

Post-Reconstruction Suffrage  
Restrictions in Tennessee:  
A New Look at the V.O.  
Key Thesis

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Most contemporary observers accorded Mississippi primacy in the enactment of legal suffrage restrictions in the South. Delegates to its nationally watched 1890 constitutional convention broached most of the important arguments and proposals for disfranchisement, drafted the first comprehensive and permanent limitations on suffrage in the late nineteenth century South, and advanced the initial rhetorical and legal defenses of franchise contraction. Six other ex-Confederate states frequently adverted to Mississippi's experience as they passed similarly sweeping revisions in their fundamental voting requirements in the dozen years after 1890. Scholars have almost universally followed the contemporary pattern by concentrating on these seven states in their analyses of suffrage restriction. They have paid considerably less attention to the four Southern states which adopted simpler, mainly statutory limits on the electorate—Arkansas, Texas, Florida, and Tennessee.

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see.<sup>1</sup> Yet the restrictive devices which Florida and Tennessee employed actually preceded the Mississippi convention, and although not as complex, were almost as effective as the Magnolia State's regulations in curtailing Negro voting. More obviously partisan and seemingly less racist in its goals than the seven more familiar movements, the drive for restriction in Tennessee was typical of the largely neglected, but extremely significant acts of legislative suffrage contraction.<sup>2</sup>

Among those scholars who did take all eleven ex-Confederate states into account in their surveys of disfranchisement was V.O. Key, Jr. In his *Southern Politics*, Key offered perhaps the broadest and, now, most widely accepted analysis of the reasons for the massive decline in electoral turnout in the turn-of-the-century South. Key wrote:

The evolution of suffrage restrictions differed from state to state, and for some, perhaps even for all, southern states the thesis could be argued plausibly that formal disfranchisement measures did not lie at the bottom of the decimation of the southern electorate. They, rather, recorded a fait accompli brought about, or destined to be brought about, by more fundamental political processes.<sup>3</sup>

By "more fundamental political processes," Key seems to have

<sup>1</sup> For a more comprehensive analysis of these and other aspects of suffrage restriction in the eleven ex-Confederate states, see J. M. Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1901* (New Haven: Yale University Press, Spring, 1974). Readers of this article, see my Ph.D. dissertation of the same title (Yale University, 1971). The most important previous work on disfranchisement in the South, William A. Mabry's "The Disfranchisement of the Negro in the South" (unpublished Ph.D. dissertation, Duke University, 1933), concentrates on constitutional disfranchisement in seven states, and does not deal fully either with the other four states or legislative franchise limitations in any of the states. C. Vann Woodward's chapter, "The Mississippi Plan as the American Way," in *Origins of the New South, 1877-1913* (Baton Rouge, 1951), 321-349, focuses on the same events.

<sup>2</sup> Of course, Tennessee was not the first Southern state to adopt laws restricting the suffrage. Its experience is merely illustrative of the actions of several states which cut the electorate without adopting comprehensive suffrage plans.

<sup>3</sup> V. O. Key, Jr., *Southern Politics in State and Nation* (New York, 1949), 533. It is worth noting that Key's generalizations were based largely on the case of a single state, Texas.

meant such factors as violence, the socio-economic hegemony of a small elite, and the South-wide decline in party competition.

Although stated with the qualifications, subtlety, and complexity which made Key equally artist and political scientist, the *fait accompli* thesis can only be evaluated in simplified form: Was the decline in Southern election turnout the direct result of the passage of the disfranchising laws, or, as Key believed, was that decline caused by other, more informal processes? Sacrificing complexity for clarity, I shall seek in this paper to test only the simplified version of Key's theory<sup>4</sup> and attempt to show that it does not account for the experience in Tennessee. In a forthcoming work, I shall argue that Tennessee's experience in restricting the suffrage was not an exception but a typical case, and that the *fait accompli* thesis as a general proposition must either be altered significantly or discarded.

In an effort to explain the changes in American electoral behavior, both Southern and non-Southern, around the turn of the century, Philip E. Converse has asserted that the national decline in voting turnout and other, related developments, from 1890 to 1910 were "unintended consequences" of electoral reforms. While recognizing the potency of the secret ballot and registration laws in reshaping the nineteenth-century political universe, Converse insisted that those who fostered such laws did not correctly estimate their impact. Since he believed the reformers to have been "forces of good government . . . mainly intellectuals, journalists, ministers, and other professionals," rather than working politicians, their myopia is understandable. "The Australian ballot," he claimed, "was pushed through primarily to guarantee the secrecy of the vote. . . . Personal registration was advocated primarily as a means of eliminating gross overtones of fraud in American elections; most of its instigators were dismayed to find that measures sufficiently strong to prove effective in the fight against fraud had the side effect of discouraging significant numbers of legitimate voters from the polls."<sup>5</sup>

<sup>4</sup> For a fuller analysis of Key's hypothesis, see Kousser, "Shaping," 28-34.

<sup>5</sup> Philip E. Converse, "Change in the American Electorate," in Angus Campbell and Philip E. Converse, eds., *The Human Meaning of Social Change* (New York: Russell Sage Foundation, 1972), 297-298.

Less concerned than Key or Converse with the specific effects of the ballot limitation measures, other scholars have concentrated more exclusively on the identity and motivation of those who favored and opposed such laws. Probably the most popular theory is that lower-class whites seeking to secure their shaky social status demanded that blacks be cast out of the electorate. Purportedly, conservative or upper-class whites merely acquiesced in, or, at times opposed the disfranchisement of the Negroes. This hypothesis too will be reexamined in the light of the motivations that actually lead to the narrowing of the electorate in Tennessee.

## I

In the 1880s Tennessee's was the most competitive politics in a South where the Democrats increasingly dominated state-level politics. Overall turnout levels in governors' races ranged from 63 percent to 78 percent. Estimated participation exceeded two out of three white voters in each election, while estimated Negro voting approached the same high levels in presidential years but fell in off-years.<sup>6</sup> The Republicans polled more than 40 percent of the votes in each of the five gubernatorial contests from 1880 through 1888, winning the office when the Democrats split on the state debt issue in 1880. Whereas the dominant party had little opposition for many Congressional seats elsewhere in the South, Tennessee

\* These and the other estimates in this paper are based on the ecological regression technique which was introduced by Leo A. Goodman in "Some Alternatives to Ecological Correlation," *American Journal of Sociology*, 64 (1959), 610-624. The methodology is discussed in more detail in my "Ecological Regression and the Analysis of Past Politics," *The Journal of Interdisciplinary History*, forthcoming. The estimates of the way Negroes and whites voted in Tennessee were computed by regressing the percentage of adult males who were Negro in each county against the percentage of adult males who voted Democratic, Republican, etc., and those who did not vote in each election. Several regression lines were fitted for each case: a single linear least-squares line for all counties, curvilinear lines based on equations with quadratic or interactive terms, and separate linear regression lines for the counties grouped into regions. The equations which consistently explained the highest percentage of variance ( $R^2$ ) were those computed by separating the counties into two groups—East Tennessee, and the rest of the state. All the regression estimates given in this paper are weighted combinations of the separate estimates for the two groups of counties.

see Democrats never garnered more than 54.3 percent of the total Congressional votes during the decade. The Volunteer State's Republicans always took two or three of the ten districts, and managed to hold the official Democratic candidates to less than 60 percent of the votes in 34 of the 50 Congressional races.

Although a Democratic newspaper was no doubt exaggerating when it claimed that its party represented "nine-tenths of the intelligence and property of the state," the two major parties did differ markedly in class and racial composition.<sup>7</sup> While it is difficult to determine directly the relation between wealth and voting behavior among whites for the 1880s—since one must make somewhat uncertain assumptions about exactly how Negroes voted—we can correlate economic and political variables after the vast majority of Negroes who stopped voting in Tennessee. Republican support in the 1908 governor's race appears to represent the core of white GOP strength for the 1880s.<sup>8</sup> Assuming Negro wealth per male adult averaged \$100, the differences in support for the major parties among whites is quite striking.<sup>9</sup> Whites in a typical poor county in which wealth per white male adult averaged \$400 gave the Republicans about 62 percent of their votes, leaving the Democracy only 38 percent. In an affluent county with a per capita white wealth figure of \$1400, the whites could be expected to re-

<sup>6</sup> *Memphis Daily Avalanche*, March 31, 1889.

<sup>7</sup> This statement is based on an analysis of numerous graphs, several regression estimates of the way the 1884 white voters behaved in 1908, and reports in contemporary newspapers.

<sup>8</sup> These figures are based on a regression analysis of the relationship between white wealth and the percentage of the white adult males voting for Republican and Democratic gubernatorial candidates in 1908. For each rise of \$1,000 in white wealth, Democratic strength, on the average, rose by 11.4 percent, while Republican strength declined by 23.2 percent. One gets almost identical results for any value of Negro wealth between \$50 and \$200. Although Tennessee did not separate real and personal property assessments by race, several other Southern states in this period did. Analyses of data from the other states show that Negro wealth per male adult was remarkably stable from county to county, and that the average Negro adult male held between \$100 and \$150 worth of property in 1908. The formula for estimating white wealth is simply:

$$\frac{\text{total wealth} - (\$100) \times (\text{number of adult male Negroes})}{\text{number of adult male whites}}$$

For further details, see Kousser, "Shaping," Appendix B.



early returns from the November, 1886 state elections showed a Democratic majority in Fayette county, more than two-thirds of whose residents were Negroes, a leading Democratic newspaper expressed "the greatest surprise." Republicans had carried that county in the August local elections by their "usual majority" of 1500 out of a total voting population of about 5700. The chief explanation for this startling upheaval, however, was not difficult to discover. Even Democratic newspapers noted that election officials from that party had refused to open the polls in one heavily Republican district and rejected the votes at another because of "irregularities," and these shenanigans no doubt represented only the most overt Democratic tricks. In another black belt county, Shelby, the Republicans charged that during the August local elections, Democrats forced blacks to leave the polls and neglected to count 3000 votes which Negroes had managed to cast.<sup>16</sup>

The 1886 contests were mere rehearsals for 1888. As the *Memphis Daily Appeal* noted, GOP activity in the Tenth Congressional District, where almost half of the potential voters were black, typically declined in off-years but increased enough in presidential years to allow the Republicans to elect their candidate to Congress. Yet despite what the *Appeal* termed "an extraordinary effort" by the Republicans in 1888, the Democrats carried the district by nearly two to one.<sup>17</sup>

Republicans immediately charged the Democrats with massive frauds. "For the first time in the history of the state," intoned the *Knoxville Journal*, "fraud carried Tennessee for the [D]emocratic party." The contest in the Tenth was a "notorious highway robbery . . . one of the most flagrant outrages ever perpetrated [perpetrated] upon the ballot-box in a free republic . . . a wholesale steal . . . an infamous election conspiracy . . ." <sup>17</sup> Federal election supervisors reported unmistakable frauds in at least three wards in Shelby county, two districts in Fayette county, and one in Hay-

wood county. Republican allegations that Democratic majorities in some Memphis wards exceeded the total number of possible voters several times over elicited no specific denials from spokesmen for the victorious party. Democrats also kept down the Republican vote by issuing wholesale, dilatory challenges to Republican voters, by changing polling sites at the last minute, and, in Haywood, by calling out a local white militia, the Mason Guards, to "maintain order."<sup>18</sup> What the Republicans lost at the polls they could not regain in the courts: Federal judges dismissed a Shelby case on a technicality; the Republican Congressional candidate finally abandoned his contest after more than a year of gathering evidence to overcome his opponent's reported 8000-vote majority; and Negro witnesses failed to convince four all-white juries of the guilt of Fayette county election officers.<sup>19</sup>

Having vanquished their local opponents at least temporarily, the black-belt Democratic leaders adjourned to Nashville to push legislation insuring their newly won positions against counterattacks at home or the efforts of national Republicans to mandate fair election procedures throughout the nation.<sup>20</sup> Democrats from fair election procedures controlled all but one of the legislative Negro-majority counties controlled all but one of the legislative posts key to the passage of election legislation in 1889. House Speaker W. Lucas Clapp, a native of Mississippi and a graduate of Ole Miss, represented Shelby county. Senate Speaker Benjamin J. Lea, a farmer and Wake Forest graduate who had sat in the Tennessee secession legislature, resided in Haywood county. J. H. Dortch was chairman of the Senate Privileges and Elections Com-

<sup>16</sup> *Memphis Daily Avalanche*, August 3, 4, 5, November 7, 18, 1888; *Memphis Daily Appeal*, December 8, 1888, July 20, 1890. When Haywood went Democratic in the 1888 local elections, it was, according to the *Avalanche*, the first time since the Civil War. In the 1886 state election, Haywood had been 2-1 Republican; in 1888, the count went 2-1 Democratic.

<sup>17</sup> *Knoxville Journal*, December 8, 1888; *Memphis Daily Appeal*, December 21, 1888, March 27, 1889, February 9, 15, 1890; *Memphis Daily Avalanche*, February 15, 1890. Significantly, three prominent local Democrats volunteered to defend the accused Fayette officials: General J. J. Dupuy, Tenth District Congressman Josiah Patterson, and State House Speaker W. Lucas Clapp.

<sup>20</sup> A black belt newspaper discussed and endorsed the secret ballot in the month following the 1888 contest. See *Memphis Daily Appeal*, December 13, 1888. The *Memphis Daily Avalanche*, February 28, 1890, called on the state legislators to pass a law restricting suffrage in order to counteract the threatened Lodge Elections Bill.

<sup>18</sup> *Memphis Daily Appeal*, November 4, August 8, 1886; *Memphis Daily Avalanche*, August 6, November 5, 1886.

<sup>19</sup> *Memphis Daily Appeal*, October 24, 1888. The GOP carried the Tenth in 1880 and 1884.

<sup>20</sup> *Knoxville Journal*, November 21, 23, 1888. The *Journal's* November 21 statement indicates that the paper did not make such charges lightly; this was by no means the first close statewide election of the decade.

mittee. This 31-year-old son of an ante-bellum planter-politician, a graduate of both Southwestern Presbyterian College in Clarksville and Vanderbilt Law School in Nashville, edited the local newspaper in Fayette county. As chairman of the Democratic County Executive Committee, he managed the political overthrow of the blacks in 1888. C. A. Stainback, son of another ante-bellum Fayette county planter, chaired the committee which considered the election bills in the House. The only important post which escaped the black belt, the chairmanship of the Democratic caucus, was held by Thomas O. Morris of Nashville. Negroes, who comprised 38 percent of that city's population, provided the bulk of Republican votes in the tight party competition for control of the capital city.<sup>21</sup>

The election measures that were proposed in the new session of the legislature fell into four categories. The first, the "Myers law," required voters in districts or towns which cast 500 or more votes in 1888 to register at least 20 days before every election.<sup>22</sup> The necessity of making four trips to the polls to vote in the local and state elections in each even-numbered year would no doubt deter political participation by working class voters with inflexible schedules. The provision that voters had to present their registration certificates at the polls would constitute another hardship for poor people unused to preserving records. Moreover, registration provided another stage at which election officers could harass and discriminate against potential opposition party voters, and one where discrimination could be even more effective, since it was less public than at the polling places on election day. Written in Dorch's Senate committee, the bill passed both houses on strictly party votes, only two East Tennessee Democrats in the House crossing party lines to oppose the act.<sup>23</sup> Likewise, party loyalty determined almost every vote on the second act, the "Lea law," which

<sup>21</sup> Biographical details are from *Nashville Daily American*, January 5, 7, 1889, and *Nashville Banner*, March 15, 1890. Nashville had twice sent black Republicans to the state legislature. See Corlew, "Negro in Tennessee," 122, 165.

<sup>22</sup> The vast majority of Tennessee's Negroes, who were more likely to reside in cities and towns than the whites, lived in the area covered by the Myers Act. See *Nashville Daily American*, March 9, 1889.

<sup>23</sup> *Acts of Tennessee* (1889), 414-420; *Senate Journal* (1889), 652; *House Journal* (1889), 741-745.

provided for two separate ballot boxes for federal and state elections in order to prevent federal supervisors from overseeing state elections in the event the pending Lodge Elections Bill passed the U.S. Congress. Only five East Tennessee Democrats deserted their party on this issue.<sup>24</sup>

The secret ballot act, drafted and managed by Sen. J.H. Dorch, was the third major proposal. Until 1888, when Massachusetts adopted the so-called "Australian System," political parties in the United States had printed and distributed their own ballots. Besides discouraging split-ticket voting and encouraging strong local party organizations—just making sure all potential voters had ballots necessitated meticulous campaigning at the grass roots—the party ballot insured illiterates the right to vote. The publicly printed ticket, on the other hand, required the voter, often without any assistance, to scurry through a maze of names of candidates running for everything from presidential elector to county court clerk. Since these names were often arranged by office, instead of party, the Australian ballot demanded not merely literacy, but fluency in reading English. The secret ballot was, therefore, not merely a method of decreasing election fraud, but also an ideal means of disfranchising functional illiterates.<sup>25</sup> It was with this latter goal in mind that Democratic chieftains offered Australian ballot laws in at least three Southern states in 1889. They managed to pass such a law only in Tennessee.<sup>26</sup>

<sup>24</sup> *Acts of Tennessee* (1889), 437-438; *Senate Journal* (1889), 678-679; *House Journal* (1889), 804-805.

<sup>25</sup> For a fuller discussion of the secret ballot and references to the relevant literature, see Kousser, "Shaping," 111-119. The census of 1900 enumerated the adult males who told officials they could not even write their own names. The percentages of white adult males in the South who could only make their marks ranged from 8 to 19; among Negroes, the proportions ranged from 39 to 61. The numbers who could not master a purposely complex ballot were obviously much larger.

<sup>26</sup> The Arkansas and Alabama legislatures also seriously considered secret ballot acts. On Arkansas, see *Arkansas Senate Journal* (1889), 365, 461, 501-502, and *Arkansas House Journal* (1889), 806-807, 850-854, 922; on Alabama, see *Memphis Daily Appeal*, February 8, 1889. Mississippians also discussed the secret ballot during the period before the 1890 constitutional convention. See *Ibid.*, February 10, 1890. The custom of exchanging law books and newspapers throughout the South rapidly spread information on the intent, provisions, and effects of disfranchising laws. Each state thus became, in effect, a laboratory for elitism. The *Jacksonville Florida Times-Union*, April 24, 1889, for example,

The principal purposes of the Dortch law were to disfranchise Republicans, especially Negro Republicans, and, by eliminating the necessity for stuffing so many ballot boxes in what had been strong Republican areas, to rob the GOP of a telling campaign issue.<sup>27</sup> When a Republican newspaper charged that "Democrats do not hesitate to say that the Dortch bill is framed especially for the protection and preservation of the Democratic party," the Democratic *Memphis Daily Avalanche* responded by confirming the allegation: "The Democratic party represents nine-tenths of the intelligence and property of the state and a measure for its protection is therefore for the preservation of the best interests of the state. Certainly the Dortch bill is for the benefit of the Democratic party."<sup>28</sup> The *Avalanche* also touted the legislation as an answer to the "Negro Question":

The first thing to be done is to cut off the great mass of innate ignorance from its baleful influence in our elections, and then we will be able to see further what can be done upon a more permanent basis. It is certain that many years will elapse before the bulk of the negroes will be reawakened to an interest in elections, if relegated to their proper sphere, the corn and cotton fields, by some election law which will adopt the principle of the Australian ballot. . . .<sup>29</sup>

urged that state's citizens follow Tennessee's lead in adopting an Australian ballot.

<sup>27</sup> Compare Corlew, "Negro in Tennessee," 139. The standard history of the state views the Myers, Lea, Dortch, and poll tax laws as measures "designed to preserve the purity of the ballot box, facilitate honest elections, and raise revenue for schools." See Stanley J. Folinsbee, Robert E. Corlew, and Enoch L. Mitchell, *History of Tennessee* (New York, 1960), vol. II, 158. Drafted by the chief defilers of the ballot box, the first three laws lacked effective enforcement mechanisms. Since poll tax payment, far from mandatory, was discouraged, that tax can hardly be considered a school revenue measure.

<sup>28</sup> *National Review*, n.d., quoted in *Memphis Daily Avalanche*, March 31, 1889, and *Avalanche* editorial following the quotation. The *Memphis Daily Appeal* headlined its April 3, 1889 edition "Safe at Last—Good-bye, Republicanism. Good-bye—The Myers Registration and Dortch Election Bills Passed. . . ." Another Democratic newspaper, the *Nashville American*, stated on March 27, 1889, that "the Democratic party would be the chief beneficiary of this law." The politically independent *Nashville Banner*, April 3, 1889, decried the Dortch law as "a party and race discrimination." Similarly, see editorials in the *Knoxville Journal*, April 9, 10, 1889.

<sup>29</sup> *Memphis Daily Avalanche*, March 27, 1889. Republican newspapers agreed that one of the Dortch bill's chief objects was to disfranchise blacks. See

The provisions of the bill as initially drafted confirm the *Avalanche's* view of the objects of the legislation. The secret ballot first applied to the 78 civil districts in 37 counties which contained nearly all the state's blacks, and any person who could have voted in 1857 (before Negro enfranchisement) was allowed assistance in marking his ticket.<sup>30</sup> The majority party leadership thought, in addition, that the bill "will also stop the cry of fraud," as the chairman of the Shelby County Democratic Executive Committee put it.<sup>31</sup> In other words, the Dortch law allowed Democrats to appear honest, but still retain the possibility of artificially inflating their totals if the need arose.

Despite its partisan and racial purposes, the Dortch bill aroused a good deal of opposition among Democrats from overwhelmingly white counties.<sup>32</sup> When Speaker Clapp first attempted to obtain Democratic caucus endorsement of the bill, the uproar was so great that the caucus had to be adjourned. Though opponents of the bill tried a filibuster at the next caucus, its proponents obtained a 22-11 endorsement. Even then, the bill's Senate backers, realizing that they could not produce the necessary 17 votes (24 of the 33 senators were Democrats), had to postpone consideration of the bill for five days. One newspaper correspondent remarked that the bill's

*Knoxville Negro World*, quoted in *Knoxville Daily Journal*, July 18, 1892, *ibid.*, July 24, 25, 1892.

<sup>30</sup> *Nashville Daily American*, March 9, 13, 1889. Since the 1857 Massachusetts Constitution had proclaimed that henceforth new voters had to be literate, its 1888 secret ballot law contained a provision prohibiting election inspectors from aiding illiterates who had not been qualified to vote in 1857. (The 1857 Massachusetts Constitution apparently provided the inspiration for the Southern "grandfather clauses.") Dortch lifted the section of the 1888 Massachusetts act whole into the Tennessee law to assist Southern defense of that statute in Congress. The Dortch law as finally passed allowed no help at all to illiterates.

<sup>31</sup> Quoted in *Memphis Daily Avalanche*, April 1, 1889, author's italics. For a similar statement, see editorial in *ibid.*, March 24, 1889. According to the *Knoxville Daily Journal*, July 27, 1892, the Dortch law "was passed for the simple reason that ballot-box stealing, fraudulent voting and corrupt counting had become dangerous" to the Democratic party.

<sup>32</sup> The progress of the Dortch bill in the legislature may be followed in the March 13, to April 5, issues of the *Memphis Daily Appeal*, *Memphis Daily Avalanche*, *Nashville Daily American*, and *Nashville Banner*. Votes are taken from the *Tennessee Senate Journal* (1889), 707-708, and *Tennessee House Journal* (1889), 743.

course at this point "looked squally"; another characterized its condition as "precarious," its fate "very uncertain." The day before the third reading roll call in the Senate, the opposition counted at least 16 votes, and a visitor thought Dorch seemed "like a man who was getting ready to die game."<sup>33</sup>

Why did some white county Democrats oppose the Bill? First, even though tailored to assist Democratic fortunes in the state as a whole, the bill, many believed, would disfranchise poorer, less literate whites of both parties, particularly in the predominantly white hill country. As we have already seen, Democrats usually polled over a third of the white votes even in the poorest counties, and they gained majorities in slightly wealthier ones. While its greatest strength among whites lay in the richest counties, the Democracy did compete with the GOP in less affluent regions. In these places, universal manhood suffrage, at least for whites, commanded strong support, and the threat of restriction gave the Republicans a potent campaign issue.<sup>34</sup> Consequently, some white-county Democratic legislators were less than enthusiastic about helping the party in the state, and especially in the black belt, for they feared that supporting the Dorch law might cost them their own seats. The second reason for Democratic deviations was that no one could predict precisely what the impact of the Dorch law would be on every group in the electorate. Men elected under the old laws hesitated to change the existing rules. Third, the spectre of Republican control in the black belt did not seem so horrible to upland Democrats as it did to those who would be more directly affected. If the parochial needs of black belt Democrats were to be fulfilled, the party's leaders would have to quiet the parochial apprehensions of white county Democrats.

Democratic leaders salvaged the bill by offering concessions to

<sup>33</sup> *Memphis Daily Appeal*, March 19, 1889; *Memphis Daily Avalanche*, March 28, 29, April 4, 1889.

<sup>34</sup> Recognizing the unpopularity of the new laws among many whites, the Republicans screamed denunciation of them in their 1890 platform. The Democrats apparently shared the opposition's appraisal of the election law issue, for they did not mention the measures in their own platform. See Charles A. Miller, *The Official and Political Manual of the State of Tennessee* (Nashville, 1890), 343-345. The Democrats, of course, made no move to repeal the statutes.

senators from their party who feared the disfranchisement of some of their white constituents, and, more important, by appealing to their partisanship. Afraid that without the Dorch law, the state would "witness a sweeping Republican victory next year," the *Avalanche* issued "one final appeal to the Democrats of the legislature. For the first time since the war we have a majority of the General Assembly.<sup>35</sup> Shall we utilize this, or fritter away a golden opportunity? . . . Ask anybody who is familiar with the politics of this county, and he will say give us the Dorch bill or we perish." To defeat it would "turn Shelby county bound hand and foot to the venality and corruption of negro rule."<sup>36</sup> Three Shelby Democratic leaders who rushed to Nashville at the last moment to lobby for the bill undoubtedly used the same argument to change the mind of a senator whose "nay" would have killed it. After Dorch, in a gesture to quiet the fears of rural white county Democrats, agreed to reduce the coverage of the bill to the state's four largest cities, he closed the debate fittingly by "urging] especially that [his bill] was to the interest of the Democratic party."<sup>37</sup> All five of the Democratic Senate opponents of the law represented overwhelmingly white counties, four of which lay in East Tennessee. Every Republican, of course, also voted against the bill.

Although less difficult, House passage of the Dorch law further emphasized the bill's partisan purposes. The secret ballot was railroaded through the House on the same day as the Myers law and an act gerrymandering the Third Congressional district in order to oust the Republican incumbent. Democratic high-handedness

<sup>35</sup> By "we," the *Avalanche* did not merely refer to Democrats, for that party had enjoyed majorities in the legislature for two decades. Rather, the reference seems to be to Democrats from the middle and western sections of Tennessee, who would, presumably, be more likely to support disfranchisement moves. Previously, Republicans had controlled enough seats in these two sections to form coalitions with East Tennessee Republicans and Democrats to prevent serious consideration of laws limiting suffrage.

<sup>36</sup> *Memphis Daily Avalanche*, March 26, 30, April 1, 1889.

<sup>37</sup> *Ibid.*, April, 3, 4, 1889. Actually, the 1889 law applied to Chattanooga, Knoxville, and the entire counties of Davidson (Nashville) and Shelby (Memphis). In 1891, the secret ballot and registration laws were put into operation throughout all four counties. For provisions of these laws, see *Acts of Tennessee* (1889), 364-371, 414-420; *Acts of Tennessee* (1890), 438-440. About one-third of the state's blacks, and nearly 20 percent of the total state population, resided in these four counties.



provoked what one veteran correspondent called "the wildest scenes that were probably ever enacted in any Tennessee legislature. . . ." <sup>38</sup> Speaker Clapp refused to allow a recorded vote on amendments to the Dortch law, refused to record votes on the third reading passage of the Myers law, refused to read the Dortch act the third time (as the legislative rules required), and even refused to allow the Republicans to enter a protest against passage of these laws in the *House Journal*. In response, the Republicans tried to prevent a roll call on the Dortch act by shouting, stamping, and beating on their desks. They also at first abstained from voting, hoping that the Democrats would be unable to maintain a quorum. Their efforts failed, despite the fact that 12 white county Democrats joined the 23 Republicans in recording their votes against Dortch's literacy test.

The fourth law, the poll or capitation tax, attracted much less attention in 1889–90 than the Dortch Act. <sup>39</sup> In the 1889 session, Democrats were not so united on the capitation tax; many critics thought it would disfranchise more white Democrats than Negro Republicans, even though it was aimed principally at the blacks. <sup>40</sup> The chief poll tax bill considered during the 1889 session appears to have been a hybrid of measures introduced in the House by Pearson of Madison (48 percent Negro in 1890) and Callicott of Obion (only 16 percent black, but in the most heavily Negro, western section of the state). After the House Judiciary Committee reported the bill unfavorably, it failed to pass on third reading, 32–39. The *Memphis Daily Appeal* deeply regretted this defeat, for it believed the tax on voting would have eliminated from the electorate "criminals . . . the bumner class . . . strikers . . . heelers . . . [and] machine men." The Senate tabled a similar bill without a record

<sup>38</sup> *Memphis Daily Appeal*, April 3, 1889.

<sup>39</sup> Although the Tennessee Redeemer Convention of 1870 authorized the use of the poll tax to limit the electorate, a coalition of Republicans and followers of ex-President Andrew Johnson struck down the only serious effort to pass enabling legislation before 1889. See Tennessee Constitutional Convention, *Journal* (1870), 159–161, 174–181, 210–211, 397–398; Frank B. Williams, "The Poll Tax as a Suffrage Requirement in the South, 1870–1901" (unpublished Ph.D. dissertation, Vanderbilt University, 1950), 57–95; Philip M. Hamer, *Tennessee, A History, 1673–1932* (New York, 1933), vol. II, 679–681.

<sup>40</sup> *Nashville Banner*, February 28, 1890; *Knoxville Daily Journal*, March 13, 1889.

vote. Every Republican except one recorded on the House vote opposed the bill. Democratic resistance generally varied with the proportion of Negroes in each county (Table 1), but party sentiment had not yet coalesced. The Democratic caucus took no position on the measure at the time, and one of the party's most important leaders, Joel Fort of Robertson county, opposed the bill. Even such conservatives as Stainback of Fayette joined in the opposition cry that the bill would oppress the poor, white as well as black. <sup>41</sup>

In the extra session a year later, the Democrats (for reasons not clear from the available sources) solidified their position on the poll tax. H. 1, a poll tax measure written by T. Bun Carson of Lauderdale (42 percent black), fell a single vote short of the number constitutionally necessary for passage in the House. A similar bill carried the Senate, where only three white-county Democrats bucked the party whip. Despite virulent opposition from several hill country Democrats opposed to denying poor men the franchise, the Democratic caucus endorsed the Senate poll tax bill five days after the defeat of the Carson measure. <sup>42</sup> As Table 1 shows, rebellion among the Democrats was correlated with the percentage of Negroes in each delegate's county. As party pressure to support the poll tax increased, the number of dissenters dropped off, roughly in proportion to the "whiteness" of their counties.

The scene on the day of the final vote in the House was rather dramatic, since the Tennessee Republicans, reversing their national party's tactic under the Reed rules in Congress, tried to subvert the legislature by refusing to answer roll calls. Two of the House Democrats whose votes were necessary for a quorum on the poll tax bill had to answer from sickbeds in an adjacent committee room. <sup>43</sup> But the partisan effort finally succeeded. With the poll tax added to the registration, two-box, and secret ballot laws, the black belt leaders had erected solid legal barriers against a Negro resurgence. Since the East Tennessee Republicans were notoriously

<sup>41</sup> *Memphis Daily Appeal*, March 12, 1889; *Tennessee House Journal* (1889), 363, 377, 472–474; *Tennessee Senate Journal* (1889), 485; *Nashville Daily American*, February 28, March 12, 1889.

<sup>42</sup> *Tennessee House Journal* (extra session, 1890), 26–27, 99–100; *Senate Journal* (1890), 66; *Nashville Banner*, March 4, 1890; *Memphis Daily Avalanche*, March 4, 1890.

<sup>43</sup> *Nashville Banner*, March 10, 11, 1890.

TABLE 1  
*Democratic Votes on Three Roll Calls on the Poll Tax  
Cross-Classified with Percent Negro in the  
Representatives' Counties (Abstainers Omitted)*

% Negro	March 11, 1889		February 26, 1890		March 11, 1890	
	For	Against	For	Against	For	Against
0-9	1	9	1	7	5	6
10-19	5	4	7	5	9	1
20-29	11	2	13	3	17	0
30-39	7	1	8	1	8	1
40-49	4	5	9	2	10	2
50-59	1	2	5	0	7	0
60-69	1	0	1	0	1	0
70-79	1	0	1	0	1	0
Total	31	23	45	18	58	10

Chi-square is less than .05 for each roll call — i.e., such a relation between % Negro and voting behavior could be expected to occur by chance less than five times out of one hundred.

impecunious, the Democrats, unless they split seriously or outsiders paid the poll taxes for poor whites, could henceforth easily control state-wide elections.

It is perhaps a bit misleading to speak of these or other Southern election codes as *disfranchising* laws. No post-1870 law in the South absolutely prohibited any adult male citizen, except the mentally ill and those convicted of serious crimes, from voting in general elections. Illiterates could, in theory at least, learn to read; propertyless men could acquire wealth; those who failed to register or pay their poll taxes one year could fulfill those prerequisites before the next election. What the suffrage statutes did, rather, was to throw up barriers to discourage participation by those men Democratic leaders deemed undesirable electors.

Of course, astute individuals or strong party organizations could scale these barriers. Party machines could herd loyal voters before registration officers, run schools to teach barely literate or even illiterate citizens to recognize the names of party nominees, and pay poll taxes for their stalwarts.<sup>44</sup> (Since poll taxes could be paid

<sup>44</sup>For evidence that party machines organized their followers to register, see Knoxville Daily Journal, July 19, 1892. For Republican efforts to over-

on election day in Tennessee, the latter practice was apparently more common there than in states where the tax fell due months or even years before election day.) The extraordinary exertions required to orchestrate all these tasks, however, could be undertaken only when elections were thought crucial enough, and their outcomes sufficiently uncertain to motivate men to help finance and plunge unreservedly into a campaign. If the results of national or state elections seemed either unimportant or unchangeable, political organizations would not work and encumbrances in the election laws would drag many more voters down.

II

The analysis of Tennessee politics during the late nineteenth century presented here challenges several major contentions put forth by historians and political scientists. Focusing on the fact that the Democrats won the electoral votes of every ex-Confederate state from 1880 to 1920, some historians have pictured the South as "solid" and the Southern Republicans as impotent throughout this period. Oscar Handlin, for example, states that "after 1876, the South was solidly Democratic. . . . Republican efforts to maintain a foothold below the Mason-Dixon line were half-hearted and ineffectual. . . . The only effective dissent came from among the Democrats."<sup>45</sup> Such statements understate the potential for political upheaval in the South before 1900, ignore the necessity, from the Democratic standpoint, of suffrage restriction, and miss the major

come the Dutch literacy test by schooling their partisans, see *Memphis Daily Avalanche*, August 2, 7, November 5, 1890. To counter such educational campaigns in behalf of Lucien B. Eaton, the Republican Congressional candidate in the Tenth District in November, 1890, the Democrats put three "ringers" named Eater, Ealey, and Erwin on the ballot. See *ibid.*, November 4, 1890.

<sup>45</sup>Oscar Handlin, *The History of the United States* (New York, 1968), vol. II, 72. Similarly, Richard N. Current, T. Harry Williams, and Frank Fredel state in *American History: A Survey* (New York, 1966), 470, that after 1877, the Democratic party was "the only party in the [South] . . ." Samuel Eliot Morison and Henry Steele Commager speak of the South as "solid" in the midst of the Populist revolt. See their *Growth of the American Republic*, 5th ed. (New York, 1962), vol. II, 334, 338; as well as Converse, "Change in the American Electorate," 307. Obviously, not all historians accept this view of post-Reconstruction Southern politics. See, for example, Woodward's *Origins of the New South*, 75.

transformation in Southern politics around the turn of the century. Contrast Handlin's observation with a contemporary Democratic view in an 1889 issue of the *Memphis Daily Avalanche*:

Each year, in order to carry [Shelby] county, we are compelled to do an amount of work not known in any other state. Each man is canvassed, each detail is worked out with painstaking care. A man who persuades a negro to leave town a day before the election is a hero. A man who persuades one to stay away from the polls is a public benefactor. When everything works harmoniously we can win . . . Shelby county is a doubtful county, ranging from 4,000 Democratic to 2,000 Republican . . .<sup>46</sup>

Significantly, the editorial ended by predicting that "The Dortch bill will save us."

Far from moribund, the Republicans posed a manifest, persistent threat to Democratic supremacy in Tennessee at the time the restrictive laws were passed. As the *Knorrville Daily Journal* (counting a few more votes than it could actually deliver) put it, "The [R]epublican vote of the state kept rising and a desperate [D]emocratic legislature jumped at Senator Dortch's practical expedient to reduce the [R]epublican majority in the state."<sup>47</sup>

Democratic desperation reached its apogee in the black belt.<sup>48</sup> Although racist feelings were nearly universal among whites in the late nineteenth-century South, only those who lived in areas where the proportion of Negroes was high actually had to face the prospect they referred to as "Negro domination." In the highlands, Democrats could easily adjust to election losses, for the victors would be neighbors whose socio-economic, religious, and, most of all, racial identities were quite similar to their own. Republican triumph in the heavily black counties, on the other hand, meant Negro clerks, Negro legislators, Negro judges, Negro sheriffs—men of subordinate social and economic position, of separate religious disposition, and, so the white South thought, of an inferior race. It was entirely natural, therefore, that whites from the black belt, often of the planter class, led the movements to restrict the suffrage in the South.

<sup>46</sup> *Memphis Daily Avalanche*, April 1, 1889.

<sup>47</sup> *Knorrville Daily Journal*, July 27, 1892.

<sup>48</sup> For a fuller discussion of this topic and citations to the relevant literature, see Kousser, "Shaping," 59–63.

Such an analysis of the motives for disfranchisement does not, however, comport with the pictures drawn by many historians. Thus, the authors of a recent text in American history declare that "the white masses demanded the disfranchisement of the Negro." A Southern historian informs us that "egalitarians in the class struggle were most extreme in their opposition to Negro participation in politics."<sup>49</sup> Others state that "agrarians," "white farmers," "small farmer leaders," or disenfranchised former Populists, angry at "Bourbon" control of the Negro vote, led or at least initiated the movements to limit the electorate. The "rich whites," "black belt planters," or "conservatives" merely "acquiesced" or, some have it, even opposed efforts to disfranchise blacks.<sup>50</sup> V.O. Key, Jr., propounded a different thesis. Reasoning that any faction in power would fear that the "outs" would appeal to the Negro voter to regain office, Key suggested that in each state, the "ins," whether "Bourbon" or "radical," pushed laws to expunge black voters from the lists.<sup>51</sup> Finally, Converse suggested that in the nation as a whole, it was the "good government" dillettantes who pressed for the Australian ballot and registration reforms to stop fraud and preserve secrecy.

None of these hypotheses—that all whites favored suffrage limitation, that lower-class whites provided the chief impetus and sup-

<sup>49</sup> Richard B. Morris and William Greenleaf USA: *The History of a Nation* (Chicago, 1969), vol. II, 36; Hampton M. Jarrell, *Wade Hampton and the Negro: The Road Not Taken* (Columbia, S. C., 1949), xi.

<sup>50</sup> Those who propound this theory include Current, Williams, and Freidel, *American History*, 470–471; John S. Ezell, *The South Since 1865* (New York, 1963), 173, 177; Thomas B. Clark and Albert D. Kirwan, *The South Since Appomattox: A Century of Regional Change* (New York, 1967), 74; John D. Stark, *Damned Upcountryman: William Watts Ball, A Study in American Conservatism* (Durham, N. C., 1968), 29; and Allie Bayne Windham Webb, "A History of Negro Voting in Louisiana, 1877–1906" (unpublished Ph.D. dissertation, Louisiana State University, 1962), iv–v. The so-called Populists and benevolent conservatives appear in three works by C. Vann Woodward: *Tom Watson, Agrarian Rebel* (New York, 1938), 370–382; *Origins of the New South, 1877–1913* (Baton Rouge, La., 1951), 322–323; and *The Strange Career of Jim Crow*, rev. ed. (New York, 1966), 60–64, 80–81, 89–90. Woodward has more recently de-emphasized the role of ex-Populists in disfranchisement, reserving the major role in the suffrage restriction movement for "the bitter enemies of Populism." See Woodward's "The Ghost of Populism Walks Again," *New York Times Magazine*, June 4, 1972, 66. For a more detailed discussion of these viewpoints, see Kousser, "Shaping," 35–58.

<sup>51</sup> Key, *Southern Politics*, 542–550.

port for it, that the "ins" sought to rob the "outs" of potential black votes, and that a patrician counterelite unintentionally curtailed turnout—gains much support from the Tennessee example. Upper-class, black-belt, conservative politicians led the movement in Tennessee, while the Republicans, who drew much of their support from poor white areas, strongly opposed it. Both sets of "pois" manifestly realized the stakes in the battle. Not only were white masses divided on the issue, they appear to have divided roughly along class lines, with the party of the poor whites against restrictive laws and the party of the planters in favor of them. The Republicans, of course, took that position not only because they needed Negro votes, but also because they found that the laws would eliminate many of their white followers as well. Since any provisions which deleted blacks from the electorate would strike down some whites too, franchise contraction was not merely a racial issue; it was also a class and partisan issue.

The effects of suffrage restriction in Tennessee also cast doubt on Key's *fait accompli* thesis. Contemporary Tennesseans would no doubt have rejected it. Newspaper reports of the returns from the first elections after the 1889-90 legislative session stressed the heavy impact of the new laws. In a Shelby county district, one of several the Democrats carried for the first time since the Civil War, "The magical effects of the Dortch law was [sic] nowhere more strikingly manifested than in this precinct, once a Republican stronghold of formidable dimensions." In Hamilton county, the Democrats won the local elections "thanks to the righteous Dortch and registration laws. . . ." In Tipton county, "The poll tax requirement cut off nearly one-half of the Republican vote and consequently the Republican or People's ticket was beaten by more than two to one." "Owing to the new registration law a very light vote was cast [in Union City]. The greater portion of the negroes refrained from voting on account of the poll tax law." From Jackson came the report that "The registration in the city and the poll tax law caused a light vote"; in Dyersburg "The poll tax and the registration laws have played havoc with the colored vote." "From all over Middle and West Tennessee," the *Avulanche* announced, "reports show that the negro was practically disfranchised by the law compelling every voter to show his poll tax receipt before voting." "From a Democratic standpoint," the *Appeal* found the

Dortch law's effect "most admirable. The vote has been cut down woefully [sic] and wonderfully to be sure, but the ratio of Democratic majorities has been raised at least four-fold. . . . The enemy is completely annihilated. . . ." <sup>52</sup> Furthermore, the "chief" reason for the decline in turnout in East Tennessee after 1888, according to the *Knoxville Daily Journal*, was the poll tax law. Echoing this Republican paper's analysis, the Tennessee Populists charged that the poll tax disfranchised 50,000 voters. <sup>53</sup>

A careful analysis of the election statistics confirms the impressions of contemporary observers. In 1888, before passage of registration, poll tax, and secret ballot laws, 78 percent of the adult males in Tennessee went to the polls. In the 1890 election, overall turnout crashed to a mere 50 percent. Apparently dispirited by the prospect of contending with the Democrats under the new, one-sided electoral laws, the Republican machines collapsed in 1890. The capture of the Democratic party by the Farmers' Alliance and the evaporation of the GOP seem to have disappointed the majority party's organization as well. Although the presidential contests revived both parties in 1892 and 1896, the 1895 legislature eliminated the requirement that voters present their registration receipts at the polls, and the Republicans benefited from the nationwide revulsion against the depression-ridden Cleveland administration, turnout in Tennessee never quite returned to its 1888 peak. <sup>54</sup> Meticulous campaigning and huge contributions of funds to pay for poor voters' poll taxes throughout the state, as well as alleged relaxation of the capitation-tax requirement in several East Tennessee counties raised participation to only 70 percent in the furiously contested election of 1896. <sup>55</sup> Before 1897, four counties

<sup>52</sup> *Memphis Daily Appeal*, August 8, November 5, 6, 1890; *Memphis Daily Avulanche*, August 8, November 4-8, 1890. The *Knoxville Daily Journal*, October 31, 1896, charged that the Dortch law disfranchised 30,000 Republicans in 1890.

<sup>53</sup> *Knoxville Daily Journal*, October 31, 1896; Robert Saunders, "Southern Populists and the Negro, 1893-1895," *Journal of Negro History*, LIV (1969), 242-243.

<sup>54</sup> *Knoxville Daily Journal*, August 4, November 8, 9, 1894; November 2, 1896. Republicans gained added strength by fusing with the Populists for many offices in 1894.

<sup>55</sup> *Ibid.*, November 4, 6, 9, 16, 22, 24, 27, 1896. Newspaper reports of candidates and parties who paid poll taxes for their followers probably represent

containing 19 percent of the Tennessee population used the secret ballot. For the 1898 election, the literacy test was extended to towns and civil districts in 34 more counties.<sup>56</sup> The disorganization and confusion which must have attended the concurrent use of the secret ballot in towns and the old party ballot in rural areas of the same counties probably further decreased turnout in 1898 and 1900. After 1901, the secret ballot applied in areas containing over 80 percent of Tennessee's populace.<sup>57</sup>

This extension of the restrictive laws, the realization on the part of the Republicans that continued Democratic fraud would prevent GOP victory except in quite extraordinary circumstances, and the abandonment of efforts on the part of national Republicans to carry the electoral votes of the ex-Confederate states apparently account for the further declines in turnout after 1896. It took the ardor of a "Battle of the Standards" to motivate the party organizations to marshal their forces and march them around all the electoral obstacles; when the barriers were raised even higher and the 1896 excitement faded, considerably smaller proportions of adult males managed to vote. Squeezing voters through the ever narrower portals to the voting booth required more of a push than party organizations could provide.

The tremendous impact of the secret ballot law may be demonstrated by comparing voting patterns in gubernatorial elections in the four urban counties with those in the state as a whole from 1880 to 1896. In presidential years during the eighties, turnouts in the cities and the state as a whole were approximately equal. The Republican party carried the combined urban areas, while losing the state, in each of these three elections.<sup>58</sup> In 1890, when

only the tip of a large iceberg. The *Journal* noted the following expenditures for poll taxes (which amounted to \$2 per person): \$4,000 by one candidate in Nashville, 1894; \$4,000-\$6,000 in Knoxville, 1894; \$1,000 on election day alone in Knoxville, 1896; \$10,000 by the Republicans in the Ninth (West Tennessee) Congressional District, 1896; and \$5,600 by Republicans in Fayette County, 1896.

<sup>56</sup> *Knoxville Daily Journal*, November 24, 1896; Arthur C. Ludington, "American Ballot Laws, 1888-1910," in *University of the State of New York, Education Department Bulletin* (Albany, N. Y., 1910), 67-68.

<sup>57</sup> Figures computed from statistics in *Thirteenth Census of the US, 1910* (Washington, D. C., 1913), *Population*, vol. III, 724-735.

<sup>58</sup> Votes from both Democratic factions were combined for this figure to give a realistic idea of the party's strength in 1880.

voting participation slid by about a third in the state as a whole, it plummeted by two-thirds in the counties covered by the secret ballot. City voting participation lagged 25-30 percent behind the statewide percentages in the elections from 1892 through 1896. Moreover, the GOP dropped far behind the Democracy in 1890 and 1892 in the cities, and only temporarily regained its strength in 1894 and 1896 as a result of the reaction against the party in power during the economic depression and deals with Gold Democrats in 1896. Clearly, the secret ballot cut turnout substantially and hurt the Republicans disproportionately, especially in Nashville and Memphis, where the party of Lincoln had depended heavily on Negro votes.

A comparison of turnout in the 1900 and 1904 gubernatorial elections further strengthens this conclusion about the disfranchising power of the secret ballot. In the counties completely covered by the secret ballot in 1900, the proportionate reduction in turnout from 1900 to 1904 was only 3.6 percent.<sup>59</sup> In those counties free from that literacy test in both elections, the corresponding figure was 3.9 percent. But the proportionate reduction in turnout in counties where the secret ballot's coverage was extended between 1900 and 1904 amounted to a full 20.7 percent.<sup>60</sup>

As Figure 1 shows, moreover, the new election laws largely accomplished their racist aim. While participation among whites continued at high levels until the secret ballot's extension after

<sup>59</sup> The proportionate reduction in turnout is computed by the following formula:

$$\frac{1900 \text{ turnout } \% - 1904 \text{ turnout } \%}{1900 \text{ turnout } \%}$$

Thus, turnout in the third group of counties was 64.1 percent in 1900 and 50.8 percent in 1904, a decline of 13.3 percent, which is 20.7 percent of 64.1 percent. Merely subtracting the turnout percentages in the three groups leads to the same conclusions. The declines in turnout for the three groups are, respectively, 1.0 percent (for the counties completely covered before 1900), 2.6 percent (for the counties never covered), and 13.3 percent (for the counties where coverage was extended between 1900 and 1904). For a further discussion of the proportionate reduction statistic, see Kousser, "Shaping," Appendix C.

<sup>60</sup> Many of the counties in this third group were partially covered by the secret ballot in 1900. If we could separate the returns from the newly covered precincts from those where the secret ballot had been used before, the apparent effect of the secret ballot would probably seem even greater.

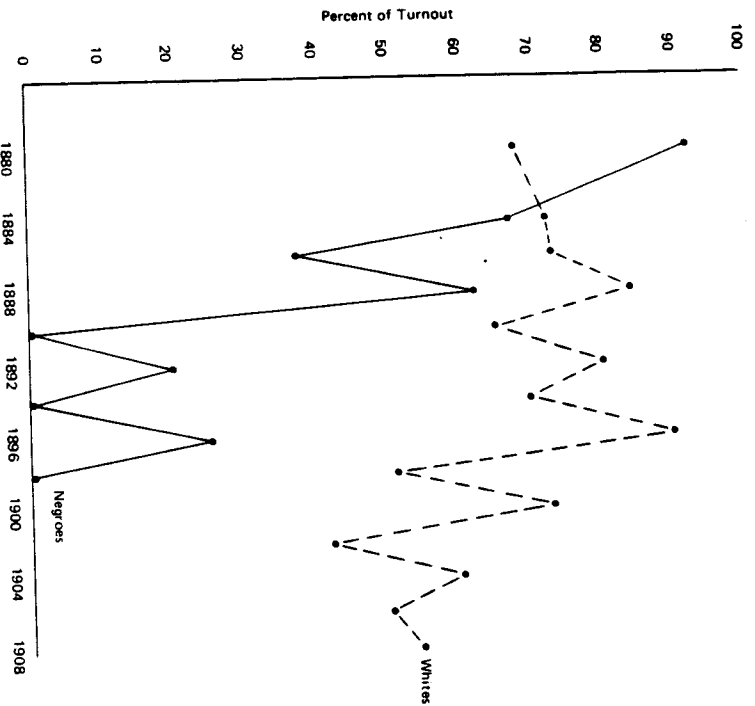


FIGURE 1

*Estimated Turnout by Race in Gubernatorial Contests, 1880-1908*  
(See footnote 6 for the estimation procedures employed.)

1896, black turnout declined dramatically in 1890 and remained very low thereafter. Those Negro votes recorded in 1892 and 1896 seem to have been counted almost entirely for the Democrats. Estimates of Negro turnout after 1896 are approximately zero.

The statutes also had a great impact, especially in the middle and western portions of the state, on the battle between the two chief political parties. Among those voting, the Democratic margin over the Republicans in gubernatorial contests was less than 15 percent in Middle and West Tennessee in 1884. It climbed to 21 percent in 1886 and 1888, at least partly because increases in

fraud distorted the returns. After nearly doubling in 1890, the margin dipped in 1894 and 1896, for reasons already explained, but jumped again to a comfortable 30-46 percent from 1898 through 1906. Only the rise of the volatile prohibition issue, which shattered Democratic unity toward the end of the decade, gave the GOP a chance for the statehouse.

Statistics from the Congressional races before and after 1888 demonstrate the inability of the Republicans to maintain their strength in Middle and West Tennessee once the new election laws went into effect. During the eighties, the GOP not only carried their two traditional East Tennessee districts, but threatened seats outside the mountain country or at least put on respectable campaigns. After 1888, Democratic Congressional candidates rarely faced serious general election challenges, except in the east. The Democratic margin over the GOP in Congressional races throughout the state amounted to only 2.3 percent in 1888, but jumped to 18.4 percent in 1890, 26.2 percent in 1892, and never fell below 10 percent thereafter.

Other figures also point up the growing Republican party reliance on its East Tennessee stronghold after 1888. Although less than one Tennessee voter in three lived in the eastern division of the state during this period, the Republicans drew from 39.5 to 43.4 percent of their votes from that section in gubernatorial races during the eighties. From 1890 through 1908, a majority of GOP votes came from East Tennessee in most elections, and the figure never dropped below 47 percent. The election laws, then, fulfilled their chief proponents' purposes by largely demolishing the Republican organization in Middle and West Tennessee. Only in the east, where the GOP had much greater influence over the election machinery, did active party opposition to the Democrats persist. In sum, Tennessee's experience demonstrates at the very least that Key's *fait accompli* thesis is not valid for all the Southern states.<sup>41</sup> The registration, poll tax, and secret ballot laws obviously did depress turnout substantially, especially among Negroes. A bulwark against opposition upsurges in the black belt, the revised

<sup>41</sup> For evidence that the Tennessee experience was typical, and that Key's hypothesis has relatively little validity, see Kousser, "Shaping," especially Chapter IX.

election code provided a legal, legitimate means of suppressing dissent, a method more subtle, more effective, and less easy to criticize than fraud, violence, and intimidation.<sup>62</sup> Indeed, the blatant modes of putting down the opposition to the Democrats were primarily important as prerequisites for legal suffrage restriction. So long as the Republicans held sufficient strength in the legislature to defeat suffrage laws, so long as they controlled the black belt seats where Democratic proponents of such laws were strongest, no laws limiting the franchise could be passed. Disfranchisement in the South was everywhere a two-stage process: First, Democrats somehow gained sufficient power to pass the necessary laws or constitutional amendments, or call constitutional conventions. Second, those bodies legislated a new political order into existence. While it seriously underestimates the importance of this second phase, the *fait accompli* thesis retains significance because it emphasizes the very complexity, the succession of steps necessary to the political metamorphosis which took place in the turn-of-the-century South.

A final point concerns the timing and locus of inception of the disfranchisement movement. As was noted earlier, many previous historians had focused on Mississippi, a deep-South state with a Negro majority and a largely defunct Republican party in 1890, as the initiator of the process. In fact, other states, including Tennessee, preceded Mississippi and even offered that state advice.<sup>63</sup> In an editorial lauding the effects of the registration, poll tax, and secret ballot laws, the *Memphis Daily Appeal*, which had a wide circulation in

<sup>62</sup> There was still continued influence of violence and fraud in subordinating the opposition after 1890. An independent candidate for sheriff in Fayette county in 1896 was killed by a friend of the Democratic incumbent; Democratic militias continued to prevent Negro voting in close black belt elections; and election officials continued to concoct imaginary totals. See *Knoxville Daily Journal*, August 3, November 22, 27, 1896. Such methods were necessary after 1890 only when the Republicans made frenetic efforts to overcome voting barriers.

<sup>63</sup> This is not to say that Tennessee's example was as influential in other Southern states as was that of Mississippi. The Magnolia State conventioners discussed many more suffrage plans and did so more publicly than the Tennessee legislators. The point is merely that Mississippi was not the first Southern state to contract the electorate, and that simpler, legislative means of disfranchisement were often approximately as effective as such complex election clauses as Mississippi's.

northern Mississippi, noted that under the new Tennessee laws: It has been demonstrated beyond all peradventure that the ignorant negro, he who is the trusted campfollower of the Republicans, cannot be induced to vote. In the first place only a few register, and of these only a very few are energetic enough to pay their poll tax. If these preliminaries are attended to, only the intelligent among them can vote . . . [E]lections are thrown into the hands of intelligent, tax paying school supporting classes . . . Greater than all else, the system has given a practical, Constitutional and happy solution of the race problem, and for this reason THE APPEAL would earnestly recommend it to the good people of Mississippi, who are about to meet in Jackson for the purpose of making a new Constitution for their State.<sup>64</sup>

When the Mississippi Constitutional Convention adopted a secret ballot as part of the new suffrage clause, one Florida newspaper headlined its article on the event: "MISSISSIPPI CONVENTION—The Dortsch [sic] Law of Tennessee Incorporated in the New Constitution."<sup>65</sup>

<sup>64</sup> *Memphis Daily Appeal*, August 9, 1890. The order of the sentences in this quotation has been rearranged slightly. The Mississippi Constitutional Convention met three days later. The *Appeal*, February 23, 1890, urged Mississippians to disfranchise the blacks in two stages by adopting an Australian ballot law first to insure the convention's success.

<sup>65</sup> *Jacksonville Florida Times-Union*, September 20, 1890. The ordinance, according to the *Times-Union*, was "substantially a copy of the Dortsch [sic] law of Tennessee."

<sup>66</sup> I wish to thank Professors Lance Davis, Daniel J. Keyes, and W. David Montgomery of Caltech for their comments on an earlier version of this paper. My research assistant, Bruce Bennett, did many of the computations for the tables. Professor C. Vann Woodward of Yale made numerous helpful suggestions in the larger study from which this article derives.