

**DISFRANCHISEMENT**, the erection of barriers to voting high enough to exclude almost all blacks and many poor whites from the southern electorate, did not immediately follow the downfall of the Radical Republican regimes. Instead, in the post-Reconstruction era, fairly stable parties competed for the franchises of an active electorate comprising in most states a majority of the black and up to 90 percent of the white adult males. The South in this period was often the scene of fierce partisan battles between the Democrats and coalitions of blacks with poor hill-country whites, organized under the labels of the Republican, Union Labor, or Populist parties or as **INDEPENDENT MOVEMENTS**. To insulate the political system from these challenges to their hegemony, white Democratic politicians passed various disfranchisement schemes. The leaders of the disfranchisement movement were virtually all upper-class Democrats, nearly always from heavily Negro areas (the **BLACK BELT**), usually well-educated men whose socioeconomic profiles bore striking resemblances to social daguerreotypes of the antebellum and Redeemer "patricians." The opponents of disfranchisement were blacks, some white Democrats from the upland areas, and white members of parties opposed to the Democratic party, especially Populists and Republicans.

Democratic violence, intimidation, and chicanery played a large role in stifling opposition parties in the post-Reconstruction South, but the passage of disfranchising laws immediately curtailed political participation and usually decimated parties enemy to the Democrats. For example, of the 75 percent of the adult males (including an estimated 86 percent of the whites and 62 percent of the blacks) who turned out to vote in the Florida gubernatorial election of 1888, 40 percent succeeded in having their votes counted for the GOP candidate. In the next governor's race, after the passage of two disfranchising laws, turnout dropped to 39 percent, estimated black turnout to 11 percent, and the opposition percentage to 21 percent. Instead of directly causing the **SOLID SOUTH**, force and fraud usually only allowed Democrats to carry enough seats in the state legislatures to pass laws restricting the vote in elections for constitutional convention delegates or in referenda on more stringent disfranchising laws.

The already-restricted electorate then ratified the harsh legal provisions—in elections often marked by a last orgy of fraud, to be sure—and the poll taxes and literacy tests then finished off all vestiges of a democratically competitive polity. State-wide, Democratic **WHITE PRIMARIES** succeeded, rather than preceded, disfranchisement and served mainly to channel potential opposition movements into the Democratic party.

Of the often ingenious restrictive statutes, the most effective were the **POLL TAX**, which inhibited the poor of both races from voting; the literacy test, a measure designed to institute disfranchisement through discriminatory administration by voting registrars; and the secret ballot and multiple-box laws, both of which were de facto literacy tests. Registration laws, though they often had a major short-term disfranchising impact, were employed chiefly just before crucial referenda on more long-lasting restrictive measures to slice off segments of the electorate that might oppose the Democrats' schemes. The potency of each disfranchising device depended on its exact provisions and the manner of its administration. Thus, the most powerful were the cumulative poll tax, which had to be paid for three or more years preceding the election; the Virginia literacy test, which consisted of writing out from memory, on a blank sheet of paper, the answers to a long, complex questionnaire; the **EIGHT-BOX LAW**, which required the votes for each of eight officers to be deposited in separate ballot boxes; and the strict Australian ballot law, which contained no party designations and arranged the names of all candidates alphabetically by office. Each of these devices hit the poor and illiterate or semilliterate with crushing force.

Southern blacks in this so-called age of accommodation fought back against disfranchisement. They held protest meetings in four states, petitioned or spoke out in state legislatures or constitutional conventions in seven states, organized voters in the referenda on suffrage amendments in six states, and brought suits in Congress and the courts in five states. Although black activism sometimes postponed disfranchisement, the protests, petitions, and campaign activity could not prevail against the overwhelming power of the disfranchisers. And the efforts of black leaders to bring their case before Congress and the courts were ultimately unavailing in these forums as well.

Thus, two cases from Virginia were declared moot and a Louisiana case sponsored by the Afro-American Council never reached the higher courts,

though the challenge to the 1901 Alabama constitution, brought in behalf of Jackson W. Giles by a group of Montgomery black Republican activists and funded and directed secretly by BOOKER T. WASHINGTON, elicited one of Justice Oliver Wendell Holmes's craftiest opinions (*Giles v. Harris*, 189 U.S. 475 [1901]). His opinion for a six-to-three majority of the U.S. Supreme Court cleverly impaled the blacks on the horns of a false dilemma: how could the Court require Giles to be registered at the same time as it threw out the provisions of the Alabama constitution, which governed registration? Adequate remedy, Holmes concluded, could come only from the state of Alabama or the "legislative and political department of the government of the United States."

Although *Giles* and other court cases are comparatively well known, the efforts of such obscure black men as Cornelius J. Jones to overturn black disfranchisement through congressional action have been largely forgotten. A Greenville lawyer and former Mississippi state legislator, Jones not only challenged his state's racist suffrage provisions in the courts in *WILLIAMS V. MISSISSIPPI*, but carried his case to Congress in 1896 and 1899, arguing that the whole election procedure in Mississippi was so tainted by the disfranchisement of blacks, contrary to the Fifteenth Amendment, that no Mississippi congressman from a district containing a majority of blacks was entitled to his seat. The House Elections Committee turned Jones down. Although aware of the racially discriminatory intent and impact of suffrage laws enacted by 1902 in nearly all southern states, the semijudicial Elections Committee hesitated to declare the laws unconstitutional, for such action would have eventuated in the unseating of perhaps a third of the congressmen from the South. Probably for the same reason the House defeated the "Crumpacker bill," which proposed to encourage the South to repeal laws restricting the suffrage by invoking the Fourteenth Amendment to reduce the representation of states that had disfranchised large numbers of voters.

The climax of the per se congressional challenges came in a 1904 case brought against South Carolina Congressman ASBURY F. LEVER by a black, Alexander D. Dantzler, and argued by a former treasurer of the Republican National Committee, W. W. Dudley. Refusing to seat Dantzler, the Republican majority on the committee at the same time refrained from declaring Lever legitimately elected. The issue, they piously declared a year after Holmes's decision in the widely no-

ticed *Giles* case, was one for the U.S. Supreme Court.

See J. M. Kousser, *Shaping of Southern Politics* (1974); C. V. Woodward, *Origins of New South* (1971); V. O. Key, *Southern Politics* (1949); J. M. McPherson, *Blacks in America* (1971); and I. A. Newby, *Jim Crow's Defense* (1965), all contain bibliographies. Also see P. Lewinson, *Race, Class and Party* (1965); W. A. Mabry, "Disfranchisement of Negro" (Ph.D. dissertation, Duke, 1933); F. D. Ogden, *Poll Tax in South* (1958); V. P. De Santis, *Republicans Face Southern Question* (1959); S. P. Hirshson, *Farewell to Bloody Shirt* (1962); R. W. Logan, *Betrayal of Negro* (1965); A. Meier, *Negro Thought in America* (1963); and studies of individual states and leaders.

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