NEGRO SUFFRAGE IN THE SOUTH, 1870-1900

by

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PREFACE

The Negro was enfranchised for the aggrandizement of the Republican party; and also, because the Southern states had resisted the mode of reconstruction first tendered them, thus forcing Congress to confer civil rights as well as suffrage upon the emancipated slaves. The disfranchising of the blacks served the interests of the Democrats in protecting themselves from the Negro's indiscriminate use of the ballot and in holding all political power within the "white circle" of the South. Throughout the period, 1870 to 1900, the Negro was the victim of circumstances.

To trace the movement for the disfranchising of the Negro in the Southern states by fraudulent, forceful and legal means is the primary object of this study.

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CHAPTER I

INTRODUCTION

In the Constitutional Convention of 1787, the suffrage question received considerable attention. Some members of the Convention favored national control of the ballot while others believed that it was a matter which should be left entirely to the states.[1] This latter view

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1 J. A. Hamilton, Negro Suffrage and Congressional Representation (New York, 1910), 17.

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was adopted in Article 1, Section 2, Clause 1 of the Constitution which states that "Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature."

The privilege of voting is not granted or guaranteed by the Constitution of the United States[2] nor does it determine who shall vote.[3]

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2 Minor v. Happersett, 21 Wallace 165 (1875).

3 In re Green, 134 U. S. 377.

In several cases the courts have upheld the right of the states to control the franchise.[4] A state may grant or restrict the use of the ballot so

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4 Spragins v. Houghton, 1840; Anderson v. Baker 1865; Huber v. Reiley, 1865.

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long as it does not deny it because of race, color or previous condition

of servitude.[5]

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5 Amendment XV.

During and after the Civil War the plan of the Radicals in Congress to extend the suffrage to the Negroes in order that they might have an effective voice in the government, prevailed as a party policy. The post-bellum days were filled with bitter sectional prejudice and Southerners resented the treatment accorded them during the period of reconstruction. Politically the country was a unit, yet it was divided into two distinctly hostile groups.[6]

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6 J. A. Hamilton, op. cit., 48.

Though the states had abolished slavery, they by no means recognized the Negroes as political, social or economic equals. Laws, known as "Black Codes" were enacted during the period of reconstruction. These were designed to assist the Negroes in their transition from slavery to citizenship. In general, these Codes required the Negroes to settle down to regular family life, to hold property and to testify in courts. They furthermore forced them to work, to make written labor contracts and to fulfill them or suffer the consequences. Some attempt was made to provide for Negro education, to apprentice pauper Negro children and to protect the ignorant blacks from exploitation by unscrupulous persons. These laws, while helpful, were frowned upon because of the discrimination contained therein. Intermarriage of the races was strictly forbidden, separate schools were to be provided, whites and Negroes were not to ride in the same railway car or

attend the same theatres.[7] The Radicals made use of these Codes in

7 W. L. Fleming, History of Reconstruction I, 243-244. Cited in W. A. Mabry, The Disfranchisement of the Negro in the South (Durham, N. C., 1933), 15.

pointing out the necessity of subjugating the South.[8]

8 J. G. Blaine, Twenty Years in Congress II, (Norwich, Conn.),

Abuses in regard to the Southern Black Codes were constantly emphasized while their merits were obscured; and Congressmen frequently argued that Negro rights were insecure unless placed under Federal jurisdiction. With this justification, along with party advantages, the Radicals succeeded in passing the Civil Rights Bill of April 9, 1866. This bill secured protection against discriminating state legislation to the freedmen through the normal action of the courts.[9] The law maintained

9 W. A. Dunning, Reconstruction Political and Economic, 63.

the right of Federal interference in state matters and prepared the way for the adoption of the Fourteenth Amendment. Persons, born in the United States and not subject to any foreign power, were, in general, declared citizens of the United States, with the exception of Indians not taxed. Such persons, regardless of race and color, were assured the right in every state to sue, to give evidence, to inherit, hold and convey property and have a just claim "to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens". For depriving citizens of their equal rights

the offender in every state was made punishable by fine and imprisonment. Furthermore, the Federal courts were given unrestricted jurisdiction over such offenders. Military and naval forces of the Federal government were made available for enforcing the measure and final appeal was to be made to the Supreme Court of the United States.[10]

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10 J. G. Randall, Civil War and Reconstruction (Chicago, 1937), 734.

For fear that the Supreme Court would eventually declare the Civil Rights Bill unconstitutional, its principles were embodied in the organic law. Thus the Fourteenth Amendment arose out of this bill which was pronounced non-enforceable and contrary to the decision of the Supreme Court in the Dred Scott case, that Negroes were not citizens. Since this decision was law until distinctly reversed, the Amendment was drawn up with the first clause clearing away that decision.

Congress had several motives in view for submitting the first section of the Fourteenth Amendment. It wished to make the Bill of Rights binding upon the states, give validity to the Civil Rights Bill and declare who were citizens of the United States.[11] Citizenship was defined: "All

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11 R. E. Flack, The Adoption of the Fourteenth Amendment, (Baltimore, 1908), 94.

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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." Next came the provision which prohibited a state from abridging the privileges and immunities of citizens of the United States depriving "any person" of life, liberty or property without "due

process of law," or denying to "any person" the equal protection of the laws.[12] Although the words "Negro", "race" or "color" do not appear in

12 J. G. Randall, op. cit., 736.

the first section of the Fourteenth Amendment, the legislators did have the Negro in mind and as such the court understood it.[13] In the second

13 G. T. Stephenson, op. cit., 107.

section the amendment dealt with the question of apportionment, and combined it with that of Negro suffrage in such a way that the additional representatives due to the South as a result of emancipation could be secured only through enfranchisement of the freedmen, while, conversely, the failure to enfranchise would entail a loss of representatives.[14]

14 W. A. Dunning, op. cit., 67.

This section had a two fold purpose. It offered a possible check to the increased representation that would result from the emancipation of the Negroes of the South. In addition, it was so framed as to make it the political interest of the once slaveholding States to admit their colored population to the right of suffrage.[15]

15 J. G. Randall, op. cit., 737.

Negro suffrage was not positively imposed by this amendment. Reconstruction leaders were still acting upon the principles that suffrage rested with the states. They were not as yet ready to write Negro

suffrage, clearly and sincerely, into the Constitution.

Urged on by the action of the Southern states in rejecting the proposed Fourteenth Amendment, Congress, when it met in December, 1866, proceeded to divide the ten remaining seceded states into ten military districts. Military law now protected everybody in the enjoyment of the rights of person and property and supervised the registration and voting of all men without regard to race or color.[16] The

16 B. G. Brawley. A Short History of the American Negro. (New York, 1913), 122.

Reconstruction Act of Congress, March 2, 1867, definitely settled Negro suffrage upon the South.[17] This famous law consisted of two distinct

17 William Macdonald, Select Statutes and Other Documents. (New York, 1903), 156.

parts: five of its six sections provided for the establishment and administration of a rigorous military government, while the remaining section, the fifth, declared that the restoration of the states should be effected only after reorganization, on the basis of general Negro enfranchisement and limited rebel disfranchisement. As a justification for the military rule, it was declared in the preamble that "no legal state governments or adequate protection for life or property" existed in the "rebel states", enumerated.[18]

18 W. A. Dunning, op. cit., 93.

The fifth section of the act, which set forth the conditions on

which the "rebel states" might be restored to representation, embodied the triumph of the Radicals in respect to Negro suffrage. The Act as passed declared that any rebel state, in order to become entitled to representation in Congress and to exemption from military rule, must conform to the following requirements: a convention must be held, consisting of delegates "elected by the male citizens of whatever race, color or previous condition", a constitution must be framed embodying the same rule of suffrage, this constitution must be ratified by the people and approved by Congress, and the legislature elected under this constitution must ratify the Fourteenth Amendment.[19]

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19 Ibid., 95.

The Southerners had disbanded their armies, repudiated the Southern debt, solemnly renounced secession and had accepted the anti-slavery amendment. This they thought would be the end. Then came the Fourteenth Amendment. Here the Southerners balked. Their legislatures refused ratification. Now in March, 1867, when a supposedly comprehensive reconstruction bill was passed, Southern citizens were not only mystified as to its meaning, but were left in doubt as to whether, after all these new conditions had been fulfilled, they would then actually be readmitted to the Union. Of itself the reconstruction act accomplished nothing except to create confusion and resentment in the South.[20]

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20 J. G. Randall, op. cit., 756.

The attitude of the South emphasized the fact that, unless additional warrant should exist for further interference of Congress in the Southern states, Negro suffrage would be doomed. This situation emphasized

the need of supplying a new basis for the continuance of Congressional control over the suffrage within the Southern states and cleared the way for the Fifteenth Amendment. This amendment provided that "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." It did not confer suffrage upon the Negro or upon any one except indirectly since in the extension of the franchise Negroes may not be excluded.

It is interesting to note that Oliver P. Morton, co-leader with Sumner of the Radicals in the Senate, pointed out, in the course of debate on the Fifteenth Amendment, the possibility of just what was to happen in the south. Morton said,

> This amendment leaves the whole power in the states just as it exists now except that colored men shall not be disfranchised for the three reasons of race, color or previous condition of slavery. They may be disfranchised for want of education or for want of intelligence. The States of Louisiana or Georgia may establish regulations upon the subject of suffrage that will cut out 49 out of every 50 colored men in the South from voting and what may be done in one of these States may be done in others..... Sir, if the power should pass into the hands of the conservative or Democratic population of those States, if they could not debar the colored people of the right of suffrage in any other way they would do it by an educational or property qualification.[21]

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21 Congressional Globe, 40th Cong., 3rd sess., pt. 2, 863. The bill which Morton discussed was the same as the final form of the Amendment except for the words, "and hold office" following the word "vote."

Since the restoration of the Southern states to home rule in the 1870's, Negroes in those states have largely been kept from the polls by various

well known devices so framed as to present a technical obedience to the Fifteenth Amendment while thwarting its intended effect. These devices form the subject matter of the following chapters.

CHAPTER II

RESTORATION OF THE SOUTHERN STATES TO HOME RULE

1870-1877

As the years passed, there was a growing disposition to leave the Southern state governments to take care of themselves. The Federal government showed less readiness to call out troops to supervise elections. The North had grown weary of the fight for the Negro. Perhaps Stevens, Sumner, Butler and former anti-slavery leaders could have gone on with it, but younger people, with less zeal for the Negro, took their places. Loyal party men, they were practical politicians who cared more about industrial interests in the North than about Radical governments in the South.

In the meantime, the progress of the Southern movement was aided by the wholesale removal by Congress of the political disabilities of the Southern whites and the division of the Southern Republicans into radical and conservative wings, the latter of which joined Democratic party organizations. One by one the Southern states returned to "home rule" and the heyday of Negro suffrage was over.

On September 13, 1870, Democratic delegates of Tennessee assembled in a state convention at Nashville to write a new constitution for the State. The provisions for the suffrage presented the most serious problems to the delegates. The result reached was the virtual enactment of the provisions of the old constitution with the addition of the poll tax.

Virginia was spared most of the horrors of reconstruction by having preferred military rule to the "Underwood" Reconstruction Constitution until most of the obnoxious clauses were removed in 1870. The Negroes constituted a minority of the population, so the State as a whole was not threatened with Negro rule. Garrymandering and other such legislation was effective in cutting down the Negro vote in the black counties.[1]

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1 W. A. Mabry, Disfranchisement of the Negro in the South. (Durham, N. C., 1933), 380.

The reported disorders in North Carolina during the year 1870, were produced by the alleged outrages of the "Ku-Klux" and the efforts on the part of the State government to suppress them. On the 4th of August, 1870, an election for members of the Legislature was held and resulted in the success of the Democratic party.[2]

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2 Appleton's Annual Cyclopedia, 1870 (New York, 1870), 553.

Scarcely had Georgia re-entered the Union, before a movement was started to hold a Constitutional Convention to replace the so-called carpet-bag constitution of 1868. In a popular referendum the calling of the convention was carried by only a 9,000 majority.[3] The Republicans

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3 E. M. Coulter, A Short History of Georgia, (North Carolina, 1947), 398.

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hoped to retain their authority but Governor Rufus B. Bullock stated that, "If we lose the State in a fair election, though it may be dis-

agreeable, yet we shall have no reason to complain." The election placed the Democrats in power.[4]

4 Appleton, op. cit., 340-341.

Texas had a small proportion of Negroes to the total population and placed few direct obstacles in the way of Negro voters, up until the period of the white primary.[5] The election in Texas, held on December 2,

5 Paul Lewinson, Race, Color and Party, (New York, 1932), 104.

1873, resulted in the success of the entire Democratic ticket.[6]

6 Appleton, op. cit., 1873, 739-740.

Arkansas joined the procession of the redeemed in 1874. For six years that State had been the happy hunting ground for the adventurers. Firm, determined and with Augustus H. Garland at the head, the Democrats sought to deliver the State from the hands of public enemies. The game was played well and Garland swept the state.[7]

7 C. G. Bowers, The Tragic Era, (Massachusetts, 1929), 430.

In the same year the reconstruction government of Alabama was overthrown. With a perfect organization, the Democrats were abundantly supplied with money, for every white man contributed to his limit, and Northerners with Alabama investments increased the fund irrespective of politics. Tons of literature deluged the State. Every one who could took to the stump and all but ten of the seventy-five lawyers of Montgomery

were busy on the platform.

Through it all the Democrats measurably respected the injunction against physical conflicts. But Grant, thoroughly aroused by the threat of defeat, ordered Secretary Belknap to hold troops in readiness to deal with the "atrocities" in Alabama. The Attorney-General began urging the Enforcement Act and within a month, the State was overrun with deputy marshals, agents of the Department of Justice, and secret-service men, many of the lowest order. Wholesale arrests began. Whipped by such persecution into a frenzy of determination, the people rose and marched en masse, to the polls, defying the attempts at intimidation, and electing Houston and a Democratic Legislature. They swept the carpetbaggers and scalawags from power.[8]

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8 Bowers, op. cit., 430.

In the following year, after a campaign characterized by violence, riots and wholesale intimidation, Mississippi was carried by the Democrats, who speedily got rid of three of the State officers, including the governor, by means of impeachment.

The most spectacular example of intimidation was seen in the activities of the Ku-Klux Klan. It reached the height of its artistic development in the Mississippi Plan, used in the redemption of that State in 1875. Here, intimidation was so cleverly organized and carried out that it violated no laws and at the same time produced remarkable results. There were organized all over the State, so-called rifle clubs, which conspicuously showed themselves drilling and practicing marksmanship. They left the impression every where that they believed the Negroes were arming for the election, that the whites were determined to protect them-

selves, and that they had resolved to carry the election at any cost. To make themselves more conspicuous, many of the members wore red shirts. By creating an impression that dire calamity would befall the Negroes if they should go to the polls and vote the Radical ticket, they spread terror among the colored people without having to engage in any violence at all.[9]

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9 E. M. Coulter, The South During Reconstruction, (Louisiana, 1947.) 475.

The following original scheme was resorted to at an election in Mississippi. A bright young fellow suggested the plan. For a week preceding the election, he collected, by paying for it, Negro hair from barbers serving Negroes. He got butchers to save waste blood. The night before the election, committees went out about a mile on every road and path leading to town and, scattering wool and blood generously, "pawed up the ground", with foot tracks and human body imprints. Election day dawned beautiful and bright, but not a black vote was cast, not a Negro was to be seen.[10]

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10 M. L. Avery, Dixie After the War, (Boston, 1937), 290.

Some few Negroes like H. R. Revels, U. S. Senator from Mississippi, voluntarily cooperated with the Democrats in the election for redemption, in the interest of good government.[11]

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11 J. W. Garner, Reconstruction in Mississippi, (New York, 1901), 399.

South Carolina, with its large Negro majority, suffered more of the evils of Reconstruction than perhaps any of her sister States of the South. A contemporary observer described the Reconstruction government of South Carolina as "the installation of a huge system of brigandage" and its officers as "the picked villains of the Community."[12] With

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12 J. S. Pike, The Prostrate State, (New York, 1874), 58.

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the election of Governor Chamberlain in 1874, conditions began to improve. Though a carpetbagger, Chamberlain worked for the welfare of the State, and there was talk of the conservatives supporting him for re-election in 1876. However, Wade Hampton and his supporters decided to make a conservative fight to capture the government. In spite of Hampton's admonitions to his followers to avoid violence, there were race clashes and the "Red Shirts" and conservative militiamen were most active in intimidating Negro voters. It is probable that a considerable number of Negroes voted for Hampton, so much had he won their confidence and political support.[13]

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13 Simkins and Woody, op. cit., 497-498.

Determined to capture the Legislature in the fall of 1874, the whites of Louisiana began to enroll in the White League and preparations were made for armed conflict in case of necessity. Inevitable clashes occured and Grant, ordering troops to convenient points, made the customary gesture that had served political purposes well. The climax came when the Federal officials began seizing guns assigned to citizens, and denying the native whites their constitutional right to bear arms. Indignation reached white heat - and the rising of the people came. Citizens were asked to speak,

"in tones loud enough to be heard the length and breadth of this land," and "declare that you are, and of right ought to be, and mean to be, free."[14] Again, Grant crushed the rising people. This, however, only

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14 Ella Lonn, Reconstruction in Louisiana, (New York, 1918), 269.

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intensified the determination of the people to win the election. The Democrats proclaimed their policy, to employ no Negroes who voted against them, to boycott merchants voting with the opposition, to refuse advances to planters renting land to the Radicals, to publish the names of whites voting the Negro ticket and to challenge the Radical speakers in their meetings.

Grant sent General Sheridan on a secret mission to Louisiana. He carried authority to assume command in the South and act as he saw fit. Federal soldiers with bayonets put a Radical in the chair of the House to which Wiltz, a Democrat, had been elected. Wiltz rose to the occasion with the dignity of a Hampden, protesting against "the invasion of our halls by soldiers of the United States with drawn bayonets and loaded muskets." The North too, rose in protest. It was the darkest day for the Republican Party and its hopes. To march a file of soldiers into the Representative Hall of a State could not be tolerated by the American people.[15] But in the United States Senate, Grant was voted an

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15 Bowers, op. cit., 440.

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indorsement of his action, which went on record as finding nothing in the military invasion "contrary to the spirit of Republican institu-

tions."[16] The Mississippi plan was adopted and in 1876, the Democrats

16 Ibid.

of Louisiana were at last victorious.

Solid Democratic delegations were now sent to Washington, most of the carpetbaggers returned to the North and Southern whites were left in control. The subsequent disfranchisement of the Negro race in Mississippi, Louisiana, South Carolina, Alabama, North Carolina and Virginia and the judicial approval by the Supreme Court of these disfranchising constitutions ensured the permanent rule of the white race and thus marked the final and complete undoing of reconstruction so far as its political effects were concerned.[17]

17 J. W. Garner, "U. S. - Reconstruction", The Encyclopedia Americana, XXVII, 434.

CHAPTER III

METHODS OF DISFRANCHISING NEGROES

With the coming of the Democrats to power, the Negro was forced to take a back seat politically. Since unrestricted Negro suffrage had been responsible for the evils of reconstruction, most white Southerners felt that they had been wronged by the national government in the name of their ex-slaves and that they were not morally obligated to respect the political rights which had been given over to the Negro by a Radical Congress. A close scrutiny will disclose that Southern politics, before the Civil War, had been quite free from corruption. Moreover, Southern whites had never been known for a spirit of vindictiveness toward the Negro. It is true that the former master class had been accustomed to regard the Negro as an inferior, socially, economically and politically. The spirit of the Fifteenth Amendment had never really been accepted. Negro suffrage remained a matter which was regarded as above the law. Defrauding the Negro at the polls and other illegal practices were not theoretically desirable but the end seemed to justify the means.[1] Until

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1 W. A. Mabry, The Disfranchisement of the Negro in the South. (Durham, N. C., 1933), 67.

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some other more savory device for insuring white supremacy was hit upon, irregular practices received the approval of Southern public opinion. "You can outvote us, but we can outcount you," was the typical challenge

to the Negroes.[2]

2 U. S. Senate Report No. 704, "Alabama Elections of 1874-1876" 44th Cong. 2nd sess., 19.

While Republican control was at an end, the Negro was still in possession of the ballot and his right to vote was guaranteed by both State and Federal Constitutions. In some states the potential colored vote outnumbered the total white vote; in other states, the black counties were at the mercy of Negro majorities. The South meant to have "white rule" and she proposed to save civilization at any cost.[3] Force, fraud and in-

3 A. J. McCulloch, Suffrage and Its Problems, (Baltimore, 1929), 93.

timidation had figured prominently in the return of the Democrats to power, and it seemed natural that those same means should again be employed, in the apparent absence of anything better, to keep the whites in control. One would hardly be justified in asserting that the Southern whites cheated at the polls simply for the love of cheating or merely out of hatred for the Negro.[4]

4 Mabry, op. cit., 67.

Complete disfranchisement by state legislation was viewed, at this time, with some misgivings as long as the Fourteenth and Fifteenth Amendments remained a part of the fundamental law. Until it was feasible, the Democrats contented themselves with other methods of preventing the Negro's participation in politics. There continued to be intimidation on an excessive scale, but more and more, sensitive Southerners were loathe to

depend upon night riders and Red Shirts to maintain themselves in power.[5]

5 J. H. Franklin, From Slavery to Freedom, (New York, 1947), 328.

Deprived of their accustomed leaders, many Negroes were either voted by the Democrats or induced to stay away from the polls. Election officials guilty of illegally disfranchising Negroes were not punished by the State courts, because public opinion was on the side of the offenders.[6] The spirit of unfairness manifested was unfortunate. A dele-

6 U. S. Senate Report No. 704, "Alabama Elections of 1874-1876" 44th Cong. 2nd sess., 19.

gate from Alabama declared that he would disfranchise Booker T. Washington, if he could.[7]

7 McCulloch, op. cit., 93.

Actual physical violence and threats of violence to keep the Negroes away from the polls became comparatively rare after the overthrow of the Republican government. It penetrated gradually into the consciousness of the most brutal white politicians that the whippings or murder of a Negro, no matter for what cause, was likely to become at once the occasion of a great outcry at the North, while, by an unobtrusive manipulation of the balloting or the count, very encouraging results could be obtained with little or no commotion.[8] The election machinery was in

8 W. A. Dunning, "Reconstruction and Disfranchisement", The Atlantic Monthly, LXXXVIII, (October, 1901), 443-444.

the hands of the Democrats and it was much simpler to buy, steal or fail to count the Negro's vote than to prevent him from casting his ballot. Bribery, intimidation and election frauds were more common in the lower South than in the upper South for the reason that the proportion of Negroes to whites was greater there than further North. However, it was vitiated in varying degrees in all the Southern states during the years following the end of reconstruction.[9]

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9 Mabry, op. cit., 67.

Secret societies and protective clubs spread when it became apparent to Southerners that their control was to be broken by radical reconstruction. These were the Pale Faces of Tennessee, the Constitutional Guards, and the White Brotherhood of North Carolina; the Knights of the White Camelia in Louisiana and Arkansas, the Council of Safety in South Carolina, the Men of Justice in Alabama, the Society of the White Rose, the '76 Association and The Robertson Family in Mississippi; the Knights of the Rising Sun and the Sons of Washington in Texas. Among the numerous local organizations were the White League of Louisiana, the White Line of Mississippi and the Rifle Clubs of South Carolina. Southerners expected to do by extra legal or illegal means what had not been allowed by law; to exercise absolute control over the Negro, drive him from power and establish White Supremacy.[10]

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10 Franklin, op. cit., 323.

Soon, however, all these organizations were over-shadowed by the Ku-Klux Klan which was organized in the small town of Pulaski, Tennessee, during the summer of 1866. Begun as a social club for young men, mostly ex-Confederates, the organization soon came to be used for sterner purposes. Its members perceived that their robes, hoods and other regalia when worn in public might be used to frighten the superstitious Negroes into a renewed respect for the whites.[11]

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11 E. P. Oberholtzer, History of U. S. Since the Civil War, IV (New York, 1931), 342.

The carpetbaggers were less pliable than the blacks, but where the Klan was strong, a notice to leave was often sufficient. One of these indulging in incendiary talk against his race was waited upon by members of the Klan, made to promise more carefully to guard his language and let go.[12]

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12 C. G. Bowers, The Tragic Era, (Massachusetts, 1929), 309.

Under the genuine organization there was little violence, but in sections that were bad, the more offensive of the whites and blacks were first warned, then punished, if the warning was unheeded.[13]

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13 Ibid.

The story of the rapid spread of the Ku-Klux Klan throughout the South, of how the spirits of the Confederate dead rode once more to right the wrongs of their native land, playing practical jokes upon the Negroes and meeting out summary justice by means of the lash, gun and hangman's

rope - is a familiar one. Troops of horsemen, with steed and rider robed in white sheets, would appear suddenly to break up Negro meetings; or a solitary rider would stop at night at a Negro's cabin, and, calling for water, would pour a pailful or two down his neck into a rubber bag concealed beneath his disguise, remarking casually that he had not had a drink since he dug his way up from hell through the battle-field of Shiloh. Numbered among the 550,000 Klansmen of the "Invisible Empire" in 1868 were members of some of the best families of the South.[14] As

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14 Oberholtzer, op. cit., 343.

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the Negroes were drawn more and more into political activities through the Union Leagues of the South, the Methods of the Ku-Klux grew sterner. To keep the Negroes from the polls after the passage of the Fifteenth Amendment, the Klan resorted to violence and brutality. While these disorders were at their height the Republican Party was ousted from control in four of the old rebel states, namely, Tennessee, North Carolina, Georgia and Virginia. The inference was at once drawn that the whites of the South were pursuing a deliberate policy of overthrowing the Negro party by violence.[15]

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15 W. A. Dunning, Essays on Civil War and Reconstruction, (New York, 1931), 356.

The Grand Wizard or head of the Klan was reputed to have been General N. B. Forest, an intrepid Confederate cavalry leader. Each state was a realm ruled over by a Grand Dragon. Then there were Dominions, Provinces and Dens presided over by Grand Titans, Grand Cyclopses, Ghouls, Genii, Hydras, Furies, Goblins, Night Hawks, etc. The organization was

elaborate and mysterious; there was a constitution and a solemn ritual and a gruesome mode of initiation. The members of the Klan, when in service, wore hideous disguises, the sight of which terrified the Negroes and sent them running to their cabins. Prominent Negro politicians, obnoxious carpetbaggers, scalawags and Northern teachers of Negro schools were the most common victims of the Ku-Klux activities. Usually the Klan made known its order by a warning couched in mysterious language, but always intelligible enough to convey its meaning.[16]

16 J. W. Garner, "U. S. - Reconstruction", The Encyclopedia Americana, XXVII, 433.

In its early days the Klan rendered good account of itself, protecting life and property. But taking the law into one's own hands is always dangerous. A movement so wide spread and so loosely organized as that of the Ku-Klux Klan may easily get from under the control of its leaders. Realizing that the original purpose of the Klan was not being achieved any longer, and that under cover of the name and regalia of the organization, injustices were being perpetrated by "horse-thieves, cutthroats, bushwhackers and outlaws of every description," the Ku-Klux Klan was officially disbanded in 1869.[17] This prohibition, however, was of

17 Oberholtzer, op. cit., 352.

no avail with the bogus Klans that had become virulent in sections inhabited by the poor whites,[18] and public sentiment was too much in favor of

18 Bowers, op. cit., 311.

Ku-Klux methods to make it effective. Besides, it was next to impossible to convict anyone if caught and put on trial. Upon the recommendation of President Grant, Congress appointed a joint committee to make a thorough investigation of conditions in the South,[19] and the voluminous testimony

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19 A report of a commission appointed by Congress to investigate the Ku-Klux outrages was published in 1871. Its thirteen volumes contain harrowing pictures of the tortures of Negroes.

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which it took showed conclusively that hundreds of murders had been committed in the Southern states by Ku-Klux bands, besides many outrages of a less flagrant character. To meet the situation, Congress passed, in 1870, the so-called Enforcement Act, giving the Federal courts jurisdiction over certain offences committed with the intent of depriving colored persons of their rights as citizens of the United States. In April of the following year Congress passed another Enforcement Act which further extended the jurisdiction of the United States courts and authorized the President to employ the army and navy and to suspend the writ of habeas corpus, if necessary, to put an end to Ku-Klux outrages. It also empowered Federal judges to exclude from juries, persons believed to be in sympathy with the Klan. In pursuance of this act the Federal attorneys in the Southern states made special exertions to secure the indictment of those engaged in the Ku-Klux outrages and hundreds of indictment were found, but few convictions followed, owing to the sympathy of the juries for the accused. In spite of Federal injunction, the irregular bands continued to ride about the country committing atrocities which brought forth expressions of regret and condemnation from the better Southern whites.[20]

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20 Oberholtzer, op. cit., 356.

That the Ku-Klux movement was to some extent the expression of a purpose not to submit to the political domination of the blacks, is doubtlessly true,[21] and it is a debatable question whether in the long

21 Dunning, op. cit., 356.

run the Klan was a political asset to the Southern conservatives. Its tactics undoubtedly deterred a good many Negroes from voting the Republican ticket in state and county elections, sometimes turning the tide in favor of the conservatives or Democrats. But the violence of the Klan aroused the North, brought the South under the critical eyes of the Congressional committees and served as an excuse for the passage of the various Force Bills which came to be used for the protection of the black man in voting the Republican ticket.[22] However true this may

22 Oberholtzer, op. cit., 195.

be, most Southerners who lived through reconstruction maintained that the Klan saved civilization in the South.[23]

23 "Reconstruction of the Union", The Book of History, XV, 6286.

Earlier in the struggle, violence had been justified in order to wrest political power from the unworthy Republicans, both white and black; but once this power was secured, many plantation owners sought more peaceful and dignified means of maintaining the Democratic control. For many Southerners, however, violence was still the surest means of keeping the Negroes politically impotent.[24] Since there was neither time nor oppor-

24 Franklin, op. cit., 328.

tunity nor, perhaps, any inclination for legal methods, violent ones were employed.[25] Accordingly there developed everywhere the idea of

25 McCulloch, op. cit., 98.

inferior service for Negroes, and a brutal prison system flourished in all its hideousness.[26] Rifle clubs often appeared at Republican meetings

26 B. G. Brawley, A Short History of the American Negro, (New York, 1913), 167.

and forced the Republican speakers to divide time with the Democrats.[27]

27 Mabry, op. cit., 71.

Negroes were run out of communities if they disobeyed orders to desist from voting and more resolute, and therefore insubordinate blacks were whipped, maimed and hanged.[28] White men went to the polls with shot guns

28 Franklin, op. cit., 323.

and let the colored men understand that they had better keep away.[29]

29 J. A. Hamilton, Negro Suffrage and Congressional Representation, (New York, 1910), 25.

Lynching rose to such heights as the country had never known before.[30]

30 Brawley, op. cit., 168.

Judge Carpenter of South Carolina testified to the following effect:

> ....I heard men proclaim that the order had been issued to shoot any colored man who voted for the Reform ticket. I do not think there was any such order, but that was the statement. Undoubtedly, it was believed by the colored people...and acted upon. 31

31 J. S. Pike, The Prostrate State (New York, 1874), 186.

Over 100 men were indicted in the Federal court in Louisiana in 1874 for intimidating Negroes at the polls.[32] In Georgia in 1874,

32 "U. S. V Cruikshank", 1874, Fed. Case No. 14897, 92, U. S., 542.

several white men were convicted in the circuit court of the United States for intimidating, beating and maltreating Negroes to keep them from voting.[33]

33 G. T. Stephenson, Race Discriminations in American Law, (New York, 1910), 291.

Intimidation replaced violence and was most effective after 1870. Even where there were no riots, the whites kept Negroes from the polls by terrorism and thus insured Democratic victory. The crops of Negroes were destroyed, their barns and houses burned and in many instances they were whipped for voting. As the organized whites became bolder, they patrolled the polling places to guarantee a "fair, peaceful and Democratic election".[34] In some communities the Negroes were forced

34 Franklin, op. cit., 326.

to vote for Democrats by the very people who had dared them to attempt

such an exercise of the "white man's perogative" only a few years before.[35]

35 Ibid., 332.

A noted English traveler, Sir George Campbell, visited the Southern states during the autumn of 1878 and had left the following observations:

> There was not a very great amount of violence or intimidation....On the day of election there was at some places a certain amount of galloping about, firing guns and such like demonstrations by men in red shirts; but an intimidation used was rather moral than physical. 36

36 Mabry, op. cit., 72.

In countless ways the Negroes were impressed with the idea that there would be peril for them in voting. If a party of white men, with ropes conspicuous on their saddlebows, rode up to a polling place and announced that hanging would begin in fifteen minutes, though without any more definite reference to anybody, and a group of blacks who had assembled to vote heard the remark and promptly disappeared, votes were lost, but a conviction on a charge of intimidation was difficult. Or if an untraceable rumor, that trouble was impending over the blacks, was followed by the mysterious appearance of bodies of horsemen on the roads at midnight, the firing of guns and yelling at nobody in particular, votes again were lost, but no crime was in evidence.[37] Still another

37 W. A. Dunning, "Reconstruction and Disfranchisement", The Atlantic Monthly, LXXXVIII, (October, 1901), 440.

scheme was to spread a rumor that a race riot was apt to occur at the polls. A few empty threats usually sufficed to keep the Negroes from appearing at the voting places.[38]

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38 Mabry, op. cit., 72.

The whites of the South decided that if Negro suffrage could not be destroyed immediately, it could and must be controlled by fair means or foul. Systematic and ingenious evasions of the Fifteenth Amendment followed. James S. Pike, while visiting South Carolina in the Spring of 1873, discovered that one of the greatest discouragements to regular and sustained efforts on the part of whites to resist the Negro sway in that state was the frauds practiced on the ballot box. These he found to have been so great and so audacious that voting became a farce. The party in power counted in whomever they wanted elected, without any reference to the votes cast.[39]

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39 J. S. Pike, op. cit., 180.

South Carolina was most adroit in making voting difficult for the Negro. However all the Southern states used some device or other to this effect. The result appeared so satisfactory on the whole that by 1889, the Negro as a political force had dropped out of serious consideration.[40]

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40 Franklin, op. cit., 330.

One of the most famous of the Democratic election laws was the South Carolina "Eight-Box" law of 1882. General Edward McCrady of

Charleston is credited with the authorship of this piece of legislation which was obviously designed to perpetuate the power of the Democratic party. Registration was made a prerequisite for voting and voters were required to present their certificates of registration at the polls. The distinctive part of the law was the requirement that as many boxes as there were positions to be filled were placed at each polling place; each voter, unassisted, was required to place a separate ballot in each box. It was very likely that the great mass of Negro illiterates would invalidate their ballots by placing them in the wrong box.[41] Though a

41 F. B. Simkins & R. H. Woody, South Carolina During Reconstruction, (North Carolina, 1932), 548-549.

vast majority of Negroes were unable to read the lettering on the boxes, they could acquire, by proper coaching, the power to discriminate among them by their relative positions. However, a moment's work by the whites in transposing the boxes, rendered useless an hour's laborious instruction.[42] While the Negroes were left to deposit their votes without aid,

42 Dunning, op. cit., 441.

the Democratic voters were cheerfully assisted by the election officials. The Republicans tried the scheme of depositing one of the same tickets in each ballot-box, hoping to get at least one vote counted, but this was interpreted as repeating.[43] The Democratic, Charleston News and Courier

43 Mabry, op. cit., 80.

speaking of the "Eight-Box" law in 1895 said:

> We have nothing to say of its maker and promoter - we believe, we know that he was controlled in his work by the best and most patriotic motives; but the frauds which have been committed under the color of its provisions have been sufficient almost to sink the State.[44]

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[44] The News and Courier, April 12, 1895, cited in Mabry, op. cit., 82.

Other tricks by the Democratic officials were revealed by the testimony of electors in Robeson County, N. C., in the Congressional election of 1894. Two Democratic and two Republican poll holders were appointed to preside over the six ballot boxes. The Democrats arrived first, took possession of five of the boxes and placed the Republicans, both Negroes, off at another table in charge of the one remaining ballot box which was to receive the votes for Constable. Now it so happened that there was but one candidate for Constable and he was a Democrat. When one of the Negroes became indignant and refused to serve, a white Democrat was appointed in his place. When electors, known to be Democrats, offered to vote, the three Democratic poll holders gladly deposited their ballots in the proper box, but when a Republican offered to vote, he was told to deposit his own ballots.[45]

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[45] U. S. House of Reps., 54th Cong., 1st sess., Report No. 2002. Cited in Mabry, op. cit., 86.

A favorite device, used successfully, was for the registration officer to claim he had no blanks when Negroes wished to register. As a matter of fact, the election law did not provide for the printing of any. There were plenty for the whites but none for the Negroes. Always, Negroes were made to wait in line until after the whites had

registered. Sometimes the day was over before the registration officer got around to them.[46] Those colored applicants who were admitted were

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46 W. A. Mabry, "Ben Tillman Disfranchised the Negro", South Atlantic Quarterly, XXXVII, 171.

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told that they must present affidavits of their qualifications properly made out.[47] Of course this requirement added enormously to their registra-

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47 Ibid.

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tion difficulties.

In the districts where the Republicans would normally predominate, voting precincts were made exceptionally large, embracing in some cases as many as 1,000 to 1,500 voters. Polling places in such precincts were located near one end and not near the center of the precinct, thus rendering exceedingly inconvenient for numbers of voters to reach the polls. In front of the polls were commonly erected rails and barricades making two aisles leading to the ballot box. Down one aisle were sent the Democrats and down the other the Republicans. It was so arranged that the Democratic line cut off the Republican line, giving all the Democrats an opportunity to vote before a single one of the Republicans, most of whom were Negroes, was allowed to cast his ballot.[48]

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48 W. A. Mabry, op. cit., 80.

Frequent use was made of the gerrymander in order to render as ineffective as possible the Negro vote. Southern constitutional conventions and State legislatures set up legislative and congressional dis-

tricts with little aim other than to insure a Democratic majority in as many districts as possible. Counties which were regarded as hopelessly Republican, were commonly included in one district and this district was surrendered to the Republicans. Such was North Carolina's Second Congressional District which by action of the legislature of 1876-1877, was made up of seventeen Republican and three Democratic counties. The other seven congressional districts of North Carolina were so arranged as to give Democratic majorities.[49] The Democrats of

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49 Ibid. 93.

Alabama made use of the gerrymander in order to dominate the constitutional convention which met in 1875. As soon as the Democrats secured control of the legislature in 1874 they called for an election on the proposition of holding a constitutional convention and apportioned the representation to the convention so that the Republican counties with an aggregate population of 509,000, were allowed but twenty-three representatives, while the Democrats with a population of 482,000, were given forty-three representatives.[50] In 1882 a system of gerrymandering

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50 U. S. Senate Report No. 704, "Alabama Elections of 1874-1876", 44th Cong. 2nd sess., VII.

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was adopted in South Carolina so as to make certain that the Republicans would control but one of the seven congressional seats.[51] Mississippi's

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51 Simkins and Woody, op. cit., 548.

"Shoe string" district is another outstanding example of the gerrymander.

The Third Congressional District of Mississippi was so called because its ten black counties were strung out along the western border of the State. This district was normally Republican but the remaining six districts were arranged to give a Democratic majority.[52]

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52 Congressional Directory, 48th Cong. 1st sess., 47-48.

The Negroes seem to have been quite aware of what was going on and commonly accepted the irregularities as inevitable. A story illustrative of this point comes from Northampton County, North Carolina. There were three Democrats and one Negro Republican acting as the judges of election at one of the polls. At noon, according to an aggreement between them, the polls were closed for lunch. During the lunch hour one of the Democratic election officers slipped in and for the regular ballot box substituted one which had been stuffed with Democratic votes. Being a black county, Northampton would normally have returned a Republican majority. However, when the votes were counted the Democratic candidates held a considerable lead. Taking in the situation, the Negro poll holder grinned and said: "Well, gentlemen, I thanks you all for what you giv' us."[53]

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53 Mabry, op. cit., 89.

The exploitation of the poverty, ignorance, credulity and general childishness of the blacks was supplemented, on many occasions by deliberate and high-handed fraud. Stuffing the boxes with illegal ballots, and manipulation of the figures in making the count, were developed into serious arts. At the acme of the development, undoubtedly stood the tissue ballot.

> There was in those days no prescription of uniformity in size and general character of the ballots. Hence miniature ballots of tissue paper were secretly prepared and distributed to trusted voters, who, folding as many, sometimes, as fifteen of the small tickets within one of the ordinary large tickets, passed the whole, without detection, into the box. Not till the box was opened were the tissue tickets discovered. Then, because of the number of ballots exceeded the number of voters as indicated by the polling list, it became necessary, under the law, for the excess to be drawn out by a blind-folded man before the count began. So someone's eyes were solemnly bandaged, and he was set to drawing out ballots on the theory that he could not distinguish those of one party from those of the other. The result is not hard to guess. In one case given by the Senate investigating committee, through whose action on the elections of 1878, in South Carolina, the theory and the practice of the tissue ballot were revealed to an astonished world, the figures were as follows:
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> Number of ballots in box.....1,163
> Names on polling list..... 620
> Excess drawn out..... 543
> Tissue ballots left to be counted..... 464. [54]

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54 Dunning, op. cit., 445.

Bancroft asserts that the Democratic ballots were purposely printed on a peculiar kind of paper, and an "impartial" Democratic election official could easily detect and throw out only Republican ballots.[55] Not the least interesting feature of this episode was the

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55 F. A. Bancroft, A Sketch of the Negro in Politics, 75. Cited in Mabry, op. cit., 71.

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explanation given by the officials, of the great mass of tissue ballots. They were prepared, it was said, in order to enable the blacks who wished to vote the Democratic ticket, to do so secretly, and thus to escape

the ostracism and other social penalties which would be meted out to them by the majority of their race.[56]

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56 Dunning, op. cit., 445.

In South Carolina after 1877, there was little evidence of the fulfillment of Wade Hampton's promise to protect the political rights of the Negroes. Seventeen Republican representatives in the Legislature for Charleston were expelled promptly and Democrats elected to fill their places. On the eve of the election of 1878 many voting precincts in areas with large Republican majorities were abolished, thus forcing some Republican electors to walk as far as twenty miles to vote.[57] Polling places

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57 Simkins & Woody, op. cit., 547.

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were frequently set up far from Negro communities, and the more diligent Negroes failed to reach them upon finding roads blocked and ferries conveniently "out of repair" at election time. Polling places were sometimes changed without notifying Negro voters; or if they were notified, election officials thought nothing of making a last minute decision not to change the place after all.[58] Furthermore the number of polling places was kept

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58 Franklin, op. cit., 329.

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so small as to make rapid voting indispensable to a full vote; and then the whites, by challenges and carefully premeditated quarrels among themselves would amuse the blacks and consume time till only enough remained for their own votes to be cast.[59]

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59 Dunning, op. cit., 444.

Open bribery on a large scale was too common to excite comment. One rather ingenious scheme is recorded which presents a variation on an old theme. The Negro had to produce on election day, not only his poll tax receipt but, in most of the Southern states, a registration certificate as well. Various stories are told of the tricks used by the Democrats to get these certificates away from the Negro. It was reported that in certain sections of South Carolina, Negroes were accustomed to entrust their certificates of registration to the local preacher for safe keeping. A few days before the election, the Democrats would hire the preacher to go over to Georgia with his box of slips which were the certificates - leaving behind a host of legally disfranchised Negroes.[60]

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60 S. B. Weeks, "The History of the Negro Suffrage in the South", Political Science Quarterly, IX, 695.

Another story relates that Democratic leaders in South Carolina secured the cooperation of Barnum's Circus in getting possession of the Negroes' certificates. It was advertised that the admission fee to the circus was either fifty cents or a registration certificate. Great numbers of Negroes gave up their certificates and saw the show. The Democrats then bought the certificates from the circus box office and on election day the Negroes who had seen the show on these terms were unable to vote.[61] Dances and

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61 Ibid.

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parties with plenty of barbecue and whiskey were held for Negro voters on election eve as a reminder that they should vote for their benefactors. Appealing for Negro votes by local politicians gave rise to very distinct

evils. Negro voters were easily corruptible and many of them were quite willing to sell their votes to the highest bidder. A Democratic officer in Mississippi remarked:

> A little money paid to a few of the leaders will induce a vast number of them to go Democratic. You can buy up the darkies on election day just like so many cattle, at a rate of from a drink up to a pint of whiskey or a dollar or so. 62

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62 Bancroft, op. cit., 84.

Similar reports came from Georgia. A newphew of Alexander Stephens told Sir George Campbell that the Negroes of Georgia were not politically irreconcilable, but were amenable to influence and money. "They can be managed well enough if only a little money is available."[63]

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63 Mabry, op. cit., 74.

Some planters brought their Negro workers to the polls and voted them like a senseless herd of cattle. At times Negro candidates were nominated by whites in order to divide the vote of the race, while the whites all voted for one of their own race. A few candidates sought Negro votes by advocating measures favorable to them. In 1882, when he was running for the Georgia legislature, Tom Watson won many Negro votes by demanding free Negro schools and condemning the convict lease system which was especially burdensome to Negroes.[64]

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64 Franklin, op. cit., 329.

In states with Negro majorities, such as South Carolina and Mississippi, it was sometimes necessary for the Democrats to appeal to the

Negro vote and offer them minor offices to break the hold of the Republicans on the Negro masses. Governor Wade Hampton of South Carolina had appealed to the Negroes to help overthrow the corrupt reconstruction government.[65] Mississippi Democrats likewise resorted to fusion with the Negroes,

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65 Mabry, op. cit., 73.

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the Democrats demanding the more important offices and leaving the lessor positions to the Negroes.[66] This Democratic division of spoils with the

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66 Ibid.

Negroes was not restricted to South Carolina and Mississippi; instances of office-holding by Democratic Negroes may be found in all the Southern States. In national politics, however, the mass of Negroes remained consistently Republicans.[67]

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67 Ibid., 74.

Another device used by the Democrats to nullify the effects of the Negro vote was to require Negro officials to put up extraordinarily heavy bonds. Any white man who offered to be a surety upon the bond of a Negro was denounced as an enemy of his race. Some Negro officers resorted to bonding companies outside the State, but some legislatures in response to this, passed a law to the effect that sureties upon bonds of county officials should reside in the county. If a Negro got his bond he was apt to be confronted with the report of a Democratic grand jury that his bond was insufficient. Republicans, white and black, fared alike

in this respect. One example was the following: Marshall G. Condee, a Republican was elected sheriff of Wilcox County, Alabama, by more than three thousand majority. His bond was fixed at $40,000.00, which was $25,000.00 in excess of that of his predecessor. He made this bond and was then required to execute an additional bond of $50,000.00. This he was unable to do in the allotted time and accordingly lost his office. Where-upon a Democrat was appointed to the position and his bond was fixed at $15,000.00.[68]

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68 Ibid., 69.

One can readily understand, however, that intimidations, acts of violence and frauds are contrary to the Anglo-Saxon's high regard for law and order. While he may sometimes use extra-constitutional means to bring about essential and desirable reforms where laws seem hostile and inadequate, he soon becomes disgusted with general lawlessness and makes every effort to have written down in statute form what he deems desirable or necessary.

Thus it was with the Southerner. He desired that the constitution and laws of his State should be changed so that the blacks could be disfranchised by legal means and the white man's supremacy established in accordance with the spirit that he had inherited from centuries of conflict with autocratic power.[69] To this end the Southern whites worked vigorous-

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69 Hamilton, op. cit., 25.

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ly and with determination, holding conventions, changing constitutions, revising election laws and devising every means possible to place the Southern states in white Democratic control.

CHAPTER IV

DISFRANCHISEMENT OF NEGROES BY LEGISLATION

A new movement to disfranchise the Negroes by more effective legal means - starting with the Mississippi Constitutional Convention of 1890 and continuing with the adoption of new constitutions in seven other Southern states between 1895 and 1910 - drew its main arguments from the danger of a break in white solidarity demonstrated by the agrarian revolt. When Populism declined after 1896, and the unity between the Populists and the Democrats was restored, the common bond of interest was the disfranchisement of the Negro.[1] The main idea of this

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1 Gunnar Myrdal, An American Dilemma, (New York, 1944), 452.

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movement to disfranchise the Negro by constitutional means was to invent such laws as would discriminate against Negro characteristics rather than against the Negro race as such. Such legislation was in demand since the public conscience sought cleaner and fairer election methods in the South.

Four legal means of eliminating the Negro vote may be enumerated: (1) by centralization - making all local offices appointive; (2) by a tax test from which poor whites were exempt; (3) by complex election laws - confusing the ignorant Negro; (4) by educational qualifications - with exceptions favoring illiterate whites.[2]

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2 A. J. McCulloch, Suffrage and Its Problems, (Baltimore, 1929), 99.

The question of disfranchising the Negroes was the cause of heated campaigns. The debates in the constitutional assemblies were long and extremely controversial.[3] To accomplish the desired end was a

3 Myrdal, op. cit., 452.

difficult problem, as the Fifteenth Amendment, with its provision that no State should deprive any citizen of the right to vote on account of race, color or previous condition of servitude, seemed to stand directly in the way. A method, however, was soon discovered. Devices, such as a permanent registration and the "grandfather clause", were intentionally framed in order to enable all the white voters to evade the force of the clauses aimed at disfranchising the Negroes. In addition, a sufficient amount of discretionary power was reserved for the registrars to give effect to the promise of a "right minded" administration of election statutes.[4]

4 J. A. Hamilton, Negro Suffrage and Congressional Representation, (New York, 1910), 26.

It was in Mississippi where a majority of the population were Negroes, that the problem was first faced and solved. As early as 1886, sentiment was strong for constitutional revision, and a convention met primarily to disfranchise the Negro. Isaiah T. Montgomery, one of the two Negro delegates at this convention said that the poll tax and educational requirements would disfranchise 123,000 Negroes and only 11,000 whites.[5]

5 Myrdal, op. cit., 452.

The members of the Mississippi Constitutional Convention of 1890 were considered "artful dodgers."[6] Some were, no doubt, sincere patriots

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6 J. H. Franklin, From Slavery to Freedom, (New York, 1947), 335.

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who desired to bring an end to the era of political bulldozing and fraud in the State and made a choice of the constitutional expedients in preference to either Negro rule or the use of admittedly illegal practices. Other members of the convention proved to be politicians bent upon exploiting the Negro question for the benefit of their own personal aggrandizement. Be that as it may, Mississippi led the way and was soon followed by South Carolina in 1895, under the guidance of Ben Tillman who, as chairman of the committee on rights of suffrage, made certain that the Negro was effectively disfranchised.[7] Senator Tillman frankly avowed the in-

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7 W. A. Mabry, The Disfranchisement of the Negro in the South, (Durham, N. C., 1933), 149.

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tentions of the people of South Carolina when he said:

> ....I approach it (the convention) with all the solemnity of a man resolved by every possible scheme that he could devise, to take the ballot from every negro alive, if that had been allowed. But we could not do it because the Fifteenth Amendment barred the way... Therefore we had the simple alternative to provide for an educational qualification, with an elastic provision which enabled the illiterate whites to be registered, because we were unwilling to take the ballot from those of our own blood...who had lost the opportunity to get an education in their youth because they were fighting.8

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8 Speech of Hon. B. R. Tillman of S. C. in Senate of U. S., Feb. 23, 1903. Cited in Hamilton, op. cit., 29.

The Charleston News and Courier, one of the leading journals of South Carolina, in an editorial on the subject stated:

> Nobody tries to conceal it, nobody tries to excuse it. It is not meant to disfranchise every Negro in this State - there are some of them who are qualified by education and property to vote; but it is intended that every colored voter, who can be disfranchised without violating the higher law of the United States Constitution shall be deprived of the right to vote. On the other hand it is meant to disfranchise no white man except for crime, if any way can be found to do it without violating the United States Constitution.[9]

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9 Hamilton, op. cit., 29.

Louisiana brought about her disfranchising program in 1898 and was followed by North Carolina in 1900.

A centralized state government was one device used by the Democrats to vitiate the will of the majority where that majority happened to be black. This was illustrated by the action of North Carolina.

In 1876, North Carolina was secure as a state from Negro rule, for the whites outnumbered the blacks in a ratio of about two to one.[10] This

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10 U. S. Census, 1870.

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situation, however, did not exist in all parts of the State. In sixteen Eastern counties a majority of the inhabitants were Negroes, and hence local politics were in the hands of Negroes and their white Republican allies. The white Democratic minorities in these black counties were resentful of being ruled by Negro officers or white officers of the Negroes' choosing. It was also a well known fact that Negro government in the black counties produced incompetent and corrupt administration. This was the problem that

the legislature was called upon to solve. These Negro majorities were overcome by centralization. The State as a whole was safely Democratic. Accordingly, the legislature elected the justices of the peace for all the counties, and these justices of the peace in turn elected the boards of county commissioners.[11] The other county officers were chosen by the

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11 S. B. Weeks, "The History of Negro Suffrage in the South", Pol. Sci. Quar., IX, 692.

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electors. This system was anything but democratic, but it resulted in keeping the county funds entirely in the hands of the more conservative and better element of the population.

The effectiveness of this scheme of centralized government rested upon a continuation of Democratic control of the State legislature. In order to keep the mass of white people of the State in line, the Democratic leaders did not hesitate to make political capital of the latent fear of a recurrence of reconstruction conditions. The race issue was constantly kept before the people. The following is an extract from the Democratic Handbook of North Carolina for 1884.

> We cannot afford to destroy or weaken the Democratic party... Its defeat means Radical rule and Radical rule is oppression, plunder and bankruptcy. Its success gives assurance of constitutional government, enforcement of law and the maintenance of right. Surely the cause is worthy of our supremest effort.[12]

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12 Democratic Handbook of N. C., 1884, 6 Cited in Mabry, op. cit., 99.

There is no doubt that the Democratic policy of centralization did give to the black counties a better government than they would have had otherwise. The white people of those counties realized this and con-

tinued for years to adhere quite closely to the Democratic party.

Another device used to cut down the Negro vote was the making of poll tax payments a prerequisite for voting. This called for the payment of a head tax six months or more in advance of election and the payment of back taxes for every year since coming of age. Since these taxes kept not only Negro voters but also sixty-four per cent of the white citizens in eleven Southern states from the polls, much opposition soon developed.

The Tennessee Convention of 1870 voted to insert in the new state constitution a poll tax requirement for voting, but the law did not specify that the tax receipts must be exhibited to the registrar. He might force a Negro to show his receipt but accept the word of a white man that his poll tax had been paid.[13] This provision was productive of official cor-

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13 K. H. Porter, A History of Suffrage in the United States, (Chicago, 1918), 204.

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ruption and was repealed in 1873. However the legislature of 1890 re-enacted the poll tax qualification and the following year amended it to require the showing of the poll tax receipt as a preliminary of voting.[14]

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14 Weeks, op. cit., 693.

Virginia's experience with the poll tax was somewhat similar. The state constitution was amended in 1876 so as to make the payment of a capitation tax necessary. This provision was intended very definitely to cut down the Negro vote. But it was soon found that politicians were willing to pay the Negro's poll tax in order to get his vote. It was ultimately agreed that the poll tax provision had proved to be a failure for the

purpose for which it was intended and in 1882 it was repealed.[15]

15 Mabry, op. cit., 90.

The Florida constitution of 1885, did not include the poll tax provision but authorized the legislature to do so if it saw fit.[16] This

16 Porter, op. cit., 205.

was subsequently done and Florida relied rather heavily on this suffrage qualification to minimize the importance of the Negro vote.[17]

17 Mabry, op. cit., 91.

In Georgia, a capitation tax qualification operated with important effect on colored voters; the number of defaulting colored taxpayers had become larger each year.[18]

18 Weeks, op. cit., 693.

Arkansas adopted an amendment to her constitution in 1892, requiring a poll tax as a prerequisite to voting. This seemed to simplify the matter in that State. The law worked well and the Negro vote was practically eliminated.

After 1890 all of the Southern states adopted the poll tax payment as one of the prerequisites to voting. In some states it became the chief obstacle in the way of Negro voting.[19]

19 Paul Lewinson, Race, Class and Party, (New York, 1932), 222-223.

The poll tax as such was no discrimination against the Negro for the white man had to comply with the same requirement. Actually, however, it did operate to the Negro's disadvantage politically, and this in two ways.[20] In the first place, if Negroes are more shiftless and less in-

20 Mabry, op. cit., 92.

clined to pay their taxes than white people, more of them will be unable to satisfy this test. Secondly, if they are careless about preserving their tax receipts for one, two or three successive years, they will be unable to prove the payment of taxes and thereby be disqualified to vote.[21]

21 G. T. Stephenson, Race Discriminations in American Law, (New York, 1910), 299.

The most favored method in the South for limiting the Negro vote was through intricate registration and election laws. These varied in different states, and have been changed from time to time in the same state. They may be divided roughly into two classes, as the so-called Australian system prevailed or not. The laws in Florida, Georgia, Louisiana, North Carolina, South Carolina and Texas represent the older ideas, are less successful and less just than the others and little can be said in their defense. As has already been pointed out, North Carolina escaped from the trouble by centralization and in Texas there was hardly a Negro problem except in a few of the eastern counties. It was principally in South Carolina, Florida and Virginia that registration was depended upon to solve the difficulty.[22]

22 Weeks, op. cit., 694.

The partisanship of the law lay in the fact that the whole machinery of registration was placed in the hands of the Democrats. There was no requirement that registrars be appointed from both parties. In addition to the regular period of registration in June and July, only the first Monday of each month was designated for the registration of voters coming of age, and those just completing the residence requirements. Also, only on first Mondays might voters who had lost their registration certificates get new ones, and persons who had changed their place of residence be re-registered. The latter class was usually large since even moving from one cabin to another on the same plantation constituted "change of residence" according to the law. The difficulty lay in the fact that the law prescribed no particular place for the registrar's office and frequently the registrar could not be found by Negroes and other Republicans on registration days. Even when found, the Democratic registrar was apt to take his time and register no more Negroes than he absolutely had to and when his time to quit work arrived he closed the door in the faces of the Negroes, utterly indifferent to the inconvenience, injustice and hardship inflicted.[23] On

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23 Mabry, op. cit., 79.

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the other hand, Democrats were commonly registered at other times and numbers who did not take the trouble to register had their certificates of registration sent to them.[24]

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24 Ibid.

There were few, if any, checks on the election officials. One of the inspectors customarily retained the ballots and only the returns were

sent to the judge of the probate court for certification. State elections were purposely changed from November to August to avoid the Federal inspectors, who were present at the polls at the time of Congressional elections. There were no penalties imposed by law on election officials who were negligent in their duties. Furthermore, the requirement in the election law that inspectors of elections be selected from both political parties was commonly disregarded. In some whole counties there would not be a single election official representing the Republican party.[25]

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25 Mabry, op. cit., 76.

According to the law in Florida, the books for registration had to be closed on the second Saturday in September. Each elector, on being registered, was furnished with a certificate numbered in each district consecutively. This contained a statement of the full name, age, height, occupation, place of residence and date of registration as entered into the registration books, which certificate had to be signed by the registration officer. No person was allowed to vote except in the district in which he was registered. Certificates could be renewed, when defaced, by surrendering the old one or when lost by establishing proof of the loss. To do this the voter had to state the facts of his former registration and of such loss, and give assurance that he had not sold, bartered or parted with his certificate for any pecuniary or other valuable consideration.[26] If an elector

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26 Weeks, op. cit., 695.

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moved from one residence to another in the same district, or from one district to another in the same county, he had to notify the supervisor of registration, surrender his certificate and receive a certificate of trans-

fer for registration.

Without this certificate of transfer he was not qualified to vote.[27]

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27 Ibid.

Registration was confined to three days, the registration books had to be closed on the first day of July and it was necessary to present the registration certificate on the voting day. Many Negroes were not used to preserving papers and it frequently happened that the certificates were lost or worn out and they could be renewed only under certain limitations. All these complexities of the law were enough to confuse a mind better trained than that of the average Negro. To him they were, for the most part, beyond comprehension.[28]

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28 Ibid., 696.

Another provision that made voting difficult for the Negroes was that men could be disfranchised for a crime involving moral turpitude. This was exceedingly vague but could easily be construed to fit the Negroe's crimes.[29]

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29 Porter, op. cit., 205.

The election law passed by the North Carolina legislature of 1876-1877 may be taken as still another example of Democratic legislation for the disfranchisement of Negroes. Section 8 of the election law provided for an open inspection of the registration books on the Saturday preceding the day of election, which was on Tuesday and for the challenging of any name

on the books by an elector.[30] Thus only one work day was left between

30 Mabry, op. cit., 82.

the examination of the books and election day. On this day must come the summoning of all those whose names were objected to, the summoning of witnesses, if necessary, and the hearing of evidence. While this section might be applied in a perfectly impartial fashion, the brevity of time allotted for the examination of the cases of challenged voters furnished an opportunity for unavoidable delays in handling cases where Negroes were involved.[31]

31 Mabry, op. cit., 82.

In North Carolina also, a person seeking to register was required, if requested, to prove his identity, age and residence by the testimony of at least one other elector. Negroes frequently had difficulty getting such supporting testimony. Even if such evidence was presented the election officers still had discretionary powers. The law on this point read:

> ...after such oath shall have been taken, the judges may, nevertheless, refuse to permit such a person to vote if they be satisfied from record evidence or their own knowledge or other legal testimony adduced before them that he is not a legal voter....32

32 Public Laws of North Carolina, 1876-77, sec. 63. Cited by Mabry, op. cit., 82.

The law further directed that two of the four judges of election for each precinct should be, where possible, of a different political party from

the registrars.[33] But it was not always possible to find competent

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33 Ibid., sec. 9.

Republicans to act as election judges and the party division was not always made. In other instances illiterate and gullible Negroes or corruptible whites were appointed to serve as Republican judges and the Democrats had things their own way.

The Virginia legislature of 1894 sought to remedy the suffrage abuses by the passage of the so-called "Watson Election Law" which set up an Australian ballot system. All voting was done by the use of officially printed ballots having the seal of the electoral board on the back. Private voting booths were erected at each voting precinct and no one was allowed to assist the voter except an especially sworn constable, and then only in case of physical disability or inability to read. Three judges of election preserved order at the polls and ballots were deposited in the box only by an election judge and in the presence of one of the other judges. None except the election officials and the elector offering to vote could come within forty feet of the ballot box and no crowding or congregating on the public highways within a hundred feet of the polling place was tolerated.[34]

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34 General Laws of Virginia, 1887-1894, J. G. Pollard, compiler, 187. Cited in Mabry, op. cit., 392.

In 1893, Alabama enacted what is known as the Sayre Election Law. It was framed in answer to a demand that some method be devised by which the necessity of suppressing any part of the vote might be obviated. Registration could be made only in May and within the precinct or ward where the vote

was to be cast. There was one ticket for all the candidates and the names were arranged alphabetically, without distinction of party, under the respective offices. The voters entered the booth and marked the ballot without assistance. If unable to do this, he could call in one of the managers of election to his aid. No time longer than five minutes was allowed for voting, and an ignorant voter could tell the assistant the way he wished to vote only when all others had withdrawn from the polling place. The possibilities of using this scheme as an intelligence test were obvious.[35]

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35 Weeks, op. cit., 697.

Republicans were very much opposed to a feature of the Democratic election law of Alabama which required electors to vote in the precinct of their residence. Formerly, it had been customary for the Negroes of a county to designate two of the three precincts as distinctly Negro precincts. There they could vote without interference by the whites. But after the passage of the 1893 law, they had to vote in their home precincts alongside the whites and in many cases became subjects for intimidation.[36] There was

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36 Mabry, op. cit., 76.

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also an enumeration of the various classes of persons who were to be disqualified from registering and voting. This long list included convicted criminals. Many of the crimes for which one could be disfranchised were of the sort which Negroes committed more commonly than did the whites. Numbers of whites too, might have been guilty at one time or another of larceny, receiving stolen property or the like but registrars would be less apt to investigate their records than those of Negroes whom they desired to

prevent from voting.[37]

37 Ibid., 349.

The Arkansas law of 1891 required no registration, but a poll tax receipt instead. The names of all candidates were printed on a general ticket without regard to party or alphabetical order and these tickets were numbered as voted. They could be obtained only from the judges of election within the polling place. The voter was required to retire to a booth and was allowed five minutes to prepare his vote by scratching or crossing out all names not wanted. No one could help him do this but the judges of elections who were of different political parties. If necessary, the ignorant voter could ask two of these for assistance. However, before the voter could indicate his choice to the judges it was necessary for all electors, including those in the booths to retire from the polling room. In precincts where there were more than one hundred voters, the races were required to vote alternately. It often happened that in large Negro precincts some were excluded for lack of time, but in no other way could hardship have come to the Negro. It was noted by the officials of Arkansas that this election law virtually lifted the black cloud of Negro domination. It worked smoothly, quietly and satisfactorily.[38]

38 Weeks, op. cit., 697.

The Constitution of the United States points out that it lies within the power of the United States to say what alien residents may become citizens.[39] Accordingly, the citizenship requirement of the Southern states

39 Constitution of U. S., Art. 1, sec. 8, part 4.

is essentially the same as that in other states and cannot be said, in any way, to involve a race distinction. The greater term of residence required in the South may lend itself to race distinction in case one race is more migratory than the other. If, for instance, the Negro is more apt to move about from place to place than the white person more Negroes than whites will be unable to satisfy the residence qualification.[40]

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40 Stephenson, op. cit., 298.

All the states adopted literacy tests, requiring the prospective voter to be able to read the state or the federal Constitution, or both. Some states called for sufficient knowledge of constitutional law to enable the applicant to explain and interpret the Constitution. Few Negroes could explain satisfactorily the meaning of ex post facto law or of bills of attainder. Other amendments required the applicant to make out and sign his own application. In Alabama, the applicant was required to read and write the Constitution of the United States in English unless physically disabled. In Georgia, he had to be able to read and write in English the Constitution of the United States or of Georgia; or if physically disabled from reading and writing to "understand and give a reasonable interpretation" thereof when read to him. In Louisiana, he had to be able to read and write and to make his application for registration in his own handwriting. Mississippi required that the applicant must be able to read or understand or reasonably interpret any part of the constitution of the State. North Carolina required ability to read and write the State constitution in English; South Carolina required also an ability to read and write the constitution but did not specify that the test must be in English. Virginia did not

declare that the applicant must be able to read and write, but required him to make his application for registration in his own handwriting and prepare and deposit his ballot without aid.[41] The "Understanding Clause" is permanent

41 Stephenson, op. cit., 301.

in only two states, Georgia and Mississippi. In Georgia one may register if he was of good character and understood the duties and obligations of citizens under a republican form of government, although he had neither education nor property. In Mississippi one who could not read could register if he was able to understand and reasonably interpret the constitution when read to him. A distinction may be made between these two "Understanding Clauses." In Georgia the requirement was the understanding of the duties of citizens of a republican form of government; in Mississippi it was understanding the State constitution when read.[42]

42 Ibid., 308.

The only State which appealed directly and successfully to the intelligence test was Mississippi.[43] The Mississippi constitution of 1890 pro-

43 Weeks, op. cit., 698.

vided that an elector must reside in the election precinct for at least one year, have paid the poll tax and must "be able to read any section of the constitution of the State, or shall be able to understand the same when read to him or give a reasonable interpretation thereof."[44] The honorable Wiley P.

44 Mississippi Constitution of 1890, Art. XII, sec. 244.

Harris, delegate from Hinds County, was the originator of this "understanding clause." The people of Mississippi asserted that it was on account of his illiteracy that they were opposed to Negro suffrage.[45] In support

45 Hamilton, op. cit., 28.

of this, they pointed to the fact that every provision of their State constitution applied equally to both races so that, if the Negro should ever become sufficiently educated to meet the requirements, there would be nothing to hinder his becoming an elector. It was significant that Ex-Governor Alcorn and Judge Simrall, both former Republicans, voted for the adoption of the "understanding clause" of the constitution. Isiah Montgomery, the Negro delegate, not only voted affirmatively, but made a speech on the floor of the convention in favor of limiting the franchise. He believed it best for illiterates of both races to be disfranchised. Chairman Calhoon declared that the rights of the Negro as guaranteed by the Federal Constitution were not only unimpaired but fully protected.[46]

46 Mabry, op. cit., 145.

Criticisms of this clause came from newspapers. The Vicksburg Post said:

> That a lot of politicians, fertile in tricks could concoct this scheme is not inconceivable; but that a man who aspires to statesmanship, can cheat his conscience and impose the delusion upon his own mind, that such a measure can bring anything but mischief and disaster is simply incredible.[47]

47 Ibid., 138.

The debate on the Mississippi "understanding clause" was not without its touches of humor. Mr. M. Laurin of Rankin, denied that the plan invited fraud, but added that it was fortunate there was no writing test, else Senator George would likely be disfranchised. "An inspector could very reasonably say to him after looking at his chirography, 'Go away, Sir, you had better be marking tea-bixes ub China.'"[48]

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48 Clairon Ledger, Oct. 9, 1890. Cited in Mabry, op. cit., 138.

One part of the literacy provision of Mississippi stated that the registrar might use any means he saw fit to have the applicant prove that he was literate. The story is told of a Negro graduate of Harvard who applied for registration in Mississippi. The official asked him to read in turn the Bible, the Constitution, A Latin book and a Greek text, all of which he did with fluency and ease. It happened that the registrar had a laundry slip with some Chinese characters printed on it. Thrusting the bill into the man's face, he demanded, "Now, doggone ye, what does that mean?" The Negro looked at it carefully and said: "It means that you white folks are not going to let me vote."[49]

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49 E. R. Embree, Brown Americans, 144.

In applying the educational qualification to the problem of local government, South Carolina followed Mississippi's lead but in several respects she even bettered the instruction. So successfully and ingeniously did she apply this qualification that, in spite of the fact that sixty per cent of her population was of Negro descent, the government was again placed

into the hands of the whites.[50] Some even proudly proclaimed that the

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50 G. H. Haynes, "Educational Qualifications for the Suffrage in the United States" Pol. Sci. Quar., XIII, 501.

"understanding clause" of South Carolina when enforced, would to all practical purposes repeal the Fifteenth Amendment in the State.[51]

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51 Mabry, op. cit., 192.

Louisiana affords the most ingenious example of the educational qualification with a purpose. It was estimated in 1898, that of the 87,240 registered voters, approximately 74,000 were white and 13,000 were colored. In round numbers 68,000 of the registered whites could write their names and 6,000 could not. Among the Negroes the percentage of illiteracy was much higher. Some 7,500 could write their names and 5,500 could not. The constitution of 1898 had as its main cause of existence the making of Negro domination impossible by disfranchising the blacks so far as this could be done without running foul of Constitutional snags.[52]

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52 Haynes, op. cit., 503.

In Virginia, chairman Daniel made the opening speech in the convention considering all available restrictions, the temporary "understanding clause" was recommended as the best check on suffrage to be had. It had been tried in Mississippi and found to work and furthermore, the Supreme Court had upheld its constitutionality in the case of Williams V Mississippi. Mr. Thom of Norfolk, the original champion of the "understanding clause", in explaining the effectiveness of this instrument of disfranchisement said:

> I do not expect an "understanding clause" to be administered with any degree of friendship by the white man to the suffrage of the black man. I expect the examination with which the black man will be confronted to be inspired by the same spirit that inspires every man upon this floor and in this convention. I do not expect an impartial administration of the clause. I would not expect for the white man a rigid examination. The people of Virginia do not stand impartially between the suffrage of the white man and the suffrage of the black man.[53]

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53 Va. Const. Conv. 1901-1902, Debates, 2959-2976. Cited in Mabry, op. cit., 424.

Mr. Thom stated further that a rigid examination would be constitutional since it would eliminate the Negro, not because he is a Negro, but because he could not attain a given standard. Also, the clause would act "in terrorem" upon the Negro race. Knowing that they would have to face a rigid examination, most of them would just refrain from applying for registration. On the other hand, this "understanding clause" would not disfranchise any white man for the white man would find a friendly examiner.[54]

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54 Mabry, op. cit., 424.

The opposite extreme of opinion was expressed by Judge Robertson of Roanoke. He said:

> It is wrong in principle... If we cannot get rid of the Negro vote except by resorting to such methods as this, I say better, far better, let us keep the Negro vote... It is easy to appeal to race prejudice. It does not seem to me that the very fact that we recognize that we are the superior race ought to make us hesitate a long time before we decide to do an injustice to the inferior race.[55]

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55 Mabry, op. cit., 425.

Another staunch opponent of the "understanding clause" was Mr. Richard McIlwaine, of Prince Edward County, who was then president of Hampden-Sidney College. He was one of the very few members of the convention who favored an absolutely impartial administration of a simple educational test. He pointed out that there was a large element of illiterate and vicious whites, especially in the cities, which should be eliminated from politics equally as much as the Negroes. The only exception to a uniform educational test which he would make would be in favor of ex-soldiers who had actually served in the army, Union or Confederate.[56]

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56 Ibid.

A Republican of Tazewell County, Virginia, Gillespie, defended Negro suffrage on the grounds of Natural rights. He contended that to take away his right to vote was in effect, to take away his right to protect his property, his liberty and his life. He believed the "understanding clause" to be as elastic as a rubber band which could be adjusted to any voter to suit the desires of a partisan registration board. He gave a heavy blow to the Democrats when he charged:

> I have been taught to believe that where a man was guilty of a fraud... the man who committed the fraud should be punished... The remedy suggested here is to punish the man who has been injured. It is now proposed to right a wrong by punishing those who have been defrauded of their votes to the extent of destroying their right of suffrage.[57]

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57. Ibid., 427.

It cannot be doubted that the permanent "understanding clause" promoted definite race discrimination. The constitutions provided that the applicant for registration must be able either to read or understand and

reasonably interpret the constitution. The registrar who so desires may easily disqualify members of one race by asking them to explain more difficult passages of the constitution or by requiring of them a more scholarly interpretation of such passages than he demands of members of the other race whom he desired to have qualified as electors. Furthermore, the registrar who passed upon an applicant's understanding of the duties and obligations of citizens under a republican form of government, could set a higher standard for one race than for the other.[58] He could permit

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58 Stephenson, op. cit., 309.

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halting reading by one and require fluent reading of the other; or, he could let illegible scratching on paper suffice for the signature of one while he required of the other a legible handwriting. But race discrimination in such cases rested with the officers; they did not have their basis in the law itself.

The property test in the Southern states was an alternative of the educational tests. That is, if the applicant could not satisfy the educational test but could satisfy the property test, he was permitted to register and vote; or he could do so if he was able to satisfy the educational but not the property test.

In Alabama, the property requirement was that the applicant for registration be the owner or the husband of the owner of forty acres of land in the State in which they resided or of real or personal property worth $300.00, upon which taxes for the preceding year had been paid. In Georgia, the requirement was forty acres of land in the State or $500.00 worth of property and payment of the personal taxes. South Carolina

prescribed $300.00 worth of property on which taxes for the preceding year had been paid. In Louisiana the "squaw or papoose" clause, which would have permitted a man to vote because his wife or minor children held property, was proposed but did not become law because many thought it unjustifiable.[59]

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59 Mabry, op. cit., 245.

Of the Southern states which had altered their suffrage laws since 1890, Mississippi, North Carolina and Virginia have not provided any permanent property test. The property qualifications caused the disfranchisement of more of one race than of the other only in so far as the first was more shiftless and more delinquent in the payment of taxes than the other. If the Negro had been given the same opportunity as the white to acquire property, he would have had equal opportunity to register under the property clause of the suffrage laws.[60]

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60 Stephenson, op. cit., 301.

Mr. Thomas Cooley states in his Principles of Constitutional Law that the educational and the property tests for suffrage are both reasonable and just.[61] The courts have declared them constitutional.[62]

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61 T. M. Cooley, General Principles of Constitutional Law, (Boston, 1898), 263-264.

62 McCulloch, op. cit., 101.

The courts began to test the constitutionality of the educational tests, and several interesting cases came up. The State Supreme Court defended the Mississippi constitution of 1890. On this point Judge Woods said:

> The regulation of the right of suffrage belongs to the states and the only limitation thereon to be found in the Constitution of the United States, or the latest amendments thereto will be found to be the prohibitions of discriminations against persons on account of race or color.... It is clear that the conversion of these offices into partisan managers and political bosses was not the purpose of the Constitution or ordinance.[63]

63 Sproule V Fredericks, 11 So. Rep., 472-481.

The poll tax qualification was held not to violate the Fourteenth Amendment, although in many instances an unfair administration of the law tended to disfranchise the Negro. It is certain that more Negroes than whites were so disqualified.[64] There is nothing in the text of the provisions

64 Williams V Mississippi, 170 U. S. 213.

that could possibly be said to expressly discriminate because of race or color, for the fact that Negroes were generally delinquent in the payment of taxes was not the fault of the statute and therefore not properly to be urged against it.[65] When the literacy test of Mississippi came up for review the court

65 C. S. Mangum, The Legal Status of the Negro, (North Carolina, 1940), 389.

held that this clause did not, on its face, discriminate against the Negro and did not violate the Fourteenth Amendment. The court did recognize the possibility of gross discrimination and injustice, but the terms of the law reached all men and the court could not condemn it simply because abuse was possible.[66]

66 Porter, op. cit., 223.

In North Carolina, the case of Harris V Scarborough was brought into court in 1892, and it was held that to the query "Residence", by the registrar, the person desiring to be registered must, of his own accord, give more detailed information than simply, "North Carolina." In giving the judgement of the court Judge Avery said:

> In the absence of proof to the contrary, it is always presumed that the officer has done his duty. Every citizen is always presumed to know the law governing his relations with others, as well as the mandatory rules which prescribe how he may secure the enjoyment of his rights.... We concur with the court below that it is the duty of the elector to make the answers as specific as the statute requires them, and that the registrar, if he read the headings calculated to elicit the requisite answers, certainly did all that the law requires of him.[67]

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67 Harris V Scarborough, 110 N. C., 232.

Judge Walter Clark, in his dissenting opinion in this case pointed out very aptly, that the registrar might have had more definite answers had he made any effort to elicit them, and that while all electors were presumed to know all the provisions of the election law, as a matter of fact, the majority of electors, especially the more ignorant ones did not know them. But the majority of the court held otherwise.

In the South Carolina case, Mills V Green, Judge Goff handed down a decision declaring the state registration law of 1894 unconstitutional. He declared that there was no justification in the constitution for the requirement of a certificate of registration to be issued to the voter; it was simply an "unreasonable, burdensome and harrassing requirement which impedes and abridges the right of the voters of the state to cast their ballots." The closing of the registration books on July 1, before the

November election, he believed to be "unreasonable." He concluded that Mills had actually been kept from registering and voting since 1882 by various intricacies of the law. A specific provision of the law to which Judge Goff particularly objected was the requirement of an affidavit setting forth name, age, all places of residence, etc., and having this supported by the testimony of two respectable men who were twenty-one years old on or before June 30, 1882. The intent of the legislation, he said, was apparently, "how best to abridge and destroy the greatest number of votes of the citizens of African descent, while at the same time interfering with as few as possible of the votes of the white race."[68]

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68 Mills V Green, 67 Fed. Rep., 818.

Summarizing the foregoing means of legally disfranchising the Negro we find that the members of the various constitutional conventions from 1890 to 1904 have intentionally cut out most of the ignorant and black voters while leaving in most of the white voters. However, because of the Fifteenth Amendment and the Supreme Court of the United States, this had to be done indirectly. The six most aggressive of the Southern states which have framed such amendments were, North Carolina, South Carolina, Oklahoma, Mississippi, Louisiana and Virginia. The last three put the constitution into effect without submitting it to the people. The main principles of these constitutions were the following:

(1) Nearly all the constitutions in specific terms prohibited persons convicted of certain crimes from ever voting again.

(2) Alabama and Mississippi had moderate property qualifications as one of several alternatives.

(3) All six states except Louisiana required the prepayment of poll taxes for one, two or three years.

(4) In South Carolina and Mississippi the voter had to be able to prove at the polls that he had paid his taxes.

(5) All the Southern constitutions had an educational clause; in two states, South Carolina and Louisiana, taxes or property worth $300.00, could be substituted for reading and writing, and in Mississippi it was provided that the voter must be able to read any section of the constitution of the State, or he had to be able to understand the same when read to him or give a reasonable interpretation thereof.

(6) The so-called "understanding clause" was very curiously applied in South Carolina and Virginia where persons who would otherwise be up to a date fixed in the constitution, and who had registered previous to that date should remain voters thereafter even though they could not read or write. Sometimes this was referred to as the "temporary understanding clause." In reality, it gave suffrage for life to any person who up to the date mentioned, though illiterate, could persuade the election officers that he was able to understand a part of the constitution.

(7) The "grandfather clause", which will be the subject of the next chapter, formed a part of five of the Southern constitutions. It provided that a person who was a voter prior to January 1, 1867, could vote, notwithstanding his inability to satisfy the intelligence or property qualifications.

(8) In the constitutions of Alabama, North Carolina and Virginia, there was a clause which would be hard to match elsewhere. It provided that persons who had served as soldiers, not only in the United States Army, but even in the Confederate Army, should be excused from other qualifications. That former Confederate soldiers should be disfranchised for that reason alone is logical;

but, that service against the government should be a special reason for granting a privilege, from which others in like circumstances were excluded, was a whimsicality which would not pass for a joke in less good-natured countries.

Nowhere was the Negro, as such, excluded; but he was less likely to have the tax and property qualifications and he was handicapped by the great amount of discretion given to registrers and officials at the polls, who were nearly always whites. When a Negro dentist in Montgomery, Alabama, a well-educated man, possessing the constitutional qualifications, went in at the appointed time to register, the official greeted him with the courteous question, "What do you want, nigger?" "I want to be registered." "Nigger, get out of here, this ain't our day for registering niggers." That man was not registered and only about five thousand Negroes of about a hundred and thirty thousand Negroes of voting age were registered in that State.[69]

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69 Albert Hart, "Realities of Negro Suffrage", American Political Science Association Proceedings, II. 163.

One could hardly criticize a genuine intelligence qualification for voting but there were several serious objections to the disfranchisement that was practiced in the South. First, the amendments were not perfectly sincere, their end was clouded and concealed for the simple reason that to have pronounced their real purpose would have brought about a collision with the Fifteenth Amendment and would have caused a diminution of the number of representatives in Congress. Secondly, the exclusion of a large number of Negroes, together with a small number of whites set up a proletariat of people who had no direct way of relieving their discontents. In the third place, it was an attempt to set up a privileged class. If the restrictions had been adminis-

tered in good faith all but the discrimination would have disappeared, for both Negroes and whites would have found their way into the electorate through education, but this was not the intention of the South. The basis of suffrage in the South was "This is a white man's government." Thus, one is led to conclude that the Southern constitutions did in fact, though not openly, discriminate between men on account of color and that the Negro was relegated to a position in which one of the most effective springs of thrift and ambition were removed.[70]

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70 Ibid., 165.

CHAPTER V

THE GRANDFATHER CLAUSES

In addition to the educational and property tests, seven of the Southern states adopted the so-called "grandfather clause". The principle of these "grandfather clauses", briefly stated was, that a person who could not satisfy either the educational or the property tests, could continue to be a voter for life if he happened to be a voter in the year 1867 or an old soldier or the lineal descendant of such a voter or soldier on the condition that he registered prior to a date fixed by the state. Alabama generously permitted all who served honorably in the forces of the United States in the War of 1812, the war with Mexico, any war with the Indians, the war between the States, the war with Spain or in the forces of the Confederate States and the lawful descendants of those and all who were of good character and who understood the duties and obligations of citizens under a republican form of government, and who registered before December 20, 1902.[1] The clause in

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1 G. T. Stephenson, Race Discriminations in American Law, (New York, 1910), 305.

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the Georgia constitution is similar to that of Alabama except that the privilege was extended to veterans of the Revolutionary War and their descendents. To take advantage of this clause in Georgia, one had to register before January 1, 1915.[2] Louisiana provided that one entitled to vote in any state on January 1,

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2 Ibid.

1867, son or grandson of such a one, twenty-one years old or over in 1898, or a foreigner naturalized before January 1, 1898, who had resided in the State five years preceding his application for registration, might register before September 1, 1898.[3] North Carolina allowed one who had the right to

3 Ibid., 306.

vote on January 1, 1867, and the lineal descendant of such a one to be registered prior to December 1, 1908.[4] In South Carolina one could register under the

4 Ibid.

"grandfather clause" if he could read the constitution of the State or could understand and explain it.[5] Virginia permitted one to register up to 1904,

5 Ibid., 307.

who before 1902 served in the army or navy of the United States or of the Confederate States or of Virginia, or who was the son of such a one, who had property on which the State tax was at least one dollar or who was able to read and explain or to understand and explain the constitution of the State.[6]

6 Ibid., 306.

Thus, in Alabama, Georgia and Virginia, the fact that one was a soldier enabled him to register under the "grandfather clause;" in Louisiana and North Carolina that he wass a voter in 1867, and in South Carolina that he could understand and explain the constitution. In each of the above States the lineal descendants of such soldiers or voters in 1867 might register under the "grandfather clause."

The origin of the "grandfather clause" is found in the 1898 constitution of Louisiana. An examination of this constitution will show that the suffrage requirements are not very much different from those of other Southern states. On the surface, the requirements for voting were quite impartial as between the races. Every voter was required to have resided in the State for two years, in the parish for one year and in the precinct for six months; he had to prove his ability to read and to write by making application for registration in his own handwriting, or if he was unable to read or write he could register if he owned $300.00 worth of taxable property. Also, no person less than sixty years of age was permitted to vote who could not show receipts for the payment of poll taxes of one dollar per year for two years before offering to vote.[7]

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7 W. A. Mabry, The Disfranchisement of the Negro in the South, (Durham, N. C., 1933). 257.

If the suffrage requirements had stopped at this point there could have been no charge of discrimination against the Negro, except indirectly against his characteristics such as his tendency to roam from place to place, his ignorance, his lack of property and his failure to retain receipts. But under all the clauses so far set forth, the Negro had an equal chance with the white to qualify for voting. Another clause, Article 197, Section 5, however, was included and this provided a loop hole for the illiterate and impecunious white man.[8] The text of this particular section is the following:

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8 Ibid., 256.

> No male person who was on January 1, 1867, or at any date prior thereto, entitled to vote under the constitution or statutes of any State of the United States, wherein he then resided, and no son or grandson of any such person not less than twenty-one years of age at the date of the adoption of this constitution, and no male person of foreign birth, who was naturalized prior to the first day of January, 1898, shall be denied the right to register and vote in this state by reason of his failure to possess the educational or property qualifications prescribed by this Constitution; provided he shall have resided in this state for five years next preceding the date at which he shall apply for registration, and shall have registered in accordance with the terms of this article prior to September 1, 1898, and no person shall be entitled to register under this section after said date.[9]

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9 Constitution of Louisiana, 1898, 79. Cited in W. A. Mabry, "Louisiana Politics and the Grandfather Clause", The North Carolina Historical Review, XIII, (Jan. to Oct.), 256.

When the state convention was in session and just when the suffrage committee seemed about to get section five of the suffrage clause satisfactorily amended, a bomb was thrown into the camp. A copy of the suffrage article was sent to the two United States senators from Louisiana asking them to express their opinion as to the constitutionality of the measure. Senator Caffery telegraphed his reply from Washington;

> Section five of the amended suffrage amendment is unconstitutional in my opinion, because it establishes a privileged class of voters for three generations without qualification, while it imposes qualifications on all other citizens, and because in fact it discriminates against the colored people.[10]

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10 The Times Democrat, March 18, 1898. Cited in Mabry, op. cit., 306.

Senator McEnery telegraphed the following message;

> In answer, I say that Section five is grossly unconstitutional. I have submitted the same to some of the ablest Democrats in the Senate, who are able constitutional lawyers. They all concur in my opinion that if adopted the effect will be to lose in our representation in Congress and in the electoral vote of the state.[11]

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11 The Times Democrat, March 18, 1898. Cited in Mabry, op. cit., 306.

Many members of the convention still preferred the "grandfather clause" in spite of its doubtful constitutionality. Unwilling to abandon what they believed to be the best solution of the suffrage question, a telegram was sent to Senator McEnery inquiring whether he would defend the "Grandfather clause" in the Senate if it were adopted by the convention. The Senator replied that he would defend in the Senate any suffrage plan adopted. "Duty to people demands it."[12] In the convention a compromise was reached.

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12 The Daily Picayune, March 22, 1898. Cited in Mabry, op. cit., 306.

A poll tax was added as a prerequisite for registration and this was to be applied after 1900. There was also an understanding that the poll tax could be dropped as early as 1908 if the legislature saw fit to do so.

In reality, the "grandfather clause" is not a disfranchising instrument but rather the opposite. According to Governor Foster, the regular educational and property qualifications contained in the constitution would have disfranchised from 25,000 to 30,000 white men. This was unbearable to the White South and it was for this reason that the plan was devised which would give the ballot to these unfortunate whites. Very few Negroes could possibly register under this clause, because in no Southern state and in only

a limited number of Northern states could Negroes vote in 1867. In spite of this, however, those who defended the constitutionality of the "grandfather clause" pointed out that race was nowhere mentioned in the section, that it was entirely possible for Negroes who had voted, or whose ancestors had voted in another state in 1867, to register under Section five. Any possible Negro registration under the clause would, so they reasoned, be adequate to disprove the charge that the Negro race was being discriminated against. There was absolutely nothing to prevent Negroes who could read and write, or who owned $300.00 worth of property from voting in Louisiana.[13] There seemed

13 W. A. Mabry, op. cit., 257.

to have been a general feeling among the white Southerners that politics was the white man's prerogative and that the white man, even the illiterate or poor whites had a native capacity for politics which was lacking in the Negro. This feeling was clearly expressed in the much talked of "grandfather clause."[14]

14 Ibid., 258.

There was anything but perfect harmony among the Democrats as they assembled in convention to bring about white supremacy. The Negroes were likewise outspoken in their criticisms and pleas for justice. Booker T. Washington attempted to prick the consciences of Louisiana Democrats by writing them that he hoped the law would be so clear that,

> ...no one clothed with state authority will be tempted to perjure and degrade himself by putting one interpretation upon it for the white man and another for the black man.[15]

15 J. H. Franklin, From Slavery to Freedom, 336.

Negroes led by T. B. Stamps and D. W. Boatner appeared before the suffrage committee and admitted that a qualified suffrage might remedy demoralized conditions, but they pleaded for an honest test, honestly administered.[16]

16 Ibid.

Various members of the convention gave their opinions as follows: Mr. T. A. Hicks of St. Landry, voted "yes", because he felt this measure, though imperfect, would bring about a vast improvement over existing conditions.[17] Mr. C. H. Tebault felt that there were reasons to

17 Louisiana Constitutional Convention, 1898, Journal, 143. Cited in Mabry, op. cit., 250.

be not only satisfied but proud of the work achieved in the best interests of Louisiana.[18] Judge Thomas J. Simmes, of Orleans, supported the article

18 Ibid.

because he believed it would accomplish the purpose for which the convention was called.[19]

19 Ibid., 143-144.

Many were vehement in their denunciation of the work of the convention. Mr. Charles T. Soniat, of Orleans, felt that the clause was "glaringly unconstitutional, undemocratic and un-American...I dare say that there is no logican or lawyer who will say that when a law is unconstitutional both in its motive and its effect, that it does not drag down the whole law

as being unconstitutional."[20] Mr. H. Dickson Bruns of Orleans likewise felt

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20 Ibid., 146.

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that the law was unconstitutional since it admitted men to the electorate in spite of every disqualification.[21]

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21 Ibid., 142.

The principal argument used by the Populists and Republicans against the suffrage amendment in North Carolina was that the "grandfather clause" was unconstitutional. There was an obvious discrimination in the clause, they said, since the Negro had not been permitted to vote in North Carolina between the years 1835 and 1867. The chance of a Negro's proving his ancestors voted in 1835 would be nil; hence, the "grandfather clause" was a discrimination on account of "race, color and previous condition of servitude." Perhaps the most effective argument in favor of the amendment in this state was that it would purify politics, since the illiterate Negro would no longer be the pawn of politicians.[22]

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22 Appleton's Annual Cyclopedia, 1900, 444-445.

In Alabama, Senator Morgan opposed the "grandfather clause" because, in his opinion, it created an hereditary class of voters and this he regarded as distinctly undemocratic.[23] Mr. Huff, of Lumpkin, Georgia, objected to the

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23 Montgomery Advertiser, July 11, 1901. Cited in Mabry, op. cit., 353.

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clause on the rather novel ground that it would permanently enfranchise,

"every Negro house burner who followed Sherman."[24]

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24 The Atlantic Journal, Aug. 12, 1902. Cited in Mabry, op. cit., 462.

In most cases the "grandfather clauses" were temporary and expired by limitation. The length of duration of the "grandfather clauses" varied from a few months to several years. Thus the one in South Carolina was of avail from 1895 to 1898; of Louisiana from May 16, 1898 to September 1, 1898; of North Carolina from 1901 to 1903; Virginia from 1902 to 1904, and in Georgia it extended from 1908 to 1915.[25] In Oklahoma, the clause was

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25 Stephenson, op. cit., 307.

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made permanent in 1910 but annulled in 1915. However, before becoming obsolete, these various clauses allowed the permanent registration of all whites.[26]

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26 McCulloch, op. cit., 100.

The actual effects of the overthrow of the "grandfather clauses" were not so significant as it might at first be supposed. By 1915, the time limits for registration under all of the Southern "grandfather clauses" except that of Oklahoma had expired. Moreover, the blow to Oklahoma was not serious. That State had a comparatively small Negro population and there was no danger of Negro domination.

CHAPTER VI

CONGRESS AND NEGRO SUFFRAGE

No sooner was the radical plan of reconstruction completed, in theory, with the Fifteenth Amendment, than Congress made use of extraordinary measures to enforce it in practice. In spite of the efforts of the Union Leagues to create a permanent Negro electorate in the South, state after state returned to white control and deserted the Republican party. In fact the Republican majority in Congress was reduced from 97 to 35 in the election of 1870.

The presumption on the part of the Federal government was that the re-admitted states would be obedient to the Constitution and laws. The lenity with which the triumphant Union had treated the crime of rebellion, sacrificing no man's life, stripping no man of his property, depriving no man of his personal liberty, gave the Government the right to expect order and the reign of law in the South. But it was soon disclosed that on the part of the large mass of those who had participated in rebellion, there was really no intention to acquiesce in the legislation of Congress, no purpose to abide by the Constitutional Amendments in good faith. The re-admission of these states to representation was taken by them only as the beginning of the era in which they would more freely wage conflict against that which was distasteful and, as they claimed, oppressive.[1]

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1 J. G. Blaine, Twenty Years of Congress, II, (Norwich, Conn., 1886), 466.

On this assumption then, that the white state governments in the South were unwilling, and the black governments were unable, to protect the Negro in his rights, Congress inaugurated the policy of the "Force Acts." The primary aim was to protect the right to vote, but ultimately the purely civil rights and even the so-called "social rights", were included in the legislation.[2]

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2 W. A. Dunning, Essays on Civil War and Reconstruction, (New York, 1931), 357.

Thus it was that the National Government interposed its strong arm and a detail of soldiers at the principal points throughout the South gave a certain protection to those whose rights were otherwise in danger of being utterly trodden down.

The Enforcement Act was passed in May, 1870, and visited with severe penalties the infraction of the Fourteenth and Fifteenth Amendments,[3] but the

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3 J. W. Burgess, Reconstruction and the Constitution, (New York, 1902), 254.

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effect was only to redouble the repressive energies of the Ku-Klux Klan and other regulative associations. This so-called "Force Bill" was authorized by the second section of the Fifteenth Amendment and was designed to set aside all state laws which might violate the Amendment and to impose punishments upon state officers and individuals who should wrongfully prevent citizens qualified to vote from exercising that privilege. Furthermore, cases arising from such offences were to be tried in Federal courts.[4]

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4 W. A. Mabry, The Disfranchisement of the Negro in the South, Durham, N. C., 1933), 46.

The fourth section of this Bill provided for the punishment of any person who should by force, bribery, threats, intimidation or other unlawful means, hinder, delay or combine with others to hinder, delay, prevent or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election.[5] There seems to

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5 G. T. Stephenson, Race Distinctions in American Law, (New York, 1910), 290.

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be not the slightest doubt in the mind of any good constitutional lawyer, that Congress overstepped its constitutional powers in that part of the Enforcement Act of May 31, 1870, which related to the exercise of the suffrage, and trenched upon the reserved powers of the states. The excuse for it was the lawless bands of white men, the Ku-Klux Klans and the like who were intimidating the blacks, and preventing them from voting. But that was a matter of concern for the State governments, and the State governments in the South were, at the time of the passage of this Act, with the exception of Tennessee, in the hands of the Republicans.[6]

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6 Burgess, op. cit., 257.

In 1875, the Supreme Court declared sections three and four of the Enforcement Act of 1870 unconstitutional since their operation was not confined to unlawful discriminations on account of race, color or previous condition of servitude.[7]

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7 Mabry, op. cit., 472.

Congress was thus held to a strict construction of the Fifteenth Amendment in its enforcement legislation. Obviously, it was difficult to

prove that discrimination against a voter was on account of race, color or previous condition of servitude and equally as difficult to frame a law which would punish this kind of discrimination alone, effectively. The hands of Congress were more or less tied in extending to the Negro that sort of protection against political discrimination which the framers of the Fifteenth Amendment intended. But, on the other hand, had the Enforcement Act of 1870 been upheld in its entirety, Federal authorities would have had complete control of all elections, state as well as Federal.[8] This would have been a direct invasion of state rights. Thus the efforts of Congress to secure the political rights of the freedmen failed because, in the long run, it involved Negro domination and this had proved intolerable to the whites.[9]

8 Stephenson, op. cit., 292.

9 J. W. Garner, "Reconstruction", Encyclopedia Americana, XXVII, 433.

As the Amendments forbade only states to curtail the civil and political rights of the Negro, legislation by Congress to control or punish the actions of individuals or groups of individuals in the South was condemned by the moderates as an unconstitutional interference with the police powers of the states. Nevertheless, the radicals persisted in their determination to override public opinion in the South. Accordingly, on February 28, 1871, a second Enforcement Act placed congressional elections under the control of supervisors appointed by Federal judges in the various states. This had reference to the elections for members of Congress only, but as the state elections generally took place on the same day, the protecting influence of the Federal Government was made available to the freedmen who desired to

vote for Republican governors and members of the legislature.[10]

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10 J. F. Rhodes, History of the United States, (New York, 1920), 312.

It certainly had never been proved in a single instance that a legal voter in any Southern state was deprived of his right of suffrage by the presence of United States troops in those states; but the issue was at once made by the Democratic party against the administration of President Grant, that free elections were impossible in the Southern states unless soldiers of the Regular Army were excluded. It was asserted that their simple presence was a form of coercion absolutely inconsistent with Republican government. There was strong protest against the presence of troops in states where self-government had been conceded by Congress.

It was perfectly understood and openly proclaimed in the North and perfectly understood though not openly proclaimed in the South, that the withdrawal of the protection of the Northern Government from the states lately in rebellion, meant the end of suffrage to the colored man, or at least such impairment of its force and influence as practically implied its total destruction.

Local efforts to suppress the outlaw organizations, such as the Camelias and the Klan, had been, on the whole, unsuccessful.[11] Thereupon

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11 J. H. Franklin, From Slavery to Freedom, (New York, 1947), 323.

Congress took the initiative to suppress these groups. President Grant sent a message to Congress urgently recommending such legislation as, in the judgment of Congress shall effectually secure life, liberty and property

as well as the enforcement of law in all parts of the United States. Senator Morton offered a resolution calling on the President for a report on the "outrages" in the subjugated states.[12] The President responded im-

12 C. G. Bowers, The Tragic Era, (Massachusetts, 1929), 340.

mediately and the plans were instantly adopted. After investigation, members of Congress were convinced that the Klan was still active.[13] Once

13 Franklin, op. cit., 324.

more the air was filled with bitter denunciations of the Southerners as murderers and traitors; orators evoked the bitter memories of the war and the bloody shirt was afloat. Soon Congress was grappling with a new measure, the Ku-Klux Act which gave to the President, vast military powers for the suppression of the Ku-Klux outrages. Four days before the debate on the Ku-Klux measure opened in the House, Grant issued a proclamation describing conditions in the state of South Carolina as frightful, referring to the appeal of the delectable Scott for the use of the Federal army and calling upon the wicked to disperse within twenty days.[14]

14 Messages and Papers of the President, IX, (New York, 1897), 4086.

After six weeks, there emerged a measure more despotic than any known since the Sedition Law of 1798. It set aside the constitutional guarantees of the states as effectively as though they had never been written, turned over to the Federal courts those accused of assault, robbery and murder; provided extraordinary means through which these courts

and politicians could pack juries, authorized the President to declare martial law when he pleased and suspend the writ of habeas corpus when he wished.[15]

15 Bowers, op. cit., 341.

The debate was spirited in both the House and Senate, and yet, despite the tremendous importance of the issue, there was a noticeable lack of interest in the discussions. Since the question had already been decided in the caucus, no one was seeking information. Some of the greatest constitutional lawyers the Senate had ever known, such as Lyman, Trumbull, Thurman and Edmunds took part in the debate.[16] In the House, Beck

16 Ibid., 342.

of Kentucky and Voorhees ofIndiana had thundered against tyranny. Voorhees said:

> You tender Grant the sword and tell him to wield it upon his countrymen in any direction he chooses; strike whenever his passions, his hates, his ambitions or his interests dictate and upon such cause of provocation as to him alone may appear sufficient. Do you wish to establish lawless tyranny in this land? Here is the charter.[17]

17 Congressional Globe, 42d Cong., 1st sess., Appendix, 180.

Trumbull solemnly entered his protest, buttressed with constitutional arguments unanswerable then or ever. To enter the states to punish individual offenders against the authority of the States would be "distructive at once of the State Governments."[18] More complete and powerful was the master-

18 Ibid.

ful Thurman. He cried: "Suspend the writ of habeas corpus by executive decree? A monstrous thing to do." Then he described its effect; the destruction of the States and the crushing of the liberties, the prosperity and the happiness of the people.[19] To all this, Congress turned a deaf

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19 Congressional Globe, 42 Cong., 1st sess., Appendix, 216-224.

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ear. Great streams of "outrage" mongers had been testifying, for the edification of the North, before a Congressional committee, upon the savagery of the South and they would admit no defeat.

The measure passed and the predicted reaction came. Garfield shuddered to think of suspending the writ when there was neither rebellion nor invasion. He called it a doctrine subversive of the government.[20]

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20 Bowers, op. cit., 343.

The Klan investigation opened the flood gates of hate anew. John Quincy Adams II called the Ku-Klux Bill, "the crowning and perfect infamy", and he in turn was accused of being a copperhead. At Steinway Hall in New York, Wendell Phillips pointed out that the way to handle the South was to, "march thirty million of men to the Gulf and hang a few Generals. But General Sherman in New Orleans thought all the clamor absurd and declared that the outrages had been enormously exaggerated for political effect.[21]

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21 Ibid., 344.

During the reign of terror, which followed the passage of the Bill, wholesale arrests were made, business was all but suspended and every citizen

was at the mercy of a dishonest enemy with a private grudge. In South Carolina alone, nearly a hundred were sentenced and fined in one year.[22]

22 Franklin, op. cit., 324.

The trials were mockeries of justice, the United States Circuit Court at Columbia was a shambles that was looked upon with shame. The juries were defiantly packed with partisans and an astounding number of Radical politicians became jurors.[23]

23 J. S. Reynolds, Reconstruction in South Carolina, (Columbia, S. C., 1905), 211.

The increasing severity of these laws and the steady encroachment of Congress upon the police powers of the states, not only roused the opposition of the Democrats who were pledged to the strict interpretation of the Constitution, but also came into disfavor with some of the outstanding Republicans. Furthermore, instead of restraining the activities of the Ku-Klux or of retarding the restoration of the home rule, this policy of coercion only hastened the solidarity of the Democratic party in the South. Every year, more and more people held that the best way to insure the proper and humane treatment of the freedmen was to cease arraying them in hostility to their former masters.

In 1875, the Supreme Court declared the Ku-Klux Act unconstitutional. Chief Justice Waite in delivering his opinion said,

> The Fourteenth Amendment adds nothing to the rights of the citizen as against another... The only obligation resting upon the United States is to see that the states do not deny that right.[24]

24 Mabry, op. cit., 38.

Undoubtedly the struggle was essentially one for political control of the South. From the Northern point of view, it was a question of whether the gains of war were to be nullified by the rebels. From the Southern point of view, it was a question of home rule - a right they would defend to the end - and of who should rule at home, which they felt was largely academic since the Negroes were not qualified.[25]

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25 Franklin, op. cit., 324.

Charles Sumner had been particularly persistent in urging the Civil Rights Bill for some years before his death. In fact it seems to have been the driving force of his declining years. It was offered as an amendment to the Amnesty Bill of 1872, and lost by only one vote. Again it was introduced into the House in December and referred to a committee. On April 30, 1874, a few weeks after Sumner's death, it passed the Senate, but the House rejected it.[26] All over the South the "poor whites" were up in arms against

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26 "Civil Rights Act", Encyclopedia Americana, VII, 2.

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it, particularly in Tennessee, where the Radical mountaineers were bitterest. The bill was thought destructive of the public schools and intended to force the two races to live together. Twenty-five thousand white Republican voters of East Tennessee resolved to get along without the colored voters sooner than submit to this sum of villainies and quintessence of abominations known as the "co-education of the races."[27]

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27 Bowers, op. cit., 419.

The Civil Rights Bill which was finally passed in February, 1875, was the most sweeping of all such legislation by Congress. It declared that

all persons within the jurisdiction of the United States should be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, public conveyances on land or water, theatres and other places of public amusement; subject only to the conditions and limitations established by law and applicable alike to citizens of every race and color. It also provided that jurors should not be excluded on account of race, color or previous condition of servitude. The second section provided penalties for the denial of these privileges, "to any citizens, except for reasons by law applicable to citizens of any race or color.[28] The District

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28 18 Stat. L., chap. 114, 335. Cited in Stephenson, op. cit., 10.

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and Circuit Courts of the United States were given exclusive jurisdiction of offences against this statute.[29]

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29 Stephenson, op. cit., 109.

This bill, together with the other Federal statutes and constitutional amendments which have been enumerated show the supreme efforts of Congress to secure to the Negro every civil and political right of a full-fleged citizen of the United States. By the Bill of 1875, Congress apparently intended to secure not only equal but identical accommodations in all public places for Negroes and Caucasians. It was apparently impossible to have a race distinction recognized by law which did not violate some Federal statute or the Federal Constitution.[30]

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30 Ibid., 10.

The constitutionality of the Civil Rights Bill of 1875 was settled in 1883. That year five cases reached the Supreme Court, all of which had to do with the civil rights of Negroes.[31] Two of them concerned the

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31 14 Civil Rights Cases, 1875, 109 U. S. 3.

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rights of colored persons in inns and hotels; (U. S. V Murray Stanley, Kansas; U. S. V Samuel Nichols, Missouri) two, their rights in theatres; (U. S. V Michael Ryan, California; U. S. V Samuel Singleton, New York) and one in railroad cars. (Robinson V Memphis and Charleston Railroad Co., Tennessee).[32]

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32 "Civil Rights Act", Encyclopedia Americana, VII, 2.

These Civil Rights Cases furnish the most striking instance of the difference between the interpretation placed upon the Fourteenth Amendment by those who framed it, and that of the court whose province it was to construe its meaning and determine its powers and limitations. Since the Act of 1875 declared all persons entitled to the equal accommodations of hotels, theatres and public conveyances, and also provided certain penalties for the denial of these privileges, the court held that these two sections of the act were unconstitutional and void. They were held to be direct and primary, as distinguished from corrective legislation and as such constituted an invasion of the domain of State control of its purely domestic affairs. The court placed upon the amendment the important and far-reaching construction that it operated as an inhibition upon the states alone, and not upon their citizens. In the words of Mr. Justice Brady:

> Civil rights, such as are guaranteed by the constitution against State aggression cannot be impaired by the wrongful acts of individuals unsupported by State authority.[33]

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33 A. F. Stone, "The Fifteenth Amendment", Encyclopedia Americana, XXVII, 439.

Two other important interpretations of the Fourteenth Amendment are that "equal" does not necessarily mean "identical" as applied to rights and privileges and that the amendment created no new privileges or immunities.

In delivering the opinion of the court, Justice Brady said that the Civil Rights Act was not authorized by the Thirteenth Amendment abolishing and prohibiting slavery, because,

> the separation of the races in public places is not a badge of servitude. It would be running the slavery argument into the ground to make it apply to every act of discrimination which a person may see fit to make as to the guest he will take into his coach or cab or car, or admit to his concert or theatre or deal with in other matters of intercourse or business.[34]

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34 Stephenson, op. cit., 110.

Furthermore, the Act was not authorized by the Fourteenth Amendment since it did not invest Congress with powers to legislate upon subjects which are within the domain of the State legislation; but it provided means of relief against State legislation or State action.[35] It dealt

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35 Ibid., 111.

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directly, not with social rights which were outside the jurisdiction of the Federal government.

The effect of this decision was that the Federal government could not prevent the curtailment of the civil rights of Negroes by individuals unless such individuals were acting under sanction of State statutes, and in that case the Federal Court could only declare that the State statute was unconstitutional. The Civil Rights Bill of 1875 was the last effort of Congress to guarantee to Negroes their civil rights.

CHAPTER VII

EFFECTIVENESS OF THE SOUTHERN SUFFRAGE LAWS

Negroes were disfranchised in large majorities in the state of Alabama, Kentucky, Louisiana, Mississippi, North Carolina, Virginia, South Carolina and Georgia.[1] Although the partisan laws disfranchised most of

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1 F. D. Patterson, "Negro Disfranchisement", Encyclopedia Americana, XX, 52.

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of the Negro electors, by playing on the "understanding" and "moral character" clauses therein contained, many others were excluded from the franchise. While the Negro as such was not named in the law, no one doubted that he was the target. Hence, many of the freedmen, to please their employers, through fear or because the struggle seemed hopeless, did not even try to register. It is not surprising then, that the black vote was almost entirely eliminated.[2]

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2 A. J. McCulloch, Suffrage and Its Problems, (Baltimore, 1929), 103.

The tax-paying and registration requirements became the most effective means in excluding undesired votes. The effect of these restrictions was remarkable, having disfranchised, in each state that had restricted the suffrage, from 30,000 to 60,000 whites and almost all of the blacks.[3]

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3 W. L. Flemming, "Suffrage", Encyclopedia Americana, XXVII, 467.

Both whites and blacks have asserted that the suffrage laws, to some extent, were beneficial.[4] Negro education became generously support-

4 McCulloch, op. cit., 100.

ed as can be seen by the fact that in Alabama in 1890, 72.2 per cent of the colored population were illiterate while in 1900, the percentage had decreased to 59.5 per cent.[5] In North Carolina from the time of the

5 Census Report, 1900, 462.

adoption of the suffrage amendments, there was a marked increase in Negro school attendance.[6]

6 C. H. Poe, "Suffrage Restrictions in the South", North Am. Review, CLXXV, 541.

Since disfranchisement was the work of provincial partisans in the South, it made possible the protracted rule of this class of politicians in the Southern states. The inevitable result was that it narrowed the vision, warped the soul, intensified the brutal passions and afflicted the whole country with the evils of civic disorder.[7] Moreover, it is easy to

7 W. H. Skaggs, The Southern Oligarchy, (New York, 1924), 144.

see how great numbers of illiterate Negroes were deprived of their votes through the many technicalities of the law. According to estimates, the Democrats disfranchised 49,000 legal voters on the basis of the decision in Harris V Scorborough. While the figure may be a bit exaggerated, there is

evidence to show that large numbers of Negroes actually were disfranchised because they did not answer correctly the questions put to them by the registrar.[8]

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8 W. A. Mabry, The Disfranchisement of the Negro in the South, Durham, N. C., 1933), 85.

The three commonwealths of the South which were the first to adopt educational qualifications for suffrage, Mississippi, Louisiana and South Carolina, show a loss of some 400,000 voters between the elections of 1867 and 1898. Twenty out of every twenty-one Negroes were disfranchised.

In the case of White Supremacy, the effect of the suffrage laws was salutary as the following figures will show. There were 130,344 Negroes registered in Louisiana in 1896. This constituted a majority in twenty-six parishes. In 1900, two years after the adoption of the new constitution, only 5,320 Negroes were on the registration books. In no parish did they make up a majority of voters. Of 181,471 Negro males of voting age in Alabama in 1900, only 3,000 registered after the new constitutional provisions went into effect.[9]

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9 J. H. Franklin, From Slavery to Freedom, (New York, 1947), 337.

In Mississippi only 8,615 Negroes out of 147,000 of voting age were registered in 1900.[10] This same state likewise showed a striking re-

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10 McCulloch, op. cit., 87.

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duction of the number of voters in counties having a large Negro population. When the new code was adopted in 1880 it was proposed, amid outcry, to make the payment of a 25¢ tax a condition for the exercise of the franchise.[11]

11 Senate Report No. 693, 46th Cong. 2nd sess., 266.

Registration became more difficult. Comparing 1876 to 1888, the number of votes cast in Noxubee county, where there were over 22,000 blacks and less than 5,000 whites, declined from 3,059 to 846; in Yazoo where there were nearly 28,000 blacks and less than one third as many whites, from 3,674 to 1,203; in Panola from 5,307 to 2,771; in Wilkinson from 2,687 to 532.[12]

12 Appleton's Annual Cyclopedia, 1888, 813.

In 1876 the total vote cast in Mississippi had been 164,778 while in 1888 it was only 115,807.[13]

13 Ibid.

The figures concerning suffrage in South Carolina are the following. In Edgefield county, which had cast 9,380 votes in 1876, there were but 3,196 in 1888. Richland county with 6,286 votes in 1876 had only 2,360 in 1888. The number in Abbeville county fell from 8,057 in 1880 to 3,065 in 1888.[14] According to the 1890 census there were 31,916 Negroes and

14 E. P. Oberholtzer, A History of the United States Since the Civil War, IV. (New York, 1931), 590-591.

17,340 whites in Edgefield county; 24,885 Negroes and 11,933 whites in Rich-

land county; 31,705 Negroes and 15,142 whites in Abbeville county. In the Newberry county the colored votes were reduced from 5,791 in 1880 to 1,789 in 1888; in Barnwell from 8,903 in 1880 to 3,700 in 1888; in Beauford from 9,802 in 1876 to 2,278 in 1888.[15] In 1876 the total vote of South Carolina

15 Ibid.

for Presidential electors was 182,776; in 1888 it was only 79,561.[16]

16 Appleton's Annual Cyclopedia, 1888, 828.

It is impossible to say how many persons were disfranchised under the suffrage laws of the Southern States. No doubt many were capable of satisfying the qualifications but did not register, or if they did register, did not vote.[17] This was true, particularly of the whites. It discloses

17 G. T. Stephenson, Race Discriminations in American Law, (New York, 1910), 320.

the fact that after the fear of Negro domination had been seemingly removed and all the voters were practically of one political party, the whites of the South very soon became indifferent electors.[18]

18 McCulloch, op. cit., 88.

The following figures show either the extent of actual disfranchisement or the political apathy in the Southern States. In one county in Mississippi, with a population of about 8,000 whites and 11,700 Negroes in 1900, there were only twenty-five or thirty qualified Negro voters in 1908, the rest being disqualified, it is said, by means of the educational test.

In another county, with 30,000 Negroes, only about 175 were registered voters. In still another county of Mississippi, with 8,000 whites and 12,000 Negroes, only 400 white men and about 30 Negroes were qualified voters in 1908. The clerk of court of a county in North Carolina with a population of 5,700 whites and 6,700 Negroes stated in 1900 that a Negro had never voted in that county. As a general rule, during the first decade of the new century, taking the country at large, about one person in five was a male of voting age.[19] In

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19 Stephenson, op. cit., 320.

Iowa, four out of five possible voters actually voted in the four elections preceding 1910; in Georgia, a State of nearly the same population, the proportion was one to six. In Mississippi, in 1906, only one out of eighteen males of voting age actually voted. In Georgia it was one out of fifteen. In a district in Mississippi, with a population of 190,885, only 2,091 votes were cast for the Representative John Sharp Williams in 1906. These figures show conclusively that the ratio of actual voters to the total population in the Southern States was astoundingly smaller than in other states.[20]

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20 Ibid.

The evil results from Negro suffrage during reconstruction has caused Congress to hesitate before again interfering in affairs of the Southern States.[21] Some of the formal rules have been outlawed by the Supreme Court,

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21 W. L. Fleming, "Suffrage", Encyclopedia Americana, XXVII, 467.

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but by one means or another, all Negroes are still kept from the vote in the States of the deep South. A current device difficult to control is the Democratic primary. Since this is not a public election, it is treated as a private affair and only whites are allowed to vote.[22]

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22 E. R. Embree, Brown Americans, (New York, 1943), 144.

CHAPTER VIII

SOUTHERN OPINIONS CONCERNING DISFRANCHISEMENT OF THE NEGROES

While some of the methods used by the Southerners in disfranchising the Negro cannot be condoned, the testimony of history shows that they did have some sound arguments in their favor. Few today will contest the fact that the whites of the South had a right to curb the freedman's indiscriminate use of the ballot to protect themselves against the unscrupulous politicians of the North and to demand that the Negro earn his privilege of voting by education and by acquiring desirable habits.

The Southerners deliberately resolved to prove to the public opinion of mankind that the Negro was fit only to be chattel, that slavery was the normal and natural state of the Negro, that the Northern people, in taking any other ground, had been deceived by a sentiment and had been following a chimera; that the Southern people alone understood the question and that interference with them by war or by law should end in establishing their justification before the public opinion of the world. Southern whites believed and boasted that they would subject to general reproach and expose to open shame that whole class of intermeddlers and fanatics of the North.[1]

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1 J. G. Blaine, Twenty Years of Congress, (Norwich, Conn., 1886), 106.

Neither Lincoln nor Johnson wished to have universal manhood suffrage immediately extended to the freedman, and both, being Southerners by

birth, understood the Negro. Lincoln preferred that it be conferred gradually, first securing it to the very intelligent, those able to read and write, and to those who had served in the Union Army.[2] Johnson was in

2 J. G. Nicolay and John Hay, Complete Work of Lincoln, X, (New York, 1905), 38. Letter to Hahn of Louisiana, March 13, 1864.

favor of a similar plan which would extend the ballot to those Negroes owning a little property and those able to read and write.[3] The evident

3 A. J. McCulloch, Suffrage and Its Problems, (Baltimore, 1929), 91. Telegram of Gov. Sharkey of Mississippi, Aug. 15, 1865.

purpose was to allow the commonwealths of the South to solve their own problem - the National Government insisting only that those Negroes who are qualified be allowed to vote. Though the South, as a whole, was deeply prejudiced against Negro suffrage, many of the leading men of that section took the same view of the matter as did the National Government. Wade Hampton and Lucius Q. Lamar may be taken as typical men of the South who saw the issue clearly. Wade Hampton of South Carolina wrote: I realized in 1867 that when a man,

> has been made a citizen of the United States, he could not be debarred from voting on account of his color. Such an exclusion would be opposed to the entire theory of republican institutions.[4]

4 Ibid.

The ablest men of the time were adverse to conferring the ballot on the Negro irrespective of his fitness for it. Beecher, in 1865, pointed out the futility of such a course and concluded:

> You will never be able to secure the elective franchise for the Negro and maintain it for him, except by making him so intelligent that men cannot deny it to him.[5]

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5 W. H. Beecher, "A Voice from the Past", The Outlook, CLXIV, May, 1903), 92.

On one point all agreed, and that was that the ballot has been a curse rather than a blessing to the Negro. Under the law, the Negro had a privilege which he could not exercise and every attempt to exercise it independently or in opposition to the wishes of the ruling Oligarchy aroused the most bitter and unrelenting animosity of the white man.[6] It

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6 W. H. Skaggs, The Southern Oligarchy, (New York, 1924), 120.

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was a common opinion in the South that none but people of property and intelligence were entitled to vote.

William D. Gutherie, author of the Fourteenth Amendment and one of the leaders of the New York Bar said:

> The enfranchisement of the colored race was a political mistake even in the best interest of the race itself. Enfranchisement under the Fourteenth Amendment would have come in time, and the very dangerous feature of the race feuds in the South...would have been avoided.[7]

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7 J. A. Hamilton, Negro Suffrage and Congressional Representation, (New York, 1910), 51.

Ex-governor Chamberlain of South Carolina in 1890 made the following statement:

> I do not exonerate the white race at the South from all past or present blame. There are wrongs done there to the Negro now, but I do say that the Negro had never known such an era of advancement and prosperity in all that benefits a citizen and freeman as the period since 1876, and if it be treason to say it, I reply, in historical words, "Make the most of it."8

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8 F. B. Simkins, South Carolina During Reconstruction, (North Carolina, 1932), 544. Speech of Feb. 8, 1890, and reported in the Boston Daily Post.

The Southern whites knew that the Negro race was a child race, that he has had and always will have, that consciousness of Caucasian superiority called by some "race prejudice". But the white man did not hate the Negro and passion was manifested only when the blind partisanship of the blacks was so manipulated by unworthy leaders as to bring about conditions intolerable to the whites and no less damaging to the Negroes themselves.[9] On the

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9 C. H. Poe, "Suffrage Restrictions in the South", N. Am. Rev., CLXXV, 535.

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other hand, many were of the opinion that the South wanted only the Negro who was ignorant and submissive; who would do the dirty work and not fuss about it.[10] From the pen of Charles P. Love, we read:

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10 R. S. Baker, "The Negro in Politics", American Magazine, LXVI (May - Oct., 1908), 174.

> We, the Southern people, entertain no prejudice toward the ignorant per se inoffensive Negro. It is because we know him and for him we entertain a compassion. But our blood boils when the educated Negro asserts himself politically. We regard each

> assertion as an encroachment, upon our native superior rights, and a dare-devil menace to out control of affairs of the state.11

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11 Ibid.

Edgar G. Murphy, an intelligent exponent of Southern sentiment stated:

> The white voter who under our own laws remains unqualified, should be excluded in his own interests and in the interest of the State. The qualified negro - qualified by our own tests and under our own laws - should be fairly registered without evasion or postponement.12

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12 E. G. Murphy, "Shall the Fourteenth Amendment Be Enforced", N. Amer. Rev., CLXXX, 132.

It is interesting to note the opinions of the Negro leaders on this point. The case was well stated by Booker T. Washington who said in a public address:

> In my mind there is no doubt we made the mistake at the beginning of our freedom by putting emphasis on the wrong end. Politics and the holding of office were emphasized almost to the exclusion of every other interest, and we accepted responsibilities which our experience and education had not fitted us to perform with success and credit.13

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13 Shaggs, op. cit., 119.

In 1899 Booker T. Washington made the following statements concerning Southern disfranchisement:

> The wrong to the Negro is temporary, but to the morals of the white man the injury is permanent. I have noted time and time again that when an individual perjures himself in order to break the force of the black man's ballot, he soon learns to practice dishonesty in other relations of life.

> not only where the Negro is concerned, but equally so where a white man is concerned. The white man who begins by cheating a Negro usually ends up by cheating a white man... All this, it seems to me, makes it important that the whole nation lend a hand in trying to lift the burden of ignorance from the South.[14]

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14 Gunnar Myrdal, An American Dilema, (New York, 1944), 1333. Quote from Booker T. Washington, "The Future of the American Negro", 1899.

Montgomery, the only Negro member of the Mississippi convention of 1890, expressed himself in favor of the committee report. In so doing he was not unaware that it would exact "a fearful sacrifice" on the part of his own race, but these sacrifices he was willing to make in behalf of the Negroes in order "to restore confidence", the great missing link between the two races.[15] The Reverend R. H. W. Leake of Raleigh, North

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15 W. A. Mabry, "Disfranchisement of the Negro in Mississippi", Journal of Southern History, IV, (Feb. - Nov., 1938), No. 1, 330.

Carolina stated before the joint committee on Constitutional Amendments, January 13, 1899, that the tendency of the Negroes to vote blindly was a "menace to our government."[16]

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16 W. A. Mabry, "Negro Suffrage and Fusion Rule", North Carolina Hist. Rev., XII, (April, 1935) No. 2, 11.

F. M. Simmons, United States Senator from North Carolina, was born and educated in that State and received his degree from its Trinity College, thus giving him every opportunity from life long observation to judge the question to which he has devoted much time. He summed up the Southern opinion and arguments in the following manner. The emancipation and en-

CHAPTER IX

CONCLUSION

One faces the study of the Negro franchise with a feeling of compassion for the freedman and his former master. Alike, they were the victims of Northern radicals. But for the perverse events that preceded the adoption of the Fifteenth Amendment, the south might have been spared much of the bitterness of reconstruction, the nation, the vexing problem arising from indiscriminate Negro suffrage and black man, the frustration of vain hopes. The whole people lost their only friend in Lincoln. The troublesome times needed his great mind and greater heart. While the South was proud and unbending, even in defeat, Congress was actuated by unstatesmen-like motives, and forced upon the prostrate commonwealths an intolerable political situation.[1]

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1 A. J. McCulloch, Suffrage and Its Problems, (Baltimore, 1929), 91.

The short rule of the Negro being over, the Southern states were soon again in the hands of their former masters and the colored voters were fraudulently disfranchised. This program was carried out for twenty years - from the time when the disabilities against the Southern whites were removed until 1890. Then it was that new methods of disfranchisement were invented to replace those of fraud, terror and force. Here, it may be pointed out that, the Federal courts failed to give the Negro any relief since he was asked to prove the impossible - that he was kept from voting because he was

franchisement of the Negro presented two problems, namely, a social problem and a political problem. One and all, Southerners have always refused even so much as to consider the suggestion of social equality. This was a condition which was inexorable and nothing, absolutely nothing, could have changed it. Further, it was not within the power of the South to settle for itself independently of the rest of the country, the question of political equality between the races, but it did attempt to settle that question. By one device or another, the white men took the ballot from the illiterate Negro, and not as some have charged, for political or race advantage, but, as the white men believed, for his good and for the country's good and speaking broadly for the salvation of the South. The manner of his disfranchisement, in some instances at least, may seem harsh and inequitable, but as a matter of fact, it is neither. Properly interpreted, these apparently discriminating provisions simply declare, what experience has conclusively proven, that the Negro possessed, at the time of his enfranchisement, no inherent capacity for self-government, and that he could not be safely trusted with the ballot until he showed an attained capacity to use it with due intelligence and patriotism.[17]

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17 F. M. Simmons, "Political Future of the Southern Negro", The Independent, LX. (Jan. - June, 1906), 1522.

Thus there was justification for the plan that disfranchised ignorant Negroes and the verdict of the passing years states that the Negro race as a whole was certainly incapable of self-government, unworthy of the ballot and that their participation without distinction in public affairs resulted in disaster. This, however, did not justify the violence and fraud.

a Negro and for no other reason. The "carpet-bagger" very sensibly fled and the result appeared in the form of a "solid" South. It is the ever present fear of Negro domination that has prevented the suffrage question being solved on its evident merits.[2] Naturally, the Negroes have remained Republicans and

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2 McCulloch, op. cit., 85.

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for the most part devoid of unselfish and patriotic leaders. Furthermore, the transient use of the ballot had alienated from the freedman and the only man who really understood him, his former owner.[3]

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3 Ibid.

Taking all the Southern State Constitutions into consideration, regardless of the motives which promoted their adoption, the facts concerning them are:

None of them in explicit terms actually violate the provisions of the Fifteenth Amendment, by actually excluding anyone on account of race, color or previous condition of servitude. They do, however, violate its spirit.

None exclude the Negro from the suffrage, for the reason that he is a Negro. Yet, the records show the fact that in 1902, in Montgomery County, Alabama, with a Negro population of 52,000, only twenty-seven were registered.[4]

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4 International Year Book, 1902, 99.

The educational and property qualifications apply equally to blacks and whites; yet, note the following results as an example of how these quali-

fications have restricted the suffrage. On January 1, 1897, the total number of registered voters throughout the State of Louisiana was,

Whites	164,088
Negroes	130,344
Literate whites	133,608
Whites who made their X mark	28,371
Literate Negroes	33,803
Negroes who made their X mark	94,498

The registration for the election of 1900 under the constitution of 1898 was,

Whites	125,437
Negroes	5,320
Registration under grandfather and naturalization clauses	29,189
Whites coming in under educational qualifications	86,157
Whites coming in under property qualifications	10,793
Negroes coming in under educational qualifications	4,327
Negroes coming in under property qualifications	916[5]

5 P. L. Haworth, "Negro Disfranchisement in Louisiana", The Outlook, LXXI, 163.

Since the State had the exclusive right to grant the privilege of suffrage, it follows that the State may discriminate between its citizens as to suffrage qualifications, provided no discrimination is made on account of race, color or previous condition of servitude.[6]

6 J. A. Hamilton, Negro Suffrage and Congressional Representation, (New York, 1910), 41.

In all the Southern states, any Negro who possesses three hundred dollars and can read and write in the English language, is permitted to vote. If a person be disfranchised because of a property qualification, he may by thrift become a property holder and remove the disqualification, if, being an illiterate, and failing to register within the specified time limit to become a permanent voter, he may learn to read and write and thereby qualify.

In three of the Southern states, any Negro who can read and write in the English language and has paid the poll tax, is permitted to vote, although he may not possess any taxable property.

In three States likewise, he can vote if he owns taxable property, even though he cannot read and write.

The electorate of the Southern states must continue to advance with the educational qualification, the idea being to put the control of the government into the hands of the intelligent people of the State.[7]

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7 Hamilton, op. cit., 41.

Properly enforced, the permanent provisions of the constitutions are a benefit to the Negro as well as to the white man.[8] Booker T. Washington

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8 Dr. Lyman Abbott, (ed.) The Outlook, LXXVI, 634. Cited in Hamilton, op. cit., 42.

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asserts,

> Every revised Constitution of the Southern States has put a premium upon intelligence, ownership of property, thrift and character.[9]

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9 201 Edinburgh Review, 65. Cited in Hamilton, op. cit., 42.

Lastly, these constitutions represent the determined and everlasting opposition of the whites to Negro domination, and a fixed purpose to maintain white supremacy. This opposition is based upon three reasons:

(1) Negro misgovernment during the "carpet-bag" days;
(2) The fear of social equality between the races; and
(3) The outrageous crimes of the Negro against the whites.[10]

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10 Hamilton, op. cit., 42.

The methods employed by the Democrats in subduing the freedmen, were, in an abstract sense, productive of many evils which affected the white man as well as the Negro. They undermined the political morality of the States in no small degree. The ballot-box stuffer was a law breaker and taking the law into one's own hands is always a dangerous practice. Men who cheated the Negroes at the polls could not be trusted to elect worthy men to office. Furthermore, because the public conscience did not revolt at these corrupt practices, those in authority were tempted to maintain themselves in power by the use of questionable methods.[11] Perhaps there was no statesmanlike way of

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11 W. A. Mabry, The Disfranchisement of the Negro in the South, (Durham, N. C., 1933), 101.

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avoiding the evils of unrestricted Negro suffrage in the face of the Fifteenth Amendment and at a time when the memories of the War were still comparatively fresh. Be that as it may, from the Negro's standpoint, the treatment accorded him in politics was gravely unjust. It is a fact that some Negroes did vote during this period, but these had little assurance that their votes would be counted as cast or that their votes would be effective in determining the issues of the day. The Southern registrar who refused to admit a Negro's qualifications to vote and the election official who refused to count the

Negro's ballot felt, in all likelihood, that they were helping to "bear the white man's burden."[12]

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12 Mabry, op. cit., 100.

The Negro retained the potential right to vote and a few of them have always done so since 1895. Yet, they know that the whites stand ready to use force to prevent them from exercising their political privilege in large numbers. Cases of this type of violence have been recorded since 1895, and every one familiar with conditions in the rural counties knows that the possibility of violence is the principal reason why there are not more Negro voters.

To the whites, the Negro vote is still "the viper that is asleep ready to be warmed into life and sting." They know that under the national constitutions the blacks have the same rights to the suffrage which they have, and they fear that sometime in the future the Negroes will be able to circumvent restrictions.[13]

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13 T. B. Simkins, South Carolina During Reconstruction. (North Carolina, 1932), 551.

In looking back upon the court decisions affecting the political rights of Negroes, it seems quite evident that in general the officials have not carried out the intention of the framers of the Fourteenth and Fifteenth Amendments. The courts of the Southern states have, almost without exception, approved the process of disfranchisement. To some extent, the same might be said of the Supreme Court until 1915. A strict construction of the Fourteenth and Fifteenth Amendments prevented direct decisions in regard to any of the suffrage laws. Since the Oklahoma Grandfather clause

was declared unconstitutional in 1915, the Supreme Court has shown more of an inclination to enforce the spirit of the War Amendments. Yet, the Southern Legislators have been able to keep the disfranchising devices beyond the reach of the judicial arm by discriminating against the Negro's characteristics rather than against his race.[14]

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14 Mabry, op. cit., 498.

Of all the features of the disfranchising amendments, the Grandfather clause was probably the weakest. It was bitterly attacked in the various conventions as contrary to the spirit of American democracy in so far as it created an hereditary class of voters. By the time that it was overruled by the United States Supreme Court it had served its period of usefulness.

Though the suffrage amendments were framed in such a way as to disfranchise only the illiterate Negroes, they actually brought about the almost complete elimination of the Negro race from politics. That this was the real purpose of the election laws and the intention of many of the disfranchisers can hardly be doubted. The suffrage debates are replete with assertions that the government should be of and by the white race. Furthermore, the Negro was told definitely that he was not expected to vote. This strong sentiment among the whites against Negro suffrage, together with the knowledge that if he attempted to vote he would probably meet with insult and and unfair application of the law, prevented many Negroes, who were legally qualified to vote, from exercising that privilege.[15]

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15 Ibid., 504.

In most instances, the Negro has accepted disfranchisement, as he

has accepted most of the other important developments which have affected him - with a certain degree of complaisance. Some Negroes, however, have given up the ballot only after protest. Negro remonstrances and petitions have been numerous. There is no doubt that a good many Negroes feel keenly, the fact that they have no voice in the government. Many, on the other hand, have accepted the "quietistic philosophy" of Booker T. Washington, and have turned to other pursuits than politics, leaving that field to the whites.[16]

16 Ibid., 507.

Once the Negro was disfranchised, everything else necessary for White Supremacy could be accomplished. The whites solemnly resolved to keep the races completely separate for they could allow no normal relationships between them. There were the laws against intermarriage, and the "Jim Crow" laws. Toward the end of the century, the Negro was banned from white hotels, barber shops, restaurants and theatres. By 1885, most Southern states had laws requiring separate schools. With the adoption of the new constitutions the states firmly established the color line by the most stringent segregation of the races.[17]

17 J. H. Franklin, From Slavery to Freedom, (New York, 1947), 338.

Since suffrage is a political privilege, the Southern whites are acting within the realm of justice and reasonableness when they force the freedman to earn this privilege in the proper manner, and when they protect themselves from the Negro's indiscriminate use of the ballot. But, in so far as "White Supremacy" dictates the curtailment of the Civil Rights of the

Negroes for the purpose of making effective the disfranchising laws and the holding of all political power within the white circle, the South is acting unwisely, unjustly and in a very non-democratic, non-American manner.

BIBLIOGRAPHY

Primary Sources:

Blaine, James G., Twenty Years of Congress: from Lincoln to Garfield, Norwich, Conn., The Henry Bill Publishing Co., 1886. 2 vols.

California (Supreme Court) Reports.

Constitution of the United States.

Congressional Globe.

Congressional Directory, Compiler, Ben: Perley Poore, 3rd ed., Washington, Gov. Printing Office, 1884.

Clarke, E. P., "The Negro in Southern Politics", The Nation, XLI, (July 23, 1885), 67.

Documentary History of the Constitution of the United States of America, 1786-1890. Derived from the Records, Manuscripts and Rolls deposited in the Bureau of Rolls and Library of the Department of State. Washington, Dept. of State, 1894.

Dutto, L. A., "The Negro in Mississippi", The Catholic World, XLVI, (February, 1888), 577-588.

Federal Cases.

Haynes, George H., "Educational Qualifications for the Suffrage in the United States", Political Science Quarterly, XIII, Chicago, Ginn & Company, 1898, 495-513.

Kentucky (Supreme Court) Reports.

MacDonald, William, (ed.) Select Statutes and other Documents Illustrative of the History of the United States, 1861 - 1898, New York, The Macmillan Co., 1903.

Nicolay, John G. and Hay, John (eds.), Complete Works of Abraham Lincoln, new and enlarged edition, New York, Tandy-Thomas, 1905. 12 vols.

North Carolina (Supreme Court) Reports.

Pike, James S., The Prostrate State: South Carolina Under Negro Government, New York, D. Appleton and Company, 1874.

Reports of Committees of the Senate of the United States, Washington, Gov. Printing Office, 1880.

Richardson, James D., Messages and Papers of the Presidents, New York, Bureau of National Literature, 1897. 20 vols.

Senate Reports.

The American Annual Cyclopedia and Register of Important Events, New York, D. Appleton & Co., 1860 - 1910.

The Statutes at Large, Treaties and Proclamations of the United States of America, George P. Sanger, (ed), Boston, Little, Brown and Company, 1868.

The Federal Reporter.

United States House of Representatives Reports, Washington, Gov. Printing Office, 1896.

United States Census Reports, Washington, Gov. Printing Office, 1871, 1891, 1901.

United States Supreme Court Reports.

Weeks, Stephen B., "The History of Negro Suffrage in the South", Political Science Quarterly, IX, Chicago, Ginn & Co., 1894, 671-703.

Secondary Sources:

Aptheker, Herbert, To Be Free, Studies in American Negro History, New York, International Publisher, 1948.

Avery, Myrta Lockett, Dixie After the War, Boston, Houghton Mifflin, 1937.

Beale, Howard K., The Critical Year, New York, Harcourt, Brace, 1930.

Bowers, Claude G., The Tragic Era, Massachusetts, Riverside Press, 1929.

Brawley, Benjamin J., A Short History of the American Negro, New York, The Macmillan Co., 1913.

Burghardt, Du Bois, W. E., Black Reconstruction, New York, Harcourt, Brace, 1935.

Burgess, John W., Reconstruction and the Constitution, 1866-1876, New York, Charles Scribner's Sons, 1902.

Caldwell, J. W., Constitutional History of Tennessee, Cincinnati, The Robert Clark Co., 1895.

Carter, G. Woodson, The Negro in Our History, 8th ed., Washington, Associated Publishers, 1945.

Conrad, Earl, Jim Crow America, New York, Duell, Sloan and Pearce, 1947.

Cooley, Thomas M., General Principles of Constitutional Law in the United States of America, Boston, Little, Brown and Co., 1898.

Cortez, A. M. & Dangfield, R. J., Documentary Source Book in American Government and Politics, Chicago, D. C. Heath & Co., 1931.

Coulter, E. Merton, The South During Reconstruction 1865-1877, Louisiana State University Press, 1947.

Coulter, E. Merton, Georgia, A Short History, revised edition, Chapel Hill, University of North Carolina Press, 1947.

Dabney, Virginius, Liberalism in the South, Chapel Hill, University of North Carolina Press, 1932.

Dunning, William A., Essays on the Civil War and Reconstruction and Related Topics, New York, Peter Smith, 1931.

Embree, Edwin R., Brown Americans, New York, The Viking Press, 1943.

Faulkner, H. U., American Political and Social History, New York, F. S. Crofts & Co., 1937.

Flack, Horace Edgar, The Adoption of the Fourteenth Amendment, Baltimore, The John Hopkins Press, 1908.

Fleming, Walter L., Documentary History of Reconstruction, Cleveland, Ohio, The Arthur H. Clark Co., 1906.

Franklin, John Hope, From Slavery to Freedom, A History of the American Negroes, New York, Alfred A. Knopf, 1947.

Garner, J. W., Reconstruction in Mississippi, New York, Macmillan Co., 1901.

Halsey, Margaret, Colored Blind, A White Woman Looks at the Negro, New York, Simon and Schuster, 1946.

Hamilton, James Albert, Negro Suffrage and Congressional Representation, New York, The Winthrop Press, 1910.

Harris, John P., Registration of Voters in the United States, Washington, The Brookings Institution, 1929.

Hesseltine, William B., A Story of the South, 1607, 1936, New York, Prentice-Hall, 1936.

Johnson, Charles S., The Negro in American Civilization, New York, Henry Holt and Company, 1913.

Lewinson, Paul, Race, Class & Party, New York, Oxford University Press, 1932.

Lonn, Ella, Reconstruction in Louisiana after 1868, New York, G. P. Putnam's Sons, 1918.

Luce, Robert, Legislative Principles, Boston, Houghton Mifflin Co., 1930.

Lynch, John L., The Facts of Reconstruction, New York, Neal, 1914.

Mabry, William A., The Disfranchisement of the Negro in the South, Durham, N. C., Duke University, 1933.

Mangum, Charles S. Jr., The Legal Status of the Negro, Chapel Hill University of North Carolina Press, 1940.

Mathews, John Mabry, Legislative and Judicial History of the Fifteen Amendment, Baltimore, The John Hopkins Press, 1909.

McCulloch, Albert J., Suffrage and Its Problems, Baltimore, Warwick & York, 1929.

McPherson, Edward, The Political History of the United States of America During the Period of Reconstruction, Washington, Solomons & Chapman, 1875, 2nd ed.

Moon, Bucklin, The High Cost of Prejudice, New York, Julian Messner, Inc., 1947.

Myrdal, Gunnar, An American Dilemma, New York, Harper & Brothers Publishers, 1944. 2 vols.

Oberholtzer, Ellis Paxon, A History of the United States Since the Civil War, New York, the Macmillan Co., 1931. 5 vols.

Porter, Kirk H., A History of Suffrage in the United States, Chicago, The University of Chicago Press, 1918.

Randall, J. G., Civil War and Reconstruction, Chicago, Heath Co., 1937.

Reuter, Edward Byron, The American Race Problem, New York, Thomas Y. Crowell Co., 1938.

Rhodes, James Ford, History of the United States from the Compromise of 1850 to the McKinley-Bryan Campaign of 1896. New Edition, New York, The Macmillan Co., 1920.

Reynolds, John S., Reconstruction in South Carolina, Columbia, S. C., The State Co., 1905.

Riley, Jerome R., The Philosophy of Negro Suffrage, Washington, D. C., Jerome R. Riley, Author and Publisher, 1897.

Seitz, Don C., The Dreadful Decade, 1869-1879, Indianapolis, Bobs-Merrill Co., 1926.

Shaggs, William H., The Southern Oligarchy, New York, The Devin-Adair Co., 1924.

Simkins, Francis Butler & Woody, Robert H., South Carolina During Reconstruction, Chapel Hill, The University of North Carolina Press, 1932.

Stephenson, G. T., Race Distinctions in American Law, New York, D. Appleton and Co., 1910.

Styles, F. L., Negroes and the Law, Boston, Christopher Publishing Co., 1937.

Thorpe, Francis Newton, The Constitutional History of the United States, Chicago, Callaghan & Co., 1901. 3 vols.

Thorpe, Francis Newton, A Constitutional History of the American People, 1776-1850, New York, Harper & Brothers, 1898. 3 vols.

Ware, Ethel K., A Constitutional History of Georgia, New York, Columbia University Press, 1947.

Washington, Booker Taliaferro, The Future of the American Negro, Boston, Small, Maynard Co., 1899.

Work, M. N., (ed.) Negro Year Book, Alabama, Negro Year Book Publishing Co., Tuskegee Institute, 1916-1917.

Alilunas, Leo, "Legal Restrictions on the Negro in Politics", The Journal of Negro History, XXV, Washington, D. C., The Association for the Study of Negro Life and History, 1940, 153-202.

Ambler, Charles H., "Disfranchisement in West Virginia", Yale Review , XIV, (May-Feb., 1906) New Haven, Conn., Tuttle Morehouse & Taylor Co., 1904, 151-162.

Baker, Ray Stannard, "The Negro in Politics", American Magazine, LXVI, (May-October, 1908) New York, Phillips Publishing Co., 1908, 169-180.

Blaine, James G., "Negro Suffrage", North American Review, CXXVII, April, 1907), 225-283.

Caffey, Francis G., "Suffrage Limitations at the South", Political Science Quarterly, XX, New York, Ginn & Co., 1905, 53-67.

Chamberlain, D. H., "Reconstruction and the Negro", The North American Review, CXXVII, (April, 1907), 161-164.

Dunning, William A., "Reconstruction and Disfranchisement", The Atlantic Monthly, LXXXVIII, (October, 1901), Boston, Haughton, Mifflin and Company, 1901, 434-449.

Ficklin, John Rose, "Reconstruction in the South", The Green Bag, XXIII, (November, 1911), 570-573.

Hart, Albert, "Realities of Negro Suffrage", American Political Science Association Proceedings, II, 1905, 149-170.

King, Clyde L. (ed.), "The American Negro", The Annals, CXXXX, (November, 1928), Philadelphia, The American Academy of Political & Social Science, 1928, 47-56.

Mabry, William A., "White Supremacy and the North Carolina Suffrage Amendment", The North Carolina Historical Review, XIII, (Jan. - Oct., 1936), Raleigh, N. C., North Carolina Historical Commission, 1936, 249-287.

Mabry, William A., "Disfranchisement of the Negro in Mississippi", The Journal of Southern History, IV, (Feb.-Nov., 1938) No. 1, Louisiana State University Press, 1938, 318-333.

Mabry, William A., "Ben Tillman Disfranchised the Negro", The South Atlantic Quarterly, XXXVII, (April, 1938) No. 2, Durham, North Carolina, Duke University Press, 1938, 171-183.

Mabry, William A., "Louisiana Politics and the Grandfather Clause", The North Carolina Historical Review, XIII, Jan. - Oct., 1936) No. 4, Raleigh, North Carolina, North Carolina Historical Commission, 1936, 57-92.

Mabry, William A., "Negro Suffrage and Fusion Rule in North Carolina" The North Carolina Historical Review, XII, (April, 1935), No. 2, Raleigh, North Carolina, North Carolina Historical Commission, 1935.

"Negro Suffrage in the South", The Outlook, LXXXIV, (June 13, 1909), No. 1, 246-251.

Page, T. N., "Disfranchisement of the Negro", Scribner, XXXVI, (July, 1903), New York, Charles Scribner & Sons, 15-24.

Poe, Charles H., "Suffrage Restrictions in the South; Its Cause and Consequences", The North American Review, CLXXV, (July, 1902), New York, North American Review Publishing Co., 534-543.

Rose, J. C., "Negro Suffrage; the Constitutional Point of View", American Political Science Review, I, No. 1, 1906, Baltimore, Waverly Press, 1907, 18-42.

Simmons, F. M., "Political Future of the Southern Negro", The Independent, LX, (Jan. - June, 1906), New York, 1521-1526.

Stoney, George C., "Suffrage in the South", Survey Graphic, XXIX, (Jan. - Dec., 1940) N. Y., 1940, Jan., 41-43, 59. March, 163-167, 204-206.

Woodward, C. Vann, "Tom Watson and the Negro in Agrarian Politics", The Journal of Southern History, IV, (Feb. - Nov., 1938), No. 1, Southern Historical Association, Louisiana State University Press, 1938, 5-34.