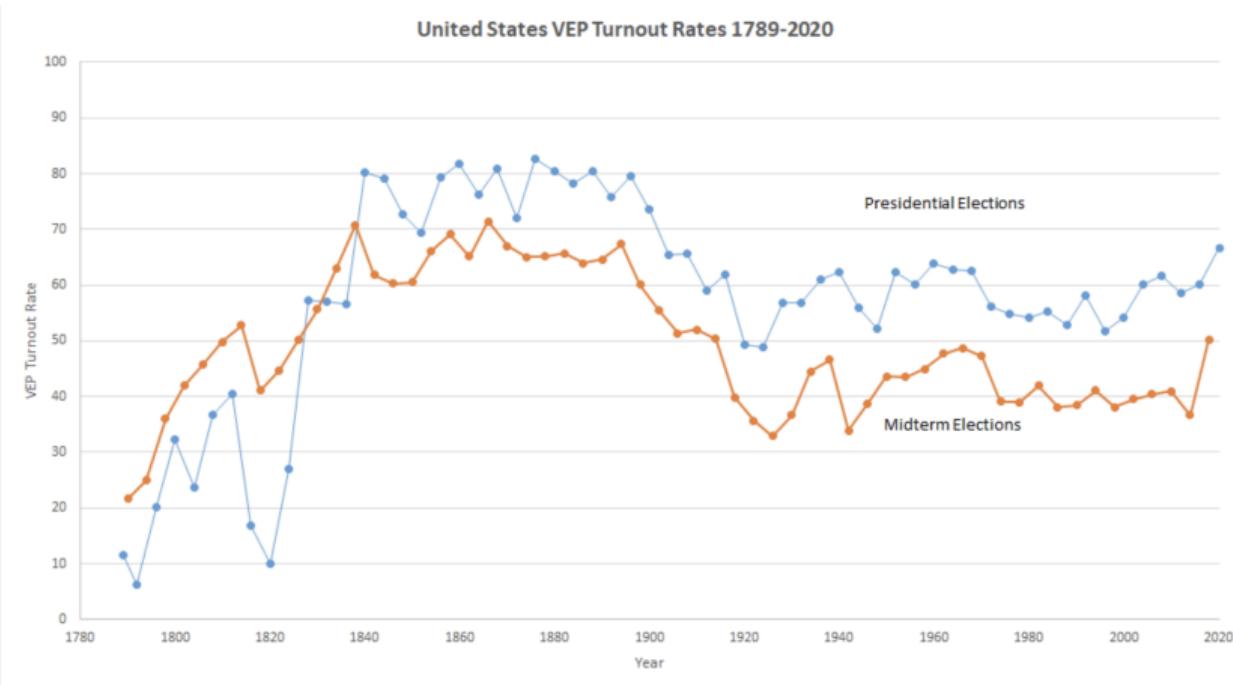
# Voting On the decline?

- “Americans no longer vote as much as they once did”
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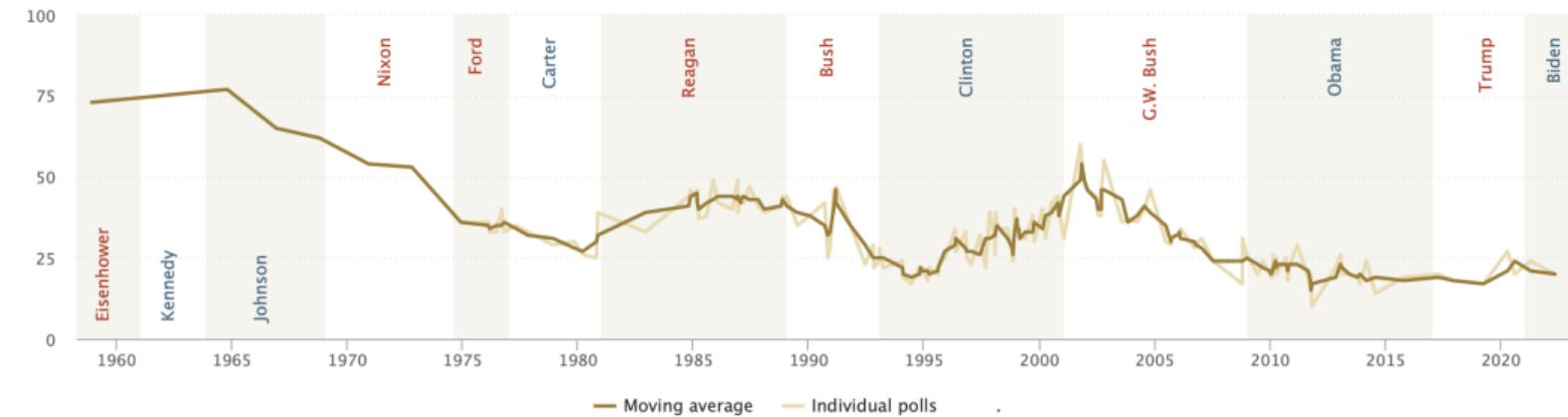
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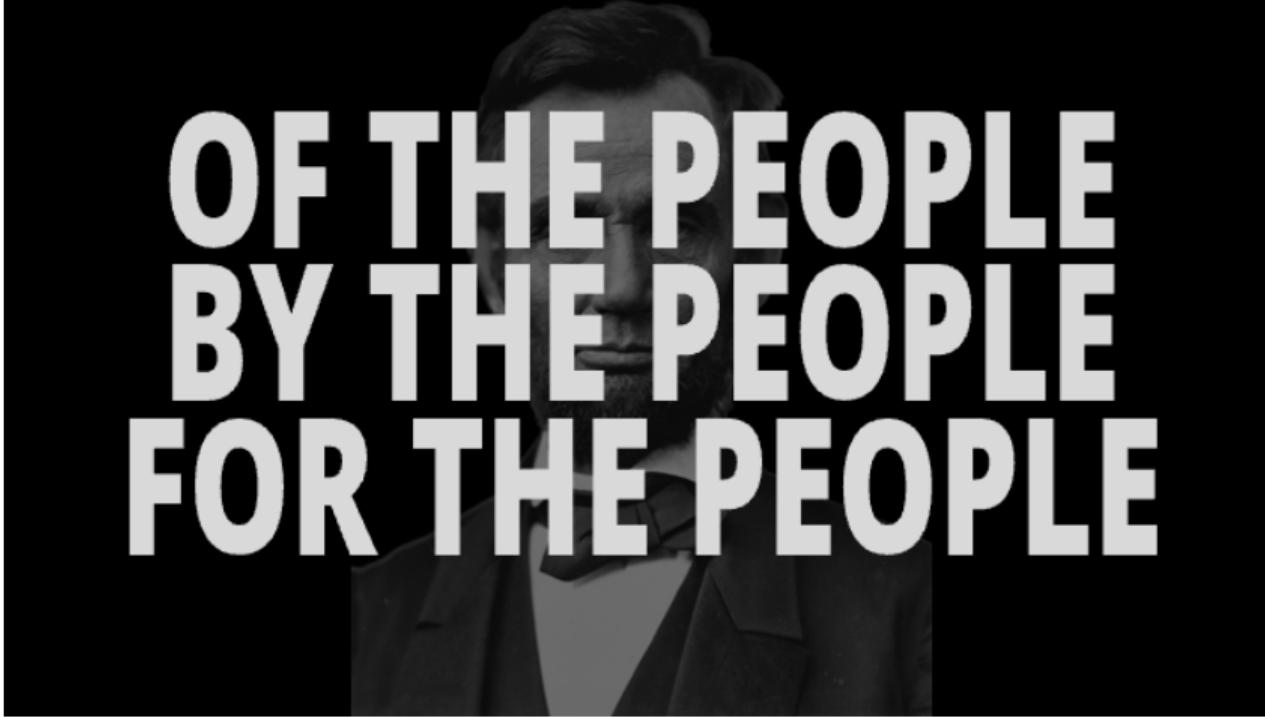
# Trust in Government

% who say they trust the government to do what is right just about always/most of the time



<https://www.pewresearch.org/politics/2022/06/06/public-trust-in-government-1958-2022/>

Of the people, By the people, For the people



OF THE PEOPLE  
BY THE PEOPLE  
FOR THE PEOPLE

- Gettysburg Address, November 19, 1863

- To be of the people, it must be made up of the people.
- i.e., a representative form a government
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- When Lincoln spoke these words, many people were excluded from any right to vote.
- Why was this the case?
- Why were so many Americans, in different places and at different times, denied the right to vote?

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- Government should do the things that people want
- Government should be responsive to the people when they change their minds

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## Universal Suffrage

- It is often popularly conceptualized that voting rights have steadily increased over time, so that we now have universal (or near) suffrage.

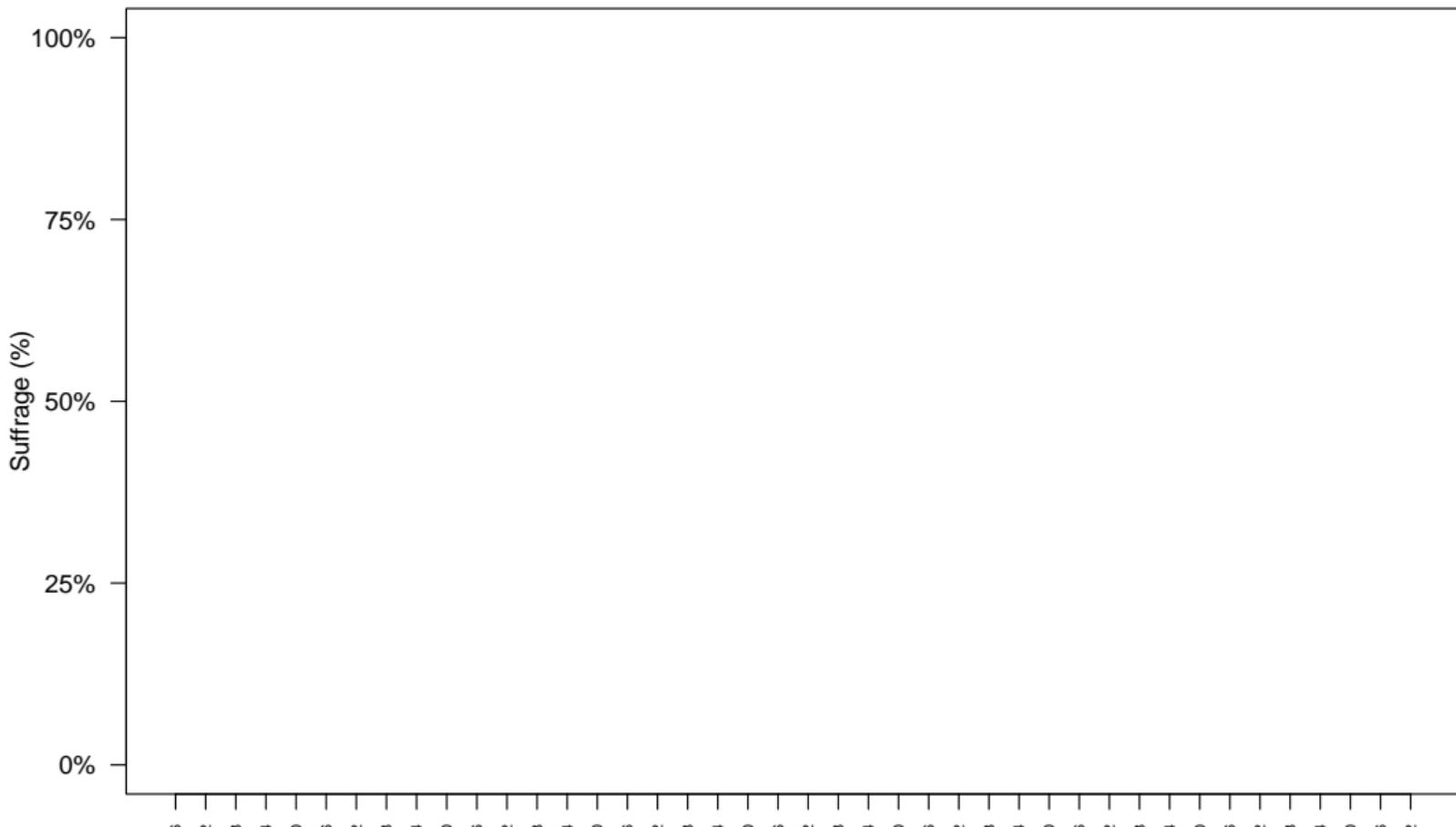
## Tocqueville's rule of social behavior

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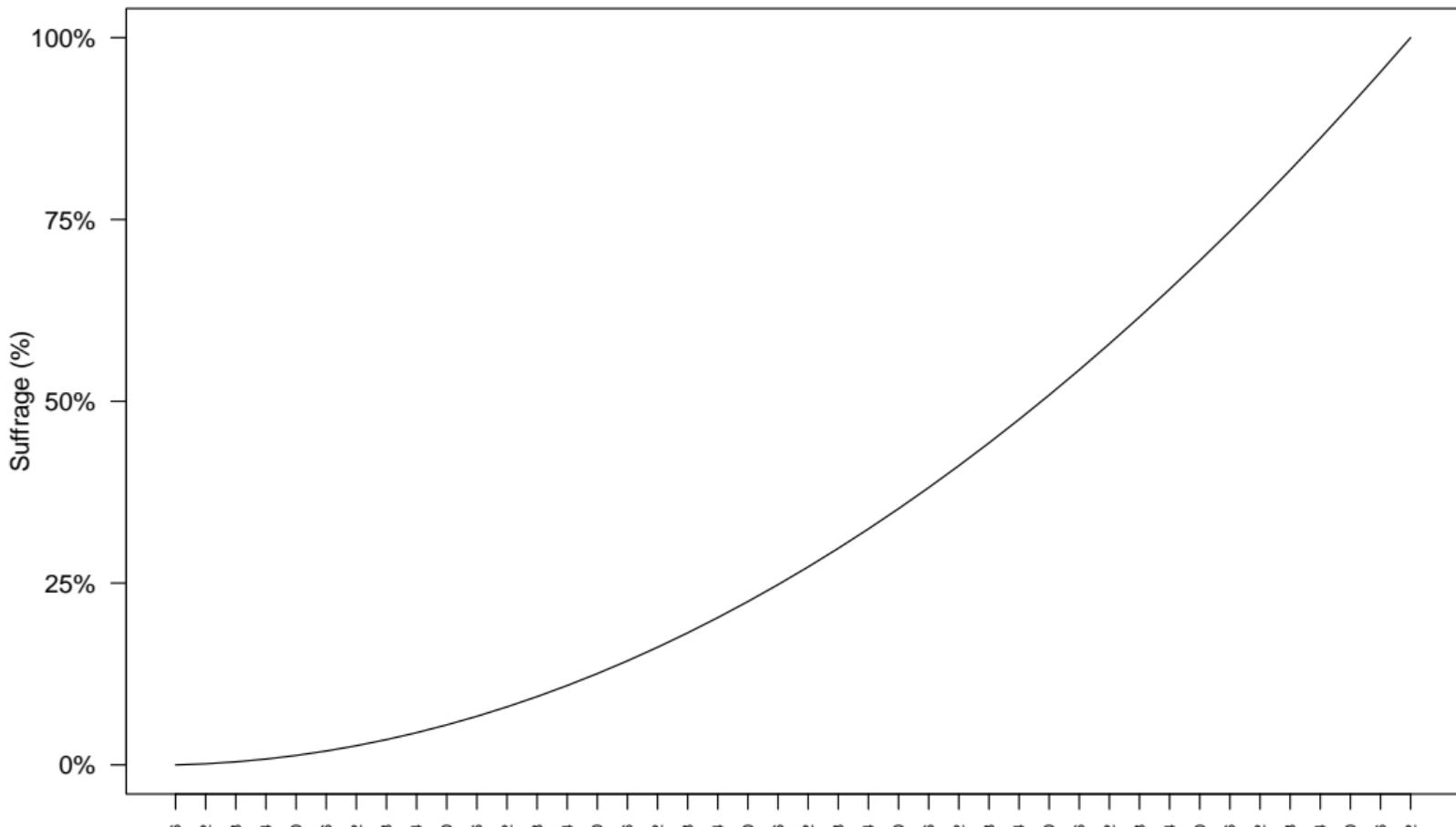
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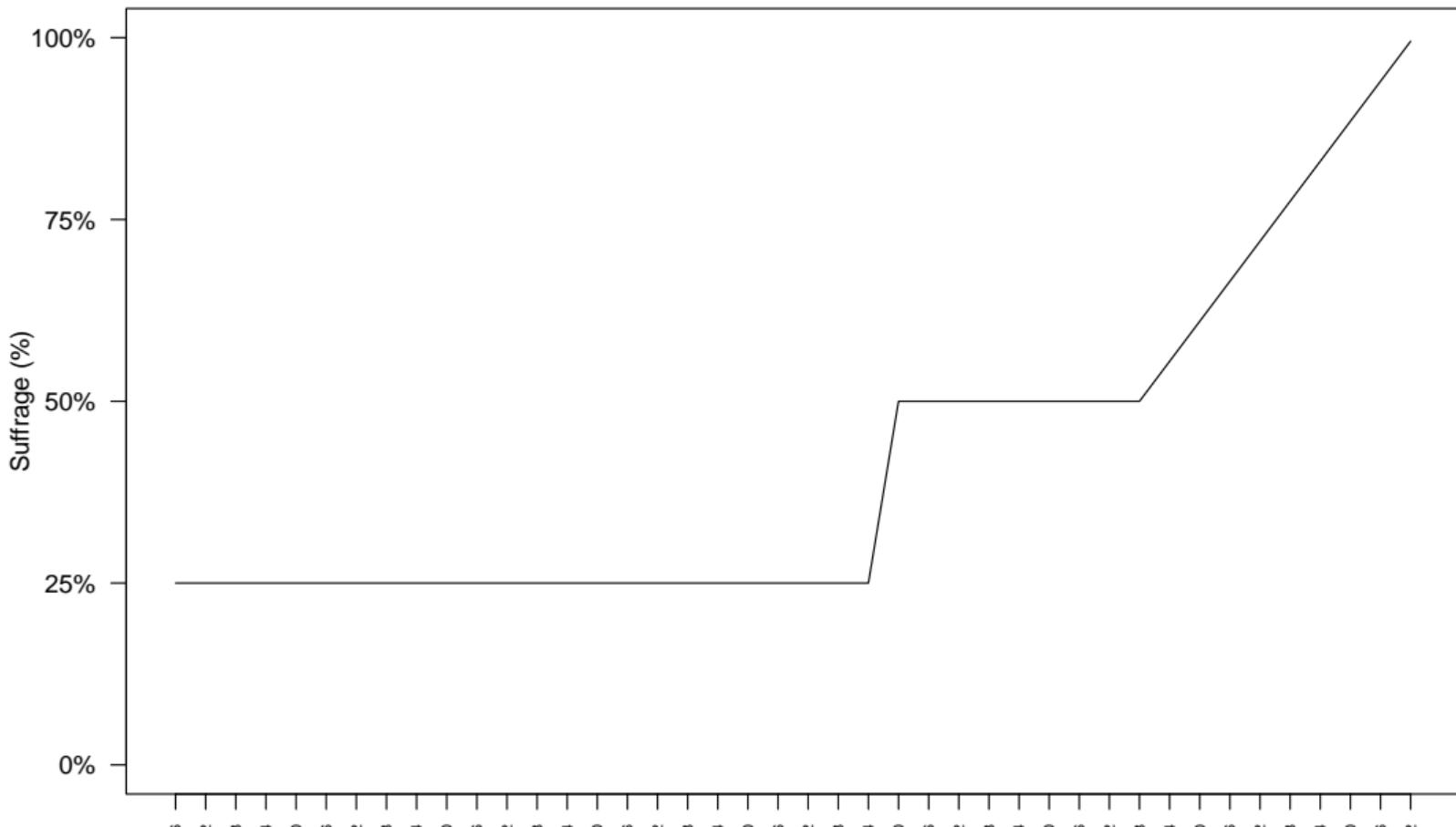
## What do you imagine the trajectory of voting rights to be?



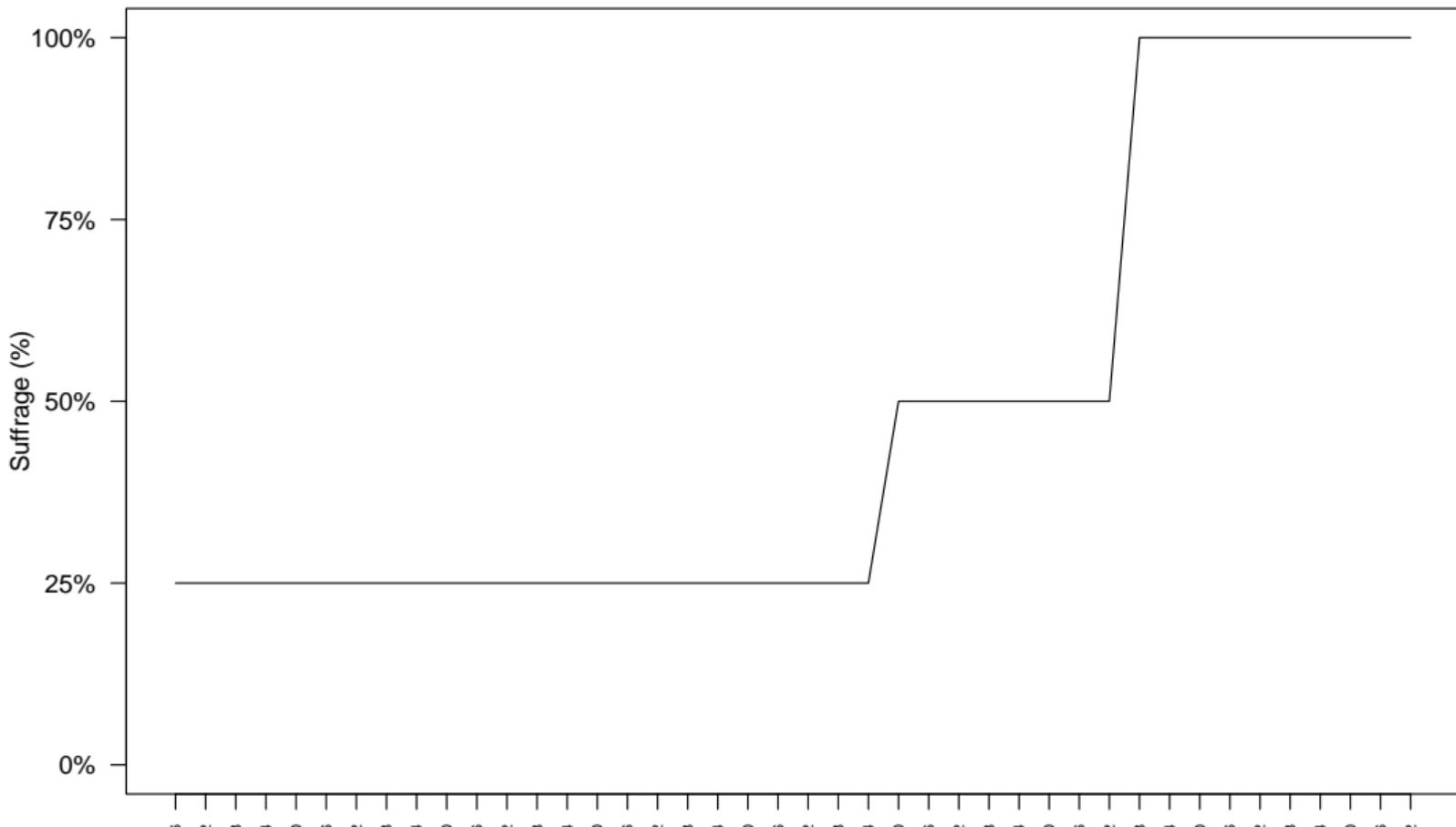
Exponential?



# Stepped and gradual?



# Stepped and Steady?



# Colonial “democracy”



- At its birth, the United States was not a *democratic* nation—far from it
  - Democracy was a pejorative – “mob rule”, “government by the unfit”, “disorder”
- But, between the signing of the Declaration of Independence and the constitutional convention, states had started writing their own suffrage laws
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# Received Legacy



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- Elsewhere, ownership of personal property or payment of taxes could substitute for real estate

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# Property Requirements

- Both in England and in the colonies
  - men who possessed property (especially “real property,” i.e., land and buildings) had a unique *“stake in society”*
  - property owners alone possessed sufficient *independence* to warrant their having a voice in governance
- The ballot was not to be entrusted to those who were economically dependent because they could too easily be controlled or manipulated by others

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## Franklin on Voting Rights

*Today a man owns a jackass worth fifty dollars and he is entitled to vote; but before the next election the jackass dies. The man in the meantime has become more experienced, his knowledge of the principles of government, and his acquaintance with mankind, are more extensive, and he is therefore better qualified to make a proper selection of rulers—but the jackass is dead and the man cannot vote. Now gentlemen, pray inform me, in whom is the right of suffrage? In the man or in the jackass? -Benjamin Franklin*

## Residency Requirements

- Many colonies instituted residency requirements to exclude transients who presumably lacked the requisite stake in the colony's affairs
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## Social membership limitations

- In the eighteenth century, Catholics were disfranchised in **five** states and Jews in **four** states
- *Native Americans, free blacks, and non-naturalized aliens* could vote in some places and not in others
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  - Unclear how many people could and did vote
- There certainly were communities, particularly newly settled communities where land was inexpensive, in which 70 or 80 percent of all white men were enfranchised
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- The issue of suffrage was always near the center of that debate:
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- Throughout the ex-colonies, political leaders put forward several different arguments to justify the retention of restrictions, particularly property restrictions, on the franchise.
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## Franchise and Suffrage

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- (Intercessory prayer is a form of prayer where one person prays on behalf of another person or a group)
- Even Pennsylvanian James Wilson, a signer of both the Declaration of Independence and the Constitution, and one of the more democratic of the founding fathers, described suffrage as a “darling privilege of free men” that could and should be “extended as far as considerations of safety and order will permit.”

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## Earning the privilege

- Only men with property, preferably real property, were deemed to be sufficiently attached to the community and sufficiently affected by its laws to have earned the privilege of voting
  - The propertyless, if enfranchised, would constitute a menace to the maintenance of a well-ordered community
- The interests of the propertyless, like those of women and children, could be represented effectively by wise, fair-minded, wealthy white men. (Virtual Representation)

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# Natural Rights of [wo]men

**WE HOLD THESE TRUTHS  
TO BE SELF-EVIDENT,  
THAT ALL MEN ARE CREATED  
EQUAL**

## Natural Right alternative

- Arrayed against these conservative views was a set of equally cogent, if somewhat experimental, arguments in favor of extending the franchise, particularly to men who did not own property
- The most broadly framed of these arguments was simple: voting was a “*natural right*” that the state **could not suspend** except in the most extreme circumstances.
- The idea that voting was a natural right or even a right at all was rhetorically powerful:

The right to vote is a natural right, and no man can be compelled to do what another man can do for him, and still remain a free and self-governing animal.

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## The Pandora's box

- If voting was a natural right, then everyone should possess it
- Did this mean that not just every man (including poor men) should vote, but women as well?
  - \* What about African Americans—and recently arrived aliens?
  - \* Or children?
- If there was a “right” to suffrage, was it not wrong or immoral to deprive any group or individual of that right?
- How could one justify denying anyone his or her natural—or socially acknowledged— rights?

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# **NO TAXATION WITHOUT REPRESENTATION**



## Avoiding Pandora's Box

- Property qualifications ought to be replaced by taxpaying requirements, because all taxpayers (not just property owners) were contributing to the government and affected by its policies
- All those who paid taxes had the right to defend themselves against potentially unfair government policies.
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The final cluster of arguments for expanding the franchise was rather different: extending the right to vote to everyone who was serving, or had served, in the army or the militia

## What about fighters?

*"Every man in the country who manifests a disposition to venture his all for the defense of its liberty, should have a voice in its council." ->- Philadelphia pamphleteer, probably Thomas Young*

## Consent to be governed

- Arguments for and against a more democratic suffrage were voiced in newspapers, broadsides, provincial assemblies, town meetings, gatherings of militiamen, and constitutional conventions, as well as taverns, inns, city streets, and private homes
- The very act of declaring independence from Britain compelled the residents of each colony to form a new government, and the process of forming new governments inescapably brought the issue of suffrage to the fore **For a government to be legitimate, who must consent to its design and structure?**

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## Pennsylvania democracy

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- That convention, in the fall of 1776, produced the **most democratic constitution** in the thirteen original states:

• The new state constitution established a unicameral legislature, which was elected annually by all adult males.  
• It also provided for a state executive chosen by the legislature.  
• The new constitution also established a state judiciary, which was chosen by the legislature.

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## **Wrap up on Colonial America**

# Suffrage in state constitutions

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  - all the early state constitutions (except that of Delaware) treated the right to vote as a matter of fundamental —and thus constitutional— law, rather than statute law.
- Implicit in this treatment was the notion that suffrage requirements ought to be durable and difficult to change; legislatures and governors alone were not entrusted with the power to tamper with the right to vote.
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## Revolutionary Period

- The revolutionary period witnessed a broad range of reactions to economic restrictions on the franchise.
- Although often overshadowed by other issues (*such as taxation or the structure of future legislatures*), the breadth of the franchise mattered greatly to citizens of the thirteen original ex-colonies and the new state of Vermont.
- In every state, there was pressure for suffrage reform, as well as conservative opposition to a less class-biased, more economically inclusive franchise.
- The outcomes of these conflicts followed *no* clear regional pattern; they seem instead to have been shaped largely by the strength of local elites and by the political processes that unfolded in each state. **The overall result was a mixed bag of substantial changes, cosmetic alterations, and preservation of the status quo**

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# The New Nation

# The State and the Nation

- Under the *Articles of Confederation*, the states had retained complete control over the franchise
- But the *Constitution of the United States* forged a link between state suffrage rules and the right to vote in national elections:
  - \* those who participated in elections for the "most numerous Branch of the state legislature" were automatically entitled to vote for members of the House of Representatives
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# Constitutional Convention

- The records of the federal convention and state constitutional conventions suggest that most members of the new nation's political leadership did not favor a more democratic franchise
- Madison's views were more typical of the founding fathers than were those of Jefferson or Franklin
- The well-to-do Elbridge Gerry of Massachusetts (whose name would be immortalized in the word gerrymander), speaking at the end of the convention, described "*Democracy*" as "*the worst... of all political evils*" **This conservative consensus also was expressed in the Northwest Ordinance of 1787 (*an act reaffirmed by the first Congress in 1789*), which instituted a freehold requirement in the territories northwest of the Ohio River**
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## Federal lack of Voting Rights

The Constitution adopted in 1787 left the federal government without any clear power or mechanism, other than through constitutional amendment, to institute a national conception of voting rights, to express a national vision of democracy >- Although the Constitution was promulgated in the name of “*We, the people of the United States*”, the *individual states* retained the power to define just who “*the people*” were

Also problematic—in the long run—was the Constitution’s failure to guarantee to any Americans the right to vote for the highest office in the land, the presidency of the United States. >- Presidents were to be chosen through a complex mechanism that later came to be known as the “*Electoral College*” >- “*Electors*” in each state were to meet and cast ballots for two persons, and those ballots were to be transmitted to Congress, where they would be opened and counted: the person receiving the largest number of votes would be elected president and the runner-up would become vice president

- But the Constitution left entirely to state legislatures the question of how the electors themselves would be chosen
- Article 2, section 1 specified that “*each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress*”
- The states were not required to hold popular elections to choose presidential electors, and state legislatures could, whenever they wished, change the “*manner*” of appointing electors.
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# The American Revolution

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- By 1790, according to most estimates, roughly 60 to 70 percent of adult white men (and very few others) could vote. **The notion that a legitimate government required the “consent” of the governed became a staple of political thought; and a new, contagious language of rights and equality was widely heard**

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# Democracy Ascendant

# Early US Population

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<4 mil

10 mil

20 mil

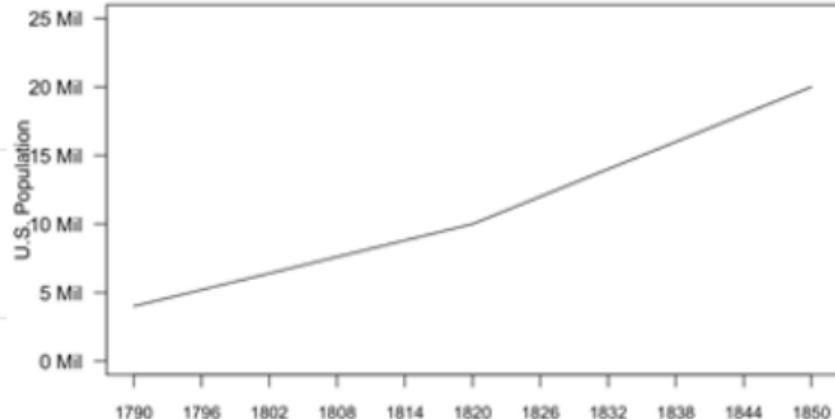
1790

1820

1850

25 Mil  
20 Mil  
15 Mil  
10 Mil  
5 Mil  
0 Mil

1790 1796 1802 1808 1814 1820 1826 1832 1838 1844 1850



## State expansion of franchise

- Change created pressures for the states to significantly revise the blueprints for governance that they had drawn during the era of the revolution
- Between 1790 and the 1850s, every state (there were thirty-one by 1855) held at least one constitutional convention, and more than a few held several **Disputes over political power, rights, and influence—including the breadth of the franchise and the apportionment of state legislative seats**—were often what prompted states to call constitutional conventions in the first place
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- Elsewhere, state constitutions or statutes required that voting be conducted by written ballot, to protect voters against intimidation **By the mid-nineteenth century, nearly all states insisted that votes be cast through written ballots, placed in a box or handed to an official**
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- Other legal developments were essentially administrative, reflecting a need to translate broad precepts into detailed rules governing the conduct of elections
- Most states, for example, had to define what it meant to be a resident or inhabitant
- They had to decide how and when lists of eligible voters would be assembled, what documents had to be presented as proof of citizenship, and how challenges to a voter's eligibility should be handled **Similarly, race had to be given an operative definition. Just how white did you have to be in order to vote? One-half, three-quarters? An increasingly voluminous body of law offered answers to such questions**

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## Changing Property Requirements

- The property qualifications for suffrage that had begun to erode during the revolution were gradually dismantled after 1790
- None of the new states admitted to the union after 1790 adopted mandatory property requirements in their original constitutions
- Granting exclusive political rights to landowners and others who possessed considerable property was inconsistent with the quasi-egalitarian rhetoric of the revolution and the early republic
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## Rise of taxpayer requirements

- The demise of property requirements was not identical to the elimination of economic qualifications
- Several states already had taxpaying requirements in 1790
  - \* several others instituted such requirements when they abolished property qualifications, and several of the new western states, including Ohio and Louisiana, also insisted that voters be taxpayers
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## Eroding Economic Barriers

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  - three years later it acted more decisively, enfranchising all *free white males* who had paid taxes and resided in the territory
- Between 1830 and 1855, six states relinquished their insistence that voters pay taxes, leaving only six others with taxpaying clauses, several of which were quite minimal
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## Convergence of state and local eligibility requirements

- Between 1790 and the 1850s, *state* suffrage laws and *municipal* suffrage laws became identical almost everywhere
- The idea that municipal charters were unalterable changed;
- State supremacy, or the idea that *municipalities legally ought to be regarded as administrative creatures of the state*, rather than as separate sovereignties of any type became the norm
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- While revising their constitutions, New York, Massachusetts, Connecticut, Vermont, Maryland, and Virginia all replaced “*inhabitant*” with “*citizen*”
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## **Sources of Expansion of the franchise**

## Broadening of the Suffrage

- The celebrated broadening of the suffrage during the first half of the 1800s was spawned by the convergence of several different factors, which varied by state
  - widespread and significant changes in the social structure and social composition of the nation's population
  - the appearance or expansion of conditions under which the material interests of the enfranchised could be served by broadening the franchise
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- The urban population grew rapidly, swelling the ranks of those who owned no real property and sometimes no property at all. These changes in the social structure created significant and growing clusters of men who were full participants in economic and social life but who lacked political rights

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- When the voting rights were extended, it happened because men who were already enfranchised *actively supported* the cause of suffrage expansion
  - \* Why did voting members of the community sometimes elect to share their political power with others?
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- In the wake of the Revolutionary War and again after the War of 1812, many middle-class citizens concluded that extending the franchise to the “lower orders” would:
  - enhance their own security
  - help to preserve their way of life, by assuring that such men would continue to serve in the army and the militias
- The nation’s experience during the War of 1812 underscored this concern: the federal government had great difficulty recruiting and retaining soldiers and eventually had to call on militia forces to bolster the army
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## Sources of Expansion of the franchise

- By the middle of the nineteenth century, the nation had taken significant steps in the direction of universal white male suffrage
- Reasons include:
  - the development of the economy
  - changes in social structure
  - the growth of political parties
  - the expansion of the frontier
  - the growth of cities
  - the growth of railroads
- The states, the federal government, and municipalities all had dismantled the most fundamental obstacles to the participation of men in elections
- The expansion of the suffrage played a key role in the upsurge of political participation in the 1830s and 1840s, when turnout in some locales reached 80 percent of all adult male citizens

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# Backsliding and Sideslipping

- The dominant thrust of legal change was toward increasing the number of voters, laws also were passed that **tightened voting requirements**.
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*Pennsylvania Had among the most liberal constitution during the revolutionary era, added the word “white” to its constitutional requirements in 1838. This happened two years after its supreme court had ruled that blacks could not vote because they were not “freemen.”*

- The federal government prohibited Blacks from voting in the territories it controlled;
  - in 1857, the Supreme Court ruled that Blacks, free or slave, could not be citizens of the United States
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## Growing Racism

- While abolitionist sentiment was growing, so too were sharply antagonistic, fearful, and hostile attitudes toward Blacks, especially in the North
- Republican factions were hostile to Black voting between 1810 and 1820, in part because they feared (correctly) that Blacks would constitute a Federalist voting bloc,
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- Many areas that witnessed heated debates on the subject (e.g., Ohio and Indiana) had populations that were less than 1 percent black.
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- Their legal status began to be clarified—*in a negative direction*.
- Indian tribes were “*domestic, dependent nations*,” according to Chief Justice Marshall, and thus individual Indians, living with their tribes, were aliens, even if born in the United States.
- Twenty years later, the Dred Scott decision affirmed this interpretation, while suggesting a path toward citizenship: Indians (unlike Blacks) could, if they left their tribes and settled among whites, “be entitled to all the rights and privileges which would belong to an immigrant from any other foreign people.”

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## Other classes of people

- Despite the abolition of property requirements, most Americans did not believe that all adult white males were entitled to full membership in the political community
- Pauper exclusions were not antiquated carryovers of colonial precedents; they were generally *new constitutional provisions, often adopted at the same conventions that abolished property or taxpaying requirements*
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- Disfranchisement for such crimes had a long history in English, European, and even Roman law, and it was hardly surprising that the principle of attaching civil disabilities to the commission of crimes appeared in American law as well
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*"The least we can require is this very simple manifestation of intelligence."*

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- Although the image of an educated electorate clearly had its attractions, these proposals were rapidly rebutted
  - \* there were many fine, upstanding citizens who happened to be illiterate or barely literate but were perfectly capable of responsibly exercising the franchise
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# Working Class and Socialism

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- Enfranchisement of the American working class was uniquely early and quite uncontested
  - \* American workers gained universal suffrage (or at least universal white male suffrage) early in the process of industrialization and thus never were obliged to organize collectively to fight for the franchise.
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## Absence of class as a political wedge

- The subsequent evolution of American politics and American labor had a noticeable *absence of a strong socialist movement* **To the extent that the working class was indeed enfranchised during the antebellum era (and one should not ignore that women, free blacks, and recent immigrants constituted a large portion of the working class), such enfranchisement was largely an unintended consequence of the changes in suffrage laws**

# Industrial Revolution and Suffrage

- The broadening of the franchise in antebellum America transpired before the industrial revolution had proceeded very far and before its social consequences were clearly or widely visible
- There were relatively few manufacturing workers in the northern states when property qualifications were abolished or new constitutions without property restrictions were adopted
- There was a dramatic shift in the ratios of farmers to workers
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- The early extension of voting rights occurred because the rights and power of the working class were not at issue when suffrage reforms were adopted.
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## Trends against suffrage

- Although the franchise overall had been broadened, new barriers were erected, targeting specific—and smaller—populations
- The concern about immigrant voters in the Northeast was mounting at precisely the same time that many Midwestern states were extending the franchise to non-declarant aliens.
- By the early 1850s, several groups or categories of men (and one group of women) had lost the political rights they possessed a half century earlier **These barriers were expressions of the nation's reluctance to embrace universal suffrage, of the limits to the democratic impulses that characterized the era**

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## Mid-Nineteenth Century to the Twentieth Century

- 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
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## 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*

- 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

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## 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.
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- 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"
  - they were often瞧ed down upon
- 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

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- Others feared that Catholics were controlled by the Pope and would seek to undermine Protestant society.
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## Trump equivalent (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**

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# Know-Nothings

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- 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:

• Prohibition  
• Improved public schools  
• Free public land

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# 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
  - Protestant – “Christian”

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

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## Know-Nothing Political Success

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  - They won gubernatorial elections in nine states and controlled legislative branches in at least a half dozen
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*"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

- 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
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- 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
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## *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 provide for the reconstruction of the Southern states, and
  - \* to grant African Americans citizenship and equal protection under the law.

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# 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.**

### *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.**

*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.**

### *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.**

### *Fourteenth Amendment:*

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

- 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

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## 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
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## New appetite for Black enfranchisement

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  - make it possible for loyal governments to be elected in the once-rebellious states

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- 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.

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## 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
  - \* Southern Republicans were wary of increasing Black political rights, particularly in the event that the Democrats returned to power in the South or nationally
  - \* Republicans were concerned about the financial costs of maintaining Black political rights
  - \* Republicans were worried about the potential for Black political power to lead to demands for reparations

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- 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
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## 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
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- 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.
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- 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
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- Senators from the West were apprehensive that it would enfranchise the Chinese
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## Opposition on other grounds to the 15th

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  - 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
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  - 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**

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# **Amendment XV**

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### **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.**

- It is a remarkable fact that the Wilson amendment (or some variant thereof) came so close to passage
  - 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

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# The Right to Vote in the Constitution

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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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Source: [www.ourdocuments.gov/documents/federal-elections-bill](http://www.ourdocuments.gov/documents/federal-elections-bill)

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- 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.
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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

- 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.
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- 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 generated little support
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# 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

Source: [www.ourdocuments.gov/documents/election-margins](http://www.ourdocuments.gov/documents/election-margins)

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## **Corporate interests v. workers and farmers**

- Continued uncertainty about the proper role of the state
- Corporations became more powerful in light of industrialization
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## Growing American Cities

- In 1870, only New York and Philadelphia had populations greater than 500,000;
- By 1910, there were eight, three of which contained more than a million people
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## Immigrants and labor

- What these Americans most feared was the extremely rapid growth of an immigrant working class.
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- Between 1865 and World War I, nearly twenty-five million immigrants journeyed to the United States
  - 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
- A growing numbers of southern and eastern Europeans came. They:
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# Immigrant electoral behavior

- To many old-stock Americans, the mass of immigrant workers was an unwelcome addition to the electorate
  - immigrants were seen as being:
    - poor
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    - unassimilated
    - radical
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## More objections to immigrant voting

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  - \* electoral outcomes were twisted by “naturalization mills” that, with the aid of “professional perjurors and political manipulators,” transformed thousands of immigrants into citizens in the weeks before elections
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- The terms of public discussion were being set by men who believed that *universal suffrage* had failed, and that it was neither viable nor desirable in the socially heterogeneous, industrial world of the late nineteenth century

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Source: [www.pbs.org/wgbh/americanexperience/article/exploring-the-origins-of-partisan-politics/](http://www.pbs.org/wgbh/americanexperience/article/exploring-the-origins-of-partisan-politics/)

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- Economic qualifications continued to offer opponents of universal suffrage a direct and potentially efficient means of winnowing out undesirable voters
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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

- 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
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## Shifting partisan winds

- National elections were extremely close and fiercely contested in the late 1870s and 1880s
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Source: [www.ourdocuments.gov/documents/federal-elections-bill](http://www.ourdocuments.gov/documents/federal-elections-bill)

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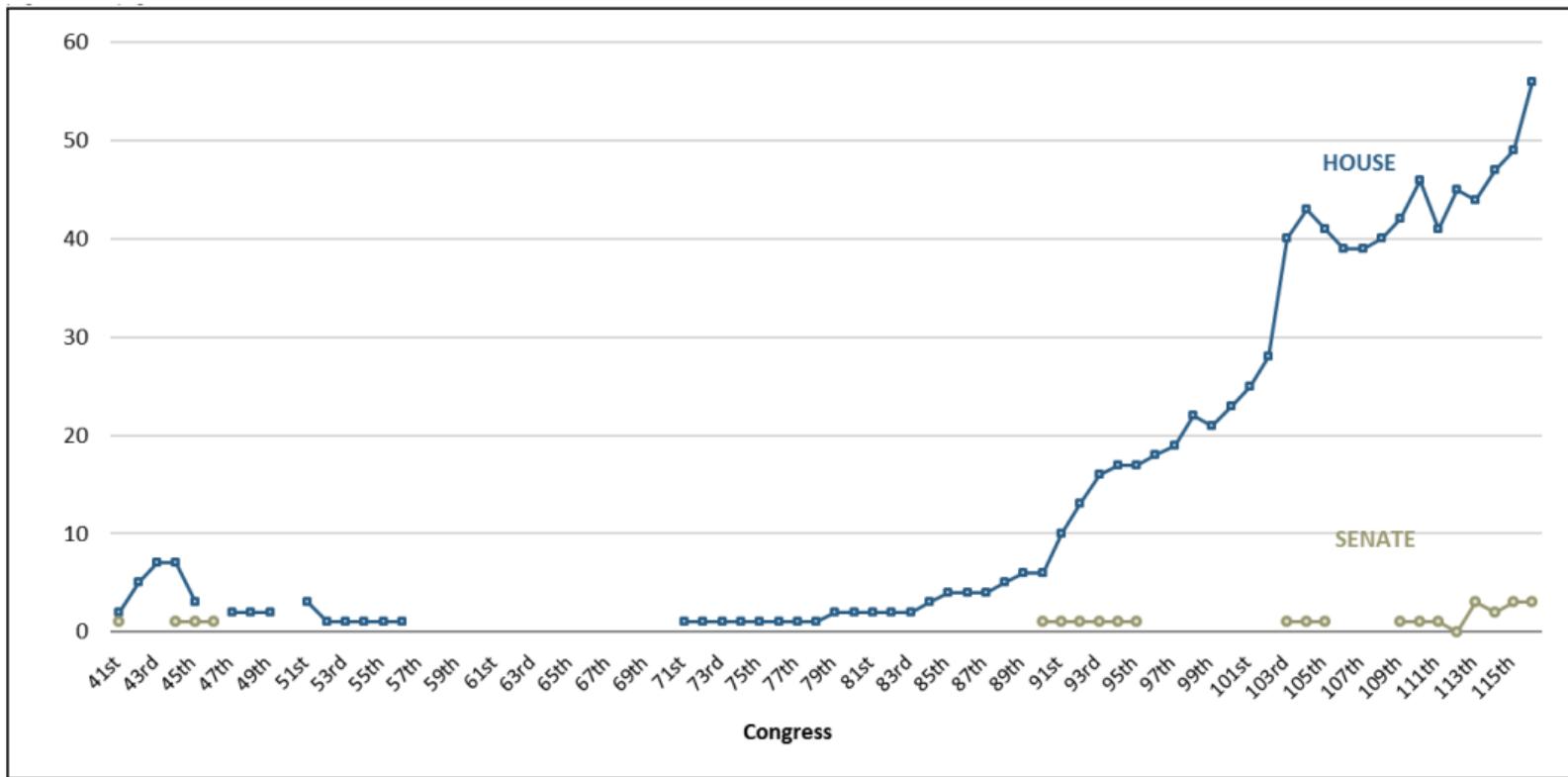
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# Black members of Congress



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Total Number of African American  
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- These provisions included:
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  - Literacy tests served that goal well, since 50 percent of all Black men (as well as 15 percent of all whites) were illiterate
  - 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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## 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.*

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  - 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.
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  - 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
  - The Civil Rights Cases (1883) held that the 14th Amendment did not prohibit states from passing laws that denied African Americans equal protection under the law.
  - Plessy v. Ferguson (1896) held that the "separate but equal" doctrine was constitutional.
- The North 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

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# 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

Source: [www.ourdocuments.gov/documents/election-margins](http://www.ourdocuments.gov/documents/election-margins)

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## **Issues that were important**

- The issues animating political life were high stakes
  - The rapid spread of industrialization and 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
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## **Corporate interests v. workers and farmers**

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- Corporations became more powerful in light of industrialization
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  - The tone of political life shifted, although the dominant issues (industrialization) remained the same
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↳ Republicans controlled Congress and the White House

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## Growing American Cities

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- By 1910, there were eight, three of which contained more than a million people
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## Immigrants and labor

- What these Americans most feared was the extremely rapid growth of an immigrant working class
- The flow of immigrants that had begun in the 1840s resumed quickly after the Civil War
  - \* the nation's expanding industries needed labor
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- Between 1865 and World War I, nearly twenty-five million immigrants journeyed to the United States
  - 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
- A growing numbers of southern and eastern Europeans came. They:
  - By 1910, most urban residents were immigrants or the children of immigrants, and the nation's huge working class was predominantly foreign-born, native-born of foreign parents, or Black

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# Immigrant electoral behavior

- To many old-stock Americans, the mass of immigrant workers was an unwelcome addition to the electorate
  - immigrants were seen as being:
    - poor
    - uneducated
    - unassimilated
    - radical
  - They were also radicals (socialist in later decades) who:
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## More objections to immigrant voting

- They purportedly were prone to voting illegally, irresponsibly, and against the interests of their betters
- Charges of corruption and naturalization fraud were repeated endlessly
  - \* electoral outcomes were twisted by “naturalization mills” that, with the aid of “professional perjurors and political manipulators,” transformed thousands of immigrants into citizens in the weeks before elections
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## Decline of democracy

- Within a few years of passage of the **Fifteenth Amendment**, a significant segment of the intellectual community was announcing its distrust of democracy and rejecting the claim that suffrage was a right
- The breadth of the franchise –particularly extension of the franchise to the poor, uneducated, and foreign-born– was once again a live issue
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## Reforms to strengthen democracy

- Other critics were more optimistic about the possibilities of changing the size and shape of the electorate
- Some advocated reinstating property and tax qualifications or imposing literacy tests on prospective voters
- More subtle approaches also were proposed, including

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# Purifying the Electorate

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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
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# Money and the Vote

## Economic qualifications

- 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 two purposes:
  - It was a way to keep the poor from voting.
  - It was a way to keep African Americans from voting.
- In the North, a poll tax was used by the Republicans to disenfranchise the poor, often immigrants, who more often than not supported Democrats

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- Beginning in the 1890s, the nation witnessed the growth of a significant movement to **restrict immigration altogether**
  - \* widespread middle-class anxiety about the impact of the foreign-born on politics, particularly urban politics
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  - beginning with Idaho territory in 1874, states that had permitted non-citizens to vote began to repeal their declarant alien provisions
  - picked up steam in the wake of the depression of the 1890s and the assassination of President McKinley by an immigrant in 1901
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# Immigrant Voters

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  - Required naturalized citizens to present their naturalization papers to election officials before registering or voting
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## Reducing immigrant voting

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## Purpose of the laws

- These laws were unabashedly aimed at making it more difficult for men and women to become citizens, and by all accounts they succeeded, reducing the proportion of immigrants who could vote
- The most controversial reform of the immigration laws was the imposition of a literacy or education test for admission to the United States
  - \* support of a unique coalition of northern professionals, many Republicans, southern Democrats, anti-Catholics, anti-Semites, and the American Federation of Labor

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## Asian immigrants

- Intense apprehensions about poor European immigrants may have been, they paled in comparison to American attitudes toward the Chinese and other east Asians
- By the final quarter of the nineteenth century, most Americans (and especially those on the West Coast) wanted not only to keep the Chinese from voting but to halt Chinese immigration and even deport those who were already here
  - \* feared because of their willingness to work for low wages
  - \* despised for racial and cultural reasons
- The Chinese had never been a significant political presence because they had almost always been treated as nonwhite and therefore ineligible for citizenship
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*A knowledge of the language of our laws and the faculty of informing oneself without aid of their provisions, would in itself constitute a test, if rigorously enforced, incompatible with the existence of a proletariat.*

– Charles Francis Adams, Jr. “Protection of the Ballot” (1869)

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## Justifications for literacy tests

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- The adoption of the secret or Australian ballot was an indirect and limited means of promoting a literate electorate
- Australian Ballot first appeared in Australia in 1856 and then was implemented in England in 1872
- For much of the nineteenth century, voters had obtained their ballots from political parties

The secret ballot, also known as the Australian ballot, is a method of voting where the voter's choice is concealed from the poll workers. This method was first used in Australia in 1856 and later adopted in the United States in 1872. It is now used in many countries around the world. The secret ballot is considered to be a more democratic way of voting because it allows voters to express their true preferences without fear of being influenced by others. It also helps to prevent voter suppression and other forms of electoral manipulation.

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## Australian ballot

- The Australian ballot was an effort to allow people to freely support whoever they wanted and from corruption and intimidation
  - It was a standard ballot, usually printed by the city or state, containing the names of all candidates for office
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  - Northern Democrats, who counted the urban poor among their constituents, generally voted against education requirements
  - So too did politically organized ethnic groups, regardless of their party affiliation, which helps to explain why no English-language literacy tests were imposed in the Midwest
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Source: Wikipedia

http://en.wikipedia.org/wiki/Literacy\_test#cite\_note-13

http://en.wikipedia.org/wiki/Literacy\_test#cite\_note-14

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## Literacy test effects

- The potential impact of these literacy laws—all of which were sanctioned by the courts—was enormous.
- According to the census (which relied on self-reporting), there were nearly five million illiterate men and women in the nation in 1920
  - \* this was roughly 8 percent of the voting-age population
- Other sources suggest that in fact the figure was much higher
- A reasonable estimate is that a minimum of several hundred thousand voters—and likely more than a million—were barred by literacy tests outside of the South

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## Migrants and Residents

- The difficulty of defining or establishing residence was becoming more complex
  - in Boston, only 64% of residents who lived there in 1880 still lived there in 1890
- There was an increasingly accepted legal notion that sheer physical presence in a community for a specified length of time was not sufficient for a person to be considered a resident
  - In 1880, the U.S. Census defined a resident as someone who had been living in a place for at least six months.
  - By 1900, the definition had changed to one year.
- Courts found themselves evolving criteria to gauge the intentions of both individuals and groups (such as ministers and railway workers, who were often on the move) as they tried to apply broadly stated laws to extremely varied situations.
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## Migrants and Residents

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  - in Boston, only 64% of residents who lived there in 1880 still lived there in 1890
- There was an increasingly accepted legal notion that sheer physical presence in a community for a specified length of time was not sufficient for a person to be considered a resident
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## **Education and residency**

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  - for men and women who were temporarily away from home but intended to return
- The Civil War and the desire to permit soldiers to vote during the war severed the link between voting and physical presence in a community
- World War I added a new urgency to the issue, since nearly three million men were inducted into the army
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# voter Registration

## Keeping Track of Voters

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- Men who sought to vote were not obliged to take any steps to establish their eligibility prior to election day
- Between the 1870s and World War I the majority of states adopted formal registration procedures, particularly for their larger cities
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## Political fights over the rules

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  - when the Republicans were able to, they passed laws closing the polls at sunset on the grounds that illegal voting was most likely to occur after dark
  - the Democrats protested that “sunset laws” kept workers from voting, and when in power, they extended the hours into the evening
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## Early Nineteenth Century Democracy

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- In the North and West, exclusions were on a smaller scale, but still numerous:
  - depending on the state or city in which he lived, a man could be kept from the polls because:
    - \* he was an alien
    - \* a pauper

• In the South, however, there were many more restrictions on voting rights.

• These restrictions were often referred to as "Jim Crow laws".

• Jim Crow laws were laws that discriminated against African Americans.

• These laws were passed in the late 1800s and early 1900s.

• They were used to keep African Americans from voting.

• Some of the laws included:

- Poll taxes
- Literacy tests
- Grandfather clauses
- White primaries
- Segregation

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• It can be no surprise, in light of this legal history, that turnout at elections dropped during the latter half of this period.

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    - could not read or write
    - had moved from one state to another in the past year
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## Root Causes of regression

- Those who wielded economic and social power in the rapidly changing late nineteenth century found it difficult to control the state (which they increasingly needed) under conditions of full democratization
- In the South, the abolition of slavery, coupled with the beginnings of industrialization and the compelling need for a docile, agricultural labor force, created pressures that overwhelmed fledgling democratic institutions
- In the North and West, the explosive growth of manufacturing and of labor-intensive extractive industries generated class conflict on a scale that the nation had never known
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# North and South Differences

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  - What transpired in the southern states was far more draconian, sweeping, and violent
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- Both North and South, however, the legal contraction of the franchise made a difference
- Millions of people (most of them working class and poor) were deprived of the right to vote in municipal, state, and national elections
  - \* Their exclusion from the electorate meant that the outcomes of innumerable political contests were altered
  - \* different policies were put into place
    - Jim Crow laws
    - Segregation
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- Many of the core institutions of the modern American state—stitutions built and solidified between Reconstruction and World War I were shaped and accepted by a polity that was far from democratic

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- The broad antebellum impulse toward democratization helped to fuel the movement for women's rights
- decades later, the reaction against universal suffrage retarded its progress
- Black suffrage and women's suffrage were closely linked issues everywhere in the 1860s and in the South well into the twentieth century
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- the voting rights of immigrants and the poor pressed repeatedly against the claims of women in the North and West
- Women were not a socially segregated group:
  - they were black and white
  - rich and poor
  - foreign-born
  - native

# From Seneca Falls to the Fifteenth Amendment

- The movement to enfranchise women in the United States had its legendary beginnings at a convention held in July 1848, in the small town of Seneca Falls, New York
- The convention was held in a local church
  - attracted nearly three hundred people, including many men
  - After two days of discussion, one hundred of the participants signed and adopted a "Declaration calling for equal rights for women, including the right to vote in the elective franchise"
- Declaration of Sentiments
- Laws made only by men, the declaration detailed, relegated women to an inferior place in the social, civil, and economic order

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- Declaration of Sentiments
  - A formal statement of principles and demands presented by the convention
  - The document asserted that women were entitled to the same basic rights as men
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## Why no female franchise?

- Although women were regarded as intelligent adults, they were viewed as having capacities different from those of men
  - capacities appropriate to private life and the domestic sphere rather than the public world of politics
- Women were treated in law as members of families rather than as autonomous individuals
  - women did not have the right to sue or be sued in their own names; they could not make contracts, hold property, or receive wages in their own names
  - Women did not seem (to men) to be endangered by their inability to vote
- Nowhere did the enfranchisement of women seem likely to vest Republicans or Democrats with any discernible partisan advantage

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# The timing of Seneca Falls and the Rise of Suffrage

- Women remained outside the polity throughout the first half of the nineteenth century, and efforts to promote their inclusion were rare
- The decades preceding Seneca Falls had witnessed:
  - \* the expansion of an urban and quasi-urban middle class in much of the North who valued and embraced an expansion of civil, economic, and political rights
  - \* the number of women in the paid labor force increased sharply
  - \* the growth of a women's movement that demanded greater educational opportunities for women
  - \* the formation of the American Anti-Slavery Society
- The termination of property and taxpaying restrictions on voting and debates about the enfranchisement of aliens and African Americans, threw open the logical and rhetorical doors to the further expansion of suffrage.

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## After the Civil War

- As the war ended and Reconstruction began, leaders of the suffrage movement were optimistic
- The public embrace of democracy was as broad as it ever had been
  - \* the war and the plight of former slaves had energized the language of universal rights
  - \* the Republican Party, home of the staunchest advocates of civil and political rights, was firmly in power
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## **Pushback happens immediately**

- Within months of the war's end, Republican leaders and male abolitionists began to signal their lack of enthusiasm for coupling women's rights to black rights
- "One question at a time. This hour belongs to the negro." - Wendell Phillips
- The Fourteenth Amendment disheartened suffragists and made clear that the Republican Party could not be counted on to promote suffrage for women

After the Civil War, the 14th Amendment was ratified, giving former slaves the right to vote. The 14th Amendment also prohibited states from denying any person equal protection under the law.

- the number of Republicans committed to enfranchising the former slaves was growing rapidly, but many of these men, whatever their personal convictions, feared that this goal would be jeopardized by simultaneously pursuing the controversial cause of women's suffrage

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- With the passage and ratification of the Fifteenth Amendment in 1869 and 1870, the causes of black (male) and women's suffrage were decisively severed
- the national drive for suffrage expansion, beginning with Seneca Falls, came to a close
  - the status of women at best unchanged;
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- Some suffragists turned briefly to a legal strategy for gaining the right to vote
- The *Fourteenth Amendment*, which declared that “all persons” born or naturalized in the United States were citizens of the nation and the state in which they resided
  - Women, as “persons,” were unquestionably citizens
  - the Fourteenth Amendment, or citizenship clause, of the Constitution, therefore, already guaranteed women the right to vote in federal elections
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## Minor v. Happersett (1875)

- In 1872, Virginia Minor sued a St. Louis registrar who prevented her from registering to vote. She Claimed:
  - they infringed on Virginia Minor's right of free speech, which was protected by the First Amendment
  - they violated the *Fourteenth Amendment*'s command that states not abridge the "privileges or immunities" of citizens of the United States.
- Voting, the Minors claimed, was one of those privileges
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- Although the argument was a coherent one, the justices of the Supreme Court unanimously disagreed
- **Upholding a lower court decision, they ruled in 1875 that suffrage was not coextensive with citizenship and thus that states possessed the authority to decide which citizens could and could not vote**

## Another Legal Challenge

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## Suffrage Convictions

- Supporters of women's suffrage sincerely and deeply believed not only in the rightness of their cause but in the power of their simple egalitarian arguments: women were capable adult citizens and as such ought to be able to choose the lawmakers and laws that governed them
- Suffragists lived in an era when a righteous cause –the abolition of slavery– that had triumphed over ferocious, entrenched opposition
- They had witnessed not only the end of slavery but also an extraordinary transformation of popular views and laws regarding Black suffrage

- If one accepted the premise that voting was a right, natural or otherwise, it was not a long leap from black to women's suffrage
- Black suffrage triumphed (albeit temporarily) not because the polity had become convinced of the virtues of equal rights or universal suffrage but due to the unique political exigencies of Reconstruction and the political goals of the Republican Party

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NWSA



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- Proposed Amendment: "the right of suffrage in the United States shall be based on citizenship" and that "all citizens... shall enjoy this right equally without any distinction or discrimination whatever founded on sex"
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- Utah did the same in 1870 and 1896 (interrupted by a brief period when the federal government stripped Utah's women of the suffrage as a curious step in its effort to rid the territory of polygamy)
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## Partial enfranchisement

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  - permitted women to vote in
    - \* municipal elections
    - \* on liquor licensing matters
    - \* on school issues
  - The most common form of partial enfranchisement involved schools
- In the 1880s and 1890s, women in a few states were granted the right to vote in municipal elections, or if they were taxpayers, to vote on tax and bond issues

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## Essentialist argument

- A more essentialist strand of argument: that women possessed particular qualities or virtues that would improve the character of politics and governance
  - were embraced by many male politicians who seemed more comfortable stressing women's unique virtues rather than their similarity to men
  - women would elevate the tone of politics
  - would be less corruptible and more likely to promote policies favoring social justice, peace, and sobriety
- This argument became preeminent by the end of the 1870s
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## Less noble reasons for suffrage

- At times in the 1870s and 1880s, this rationale went a giant step beyond fairness and acquired a more overtly politicized, racist edge
  - female suffrage would benefit society because white native-born women outnumbered—and would outvote—blacks, the Chinese, aliens, or transients
  - the political dominance of “Americans,” therefore, would be insured by the enfranchisement of women
- Proponents of expansion rarely argued that women lacked the intelligence to participate in politics or that their enfranchisement would damage the political order
- Also invoked repeatedly the notion that voting ought to be linked to military service

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- Opponents further insisted that voting was not a natural right and that women did not need to vote because their civil rights already were amply protected
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  - \* admitting women into the public arena would encourage promiscuity, undermine the purity of women, and expose them to the irresistible predations of men
  - \* the sexual charms and selectiveness of women would distort the ways in which men voted
  - \* women would be less likely to marry and have children, leading to a decline in population

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- The movement was slow to gather steam in the South
  - \* suffrage organizations were far smaller and less visible than in the North
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- The West was unusually receptive
  - All of the states that fully enfranchised women in the 1800s were west of the Mississippi, as were most states that held suffrage referendum
- What seems to have tipped the balance in a handful of western states was a combination of several additional ingredients:
  - The West had a much smaller industrial working class than the East and Midwest.
  - The West had a more homogeneous population, with less social stratification.
  - The West had a more open society, with less social hierarchy.
  - The West had a more democratic political culture, with less political corruption.
- Most western states between 1850 and the 1890s did not experience the massive growth of an industrial working class that triggered such an antidemocratic reaction in the East and Midwest.

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  - the desire to encourage settlement
  - the influence of the National Woman Suffrage Association, which had a strong presence in the West
  - the lack of a large industrial working class in the West, which was a key factor in the East and Midwest
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  - They stressed instead the more palatable essentialist theme that feminine qualities would be a welcome addition to the polity
- Essentialist emphasis was reinforced by the increasingly common claim that women had distinct economic and social interests that could only be protected by possession of the right to vote
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  - Although the issue was raised repeatedly in state legislatures and constitutional conventions, there were no new additions to the suffrage column
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- Whatever its statistical validity, the anti-Black, anti-immigrant, and anti-working class argument in favor of women's suffrage was inescapably weakened by its own *internal contradictions*
- An **antidemocratic** argument in favor of enlarging the franchise could neither overwhelm nor outflank the simpler, more consistent conservative view that the polity should be as *narrowly circumscribed* as possible

## A Mass Movement

- Shifts were under way that would soon change the movement's direction and fortunes;
- The first decade of the twentieth century proved to be less a period of failure than of fruitful stock-taking and coalition building
- The movement became socially and ideologically more diverse, attracting both elite and working-class supporters to complement its middle-class base Female workers
- By 1900, roughly one fifth of the labor force was female, and many of these women held poorly paid, semiskilled jobs
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  - that meant emphasizing *class* as well as *gender* issues
- Working women as well as their activist leaders displayed new interest in acquiring the right to vote
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## State-level Victories

- Thanks in part to this convergence of working-class interest in suffrage with the suffragists' interest in the working class, the campaign for women's suffrage became a mass movement for the first time in its history after 1910
- The movement also began to win some new victories
  - Washington permitted women to vote in 1910, followed by California in 1911, and Arizona, Kansas, and Oregon the following year; Illinois, in 1913, decided to allow women to vote in presidential elections and for all state and local offices not provided for in its constitution; and the next year, Montana and Nevada adopted full suffrage.
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- After 1910, Socialists began to campaign vigorously for the ballot
  - In 1910, President William H. Taft agreed to address the annual convention of NAWSA
  - Also in 1910, a petition favoring a federal amendment was signed by more than 400,000 women and was presented to Congress
  - In 1912, the Progressive Party endorsed women's right to vote
  - In March 1913, Woodrow Wilson's inauguration was partially eclipsed by a suffrage parade of 5,000 women in Washington
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The Nineteenth Amendment 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 sex** Section 2: **Congress shall have power to enforce this article by appropriate legislation**

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- Although some (but not many) Black women were able to register to vote
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Source: [www.pbs.org/wgbh/americanexperience/article/excerpts/southern-power.html](http://www.pbs.org/wgbh/americanexperience/article/excerpts/southern-power.html)

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① The fear of the unknown

\* no one knew, especially in the nineteenth century, exactly what would happen if women voted

② The persistence of deeply ingrained standards of femininity and masculinity that appeared to be threatened by the prospect of women voting

③ The coincidence of historical timing that brought the issue of women's suffrage to the fore just as faith in broadly distributed political rights was beginning to diminish

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