

## “The Magical Effects of The Dortch Law”

TENNESSEE: “GIVE US THE DORTCH BILL OR WE PERISH”

Tennessee's was the most consistently competitive political system in the South during the 1880s. 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 the off-years. 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 (see table 5.1A). Whereas the dominant party encountered little opposition for many congressional seats elsewhere in the South, Tennessee 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 over the ten-year period (see table 5.1B).

Republicans drew their support from Negroes, from poor whites, especially in East Tennessee, and from those whites who stood to gain by the protective tariff and other positive governmental policies. In Middle and West Tennessee, where over 85 percent of the blacks lived, an estimated 48 percent of the Negro male adults voted Republican in the 1884 gubernatorial contest, while but 21 percent were counted for the Democrats. While it is difficult to determine directly the relation between wealth and voting behavior among whites for the 1880s, one can correlate economic and political variables after the vast majority of Negroes 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>1</sup> Assuming Negro wealth per male adult averaged \$100,

1. This statement is based on an analysis of numerous graphs, several regression estimates

Table 5.1. Party Competition in Tennessee, 1880s.

A. GUBERNATORIAL ELECTIONS

Election	% of all Adult Males				Estimated % Turnout by Race <sup>a</sup>	
	Democrats	Republicans	Other	Not Voting	White	Negro
1880	23.9 <sup>b</sup> /17.4 <sup>c</sup>	31.5	1.1	26.1	68	92
1882	35.0	27.0	4.2	33.8	Not estimated	Not estimated
1884	36.8	34.9	0	28.3	72	67
1886	33.9	29.3	0	36.7	73	37
1888	40.4	35.8	1.8	22.0	84	62

B. CONGRESSIONAL ELECTIONS

Election	% of Congressional Vote for Democrats	Number of Congressional Districts in Which Democratic Percentage of Vote Was:		
		Less than 50%	50–60%	60%
1880	50.0	3	4	3
1882	51.3	2	4	4
1884	52.5	3	6	1
1886	54.3	2	5	3
1888	50.6	3	2	5

<sup>a</sup>All the estimates of voting behavior by race for the whole state are combinations, weighted by population, of separate linear regression estimates for East Tennessee, and for Middle and West Tennessee. For a fuller explanation of the procedures, see my “Ecological Regression” article.

<sup>b</sup>“State Credit Democrats.”

<sup>c</sup>“Readjuster Democrats.”

the differences in support for the major parties among whites is quite striking (see table 5.2A).<sup>2</sup> Whites in a typical poor county in which

of the way the 1884 white voters behaved in 1908, and reports in contemporary newspapers. I do not mean to claim here that lower-income whites voted for the GOP *because* they were poor, but only that poorer whites did, for whatever reason, end up disproportionately in the Republican camp.

2. 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 appendix A.

Table 5.2. Class, Section, and Race: Estimated Class, Sectional, and Racial Composition of Political Parties in Tennessee, 1880-1884.

A. CLASS (WHITES ONLY) <sup>a</sup>								
Party or Race	Pearsonian				% Rise Per \$1,000			
	Correlation Coefficient				Increase in Per Capita White Wealth			
% Democratic	+.313				+11.4			
% Republican	-.569				-23.2			
% Negro	+.718				+24.8			
B. SECTION <sup>b</sup>								
Election	% of White Adult Males in Middle and West Tennessee				% of White Adult Males in East Tennessee			
	De-mocrat	Re-publican	Other	Not Voting	De-mocrat	Re-publican	Other	Not Voting
1880	49	11	3	37	30	49	0	21
1884	49	20	0	32	27	54	0	19
C. RACE								
Election	% of Negro Adult Males							
1880	38	51	1	8				
1884	25	42	0	33				

<sup>a</sup>Correlation and regression statistics here are based on the percent of white adult males voting for each party in the 1908 gubernatorial contest. The white wealth statistics are based on the assumption that Negro wealth averaged \$100 per adult male. For further discussion, see appendix A.

<sup>b</sup>Estimates of voting from gubernatorial elections of 1880 and 1884.

wealth per white male adult averaged \$400 gave the Republicans about 62 percent of their votes, leaving the Democrats only 38 percent. In an affluent county with a per capita white wealth figure of \$1400, the whites could be expected to reverse those figures and provide the Democrats with a 65-35 margin. There were similar relationships between white wealth and voting behavior within each section of the state. And as table 5.2B shows, the GOP was much less attractive to Middle and West Tennessee whites than to East Tennessee ex-Unionists who never forgave the Democrats for leading Tennessee into the Confederacy.

In return for their support, black leaders during this period received a good deal of recognition within the Republican party. In the legislative sessions from 1880 through 1886, black Republicans at various times won seats from every Negro-majority county and from two

counties where the blacks made up less than 40 percent of the population. Though the number of offices they held was rarely if ever in proportion to Negro voting strength, blacks also often filled positions on county Republican tickets. Recognizing the political importance of their black constituency, white Republican leaders submerged the racism which they, as white Southerners, must have felt. In 1885, for instance, all 32 Republican state legislators voted for a black, Samuel Allen McElwee, for Speaker of the Tennessee House of Representatives. To nominate McElwee to such an important post not only directly challenged the shibboleth of Negro inferiority; it also presented the Democratic party with concrete evidence for their habitual cry that Republican rule meant Negro domination. Moreover, all three Tennessee Republican congressmen voted for the Lodge Elections Bill; the leading Republican newspaper openly favored integrated transportation facilities; and Republican legislators bitterly fought the convict leasing system and other racially discriminatory laws.<sup>3</sup>

If Republican strength forced Tennessee Democrats after 1880 to close ranks more tightly during election campaigns than elsewhere in the South and to rely more on caucus decisions during sessions of the legislature, the nature of the GOP constituency invited Democrats to restrict the suffrage when they got the chance. That chance came in 1889 when the Republicans, who had been able to filibuster a registration bill to death in the 1887 session, won only 35 seats in the 132-man state legislature.

The opportunity was hardly fortuitous. In 1886 and 1888 black belt Democrats employed some force and a great deal of fraud to overthrow their formerly potent Republican adversaries. When early returns from the November 1886 state elections showed a Democratic majority in Fayette County, more than two-thirds of whose residents were Negroes,

3. Robert Ewing Corlew, "The Negro in Tennessee, 1870-1900" (Ph.D. diss., Univ. of Alabama, 1954), pp. 165-178; *Memphis Daily Avalanche*, July 5, 1886, August 3, 1888. On McElwee, see *Tenn. House Journal* (1885), p. 7; and for biographical information, see William J. Simmons, *Men of Mark*, pp. 498-505. Editorials and news coverage in the *Knoxville Daily Journal*, March 13, April 12, 1889, November 14, 23, 24, 1896, indicate that newspaper's relative liberalism on racial questions; typifying the Democratic attitude in Tennessee was a speech by Congressman Josiah Patterson, reported in the *Memphis Daily Appeal*, November 5, 1890. See *Memphis Daily Avalanche*, March 21, 22, 30, 1889 for Republican efforts to destroy convict leasing. It must be noted that there were reasons other than antiracism for Republican opposition to leasing. Free miners, who seem to have had a large effect on public opinion, violently objected to having to compete with unpaid convicts for jobs in the mines.

a leading Democratic newspaper expressed “the greatest surprise.” Republicans had carried that county in the August local elections by their “usual majority” of 1,500 out of a total voting population of about 5,700. 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 3,000 votes which Negroes had managed to cast.<sup>4</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>5</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 perpetuated [*sic*] upon the ballot-box in a free republic . . . a wholesale steal . . . an infamous election conspiracy . . .” Federal election supervisors reported unmistakable frauds in at least three wards in Shelby county, two districts in Fayette County, and one in Haywood 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.” What the Republicans lost at the polls they could not regain in

4. *Memphis Daily Appeal*, November 4, August 8, 1886; *Memphis Daily Avalanche*, August 6, November 5, 1886.

5. *Appeal*, October 24, 1888. The GOP carried the Tenth in 1880 and 1884.

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 8,000-vote majority; and Negro witnesses failed to convince four all-white juries of the guilt of Fayette County election officers.<sup>6</sup>

Having vanquished their local opponents at least temporarily, the black belt Democratic leaders adjourned to Nashville to push legislation to insure their newly won positions against potential counterattacks at home and against the efforts of national Republicans to mandate fair election procedures throughout the nation. Democrats from 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 committee. This 31-year old son of an antebellum 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 antebellum 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

6. *Knoxville Journal*, November 21, 23, 1888. The *Journal's* November 21 statement indicates that the paper did not make charges of fraud lightly; this was by no means the first close statewide election of the decade. Democratic behavior is reported in *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. For GOP attempts to recover their losses, see *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.

Republican votes in the tight party competition for control of the capital city.<sup>7</sup>

The election measures pushed by the Democrats 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. Written in Dortch's Senate committee, the bill passed both houses on strictly party votes; only two East Tennessee Democrats in the House crossed party lines to oppose the act. Likewise, party loyalty determined almost every vote on the "Lea law," which provided for two separate ballot boxes for federal and state elections in order to prevent federal supervisors from overseeing state elections in the event that the pending Lodge Elections Bill passed the U.S. Congress. Only five East Tennessee Democrats deserted their party on this issue.<sup>8</sup>

The secret ballot act, drafted and managed by Senator J. H. Dortch, was the third major proposal. 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, to rob the GOP of a telling campaign issue. 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>9</sup> The *Avalanche* also touted the legislation as an answer to the "Negro Question":

7. 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 the suffrage in order to counteract the threatened Lodge Elections Bill. Biographical details for the legislators 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," pp. 122, 165.

8. 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. The text of and roll calls on the Myers Act are in *Tenn. Acts* (1889), pp. 414-420; *Tenn. Senate Journal* (1889), p. 652; *House Journal* (1889), pp. 741-745. On the "Lea law," see *Tenn. Acts* (1889), pp. 437-438; *Tenn. Senate Journal* (1889), pp. 678-679; *House Journal* (1889), pp. 804-805.

9. Cf. Corlew, "Negro in Tennessee," p. 139. The standard history of the state views the

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 reawaken 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>10</sup>

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. 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. 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.<sup>11</sup>

---

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. Folmsbee, Robert E. Corlew, and Enoch L. Mitchell, *History of Tennessee*, 2: 158; and similarly, Frank B. Williams, "Poll Tax As a Suffrage Requirement," pp. 130-133. 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. Quotations are from *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—Goodbye 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 *Knoxville Journal*, April 9, 10, 1889.

10. *Avalanche*, March 27, 1889. Republican newspapers agreed that one of the Dortch bill's chief objects was to disfranchise blacks. See *Knoxville Negro World*, quoted in *Knoxville Daily Journal*, July 18, 1892, and *Knoxville Daily Journal*, July 24, 25, 1892.

11. *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. 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. Democratic chairman, quoted in *Memphis Daily Avalanche*, April 1, 1889, emphasis added. For a similar statement, see editorial, 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.

Despite its partisan and racial purposes, the Dortch bill aroused a good deal of opposition among Democrats from overwhelmingly white counties. 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 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 Dortch seemed "like a man who was getting ready to die game."<sup>12</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 Democrats 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>13</sup> Consequently, some white-county Democratic legislators were less than enthusiastic about helping the party in the state, and especially about supporting their black belt compatriots, for they feared that supporting the Dortch law might cost them their own seats. The second reason for Democratic deviations was that no one could predict precisely what the impact of

12. 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 *Tenn. Senate Journal* (1889), pp. 707–708, and *Tenn. House Journal* (1889), p. 743. Caucus action and visitor's observations are reported in *Memphis Daily Appeal*, March 19, 1889; *Memphis Daily Avalanche* March 28, 29, April 4, 1889.

13. 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*, pp. 343–345. The Democrats, of course, made no move to repeal the obnoxious statutes.

the Dortch law would be on every group in the electorate. Men elected under the old laws hesitated to change the rules of the game. Thirdly, 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 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 Dortch 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 [i.e., legislators potentially favoring disfranchisement] have a majority of the General Assembly. 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 Dortch bill or we perish." To defeat it would "turn Shelby county bound hand and foot to the venality and corruption of Negro rule." 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 Dortch, 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 "urg[ing] especially that [his bill] was to the interest of the Democratic party." All five of the Democratic Senate opponents of the law represented counties containing few Negroes, four of which lay in East Tennessee. Every Republican, of course, also voted against the bill.<sup>14</sup>

Although less difficult, House passage of the Dortch 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 Re-

14. *Memphis Daily Avalanche*, March 26, 30, April 1, 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 the provisions of these laws, see *Tenn. Acts* (1889), pp. 364-371, 414-420; *Tenn. Acts* (1890), pp. 438-440. About one-third of the state's blacks, and nearly 20 percent of the total state population resided in these four counties.

publican incumbent. Democratic high-handedness provoked what one veteran correspondent called “the wildest scenes that were probably ever enacted in any Tennessee legislature.”<sup>15</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 the 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. In the 1889 session, Democrats were not so united on the capitation tax, for many critics thought it would disfranchise more white Democrats than Negro Republicans, even though it was aimed principally at the blacks. 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 vote. Except for one dissident member, every Republican recorded on the House vote opposed the bill. Democratic resistance generally varied with the proportion of Negroes in each county (table 5.3), 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. The opposition cry that the bill oppressed the poor, white as well as black, infected even such conservatives as Stainback of Fayette.<sup>16</sup>

15. *Memphis Daily Appeal*, April 3, 1889.

16. Although the Tennessee Redeemer Convention of 1870 authorized the use of the poll

Table 5.3. The Party Whip Cracks: Increasing Democratic Cohesion on Three Roll Calls on the Poll Tax in the 1889–1890 Tennessee House.

% 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

NOTE: Abstainers are omitted.

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>17</sup> As table 5.3 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

---

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 *Tenn. Con. Con. Journal* (1870), pp. 159–161, 174–181, 210–211, 397–398; Williams, "Poll Tax as a Suffrage Requirement," pp. 57–95; Philip M. Hamer, *Tennessee, A History, 1673–1932*, 2: 679–681. For 1889 session, see *Nashville Banner*, February 28, 1890; *Knoxville Daily Journal*, March 13, 1889. Quotation from *Memphis Daily Appeal*, March 12, 1889; roll calls in *Tenn. House Journal* (1889), pp. 363, 377, 472–474; *Tenn. Senate Journal* (1889), p. 485; opposition remarks in *Nashville Daily American*, February 28, March 12, 1889.

17. *Tenn. House Journal* (extra sess., 1890), pp. 26–27, 99–100; *Senate Journal* (1890), p. 66; *Nashville Banner*, March 4, 1890; *Memphis Daily Avalanche*, March 4, 1890.

tactic under the Reed rules in Congress, tried to subvert the business of 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>18</sup> But the partisan effort finally succeeded.

And the new laws had the predicted effect, as newspaper reports of the returns from the first elections after the 1889–90 legislative session stressed. 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, “The registration in the city and the poll tax law caused a light vote”; in Dyersburg, “The poll tax and registration laws have played havoc with the colored vote.” “From all over Middle and West Tennessee,” the *Avalanche* 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.” Furthermore, the Tennessee Populists charged that the poll tax disfranchised 50,000 voters, while the Republicans estimated that the new statutes cost them between thirty and forty thousand votes. “But for the Dortch law and the poll-tax law,” asserted the *Knoxville Journal*, “Tennessee would be a [R]epublican state.”<sup>19</sup>

A careful analysis of the election statistics confirms the impressions of contemporary observers (see figure 5.1). In 1888, before the passage

18. *Nashville Banner*, March 10, 11, 1890.

19. *Memphis Daily Appeal*, August 8, November 5, 6, 1890; *Memphis Daily Avalanche*, August 8, November 4–8, 1890; Robert Saunders, “Southern Populists and the Negro, 1893–1895,” pp. 242–243; *Knoxville Daily Journal*, Nov. 6, 9, 1892, Oct. 31, 1896.

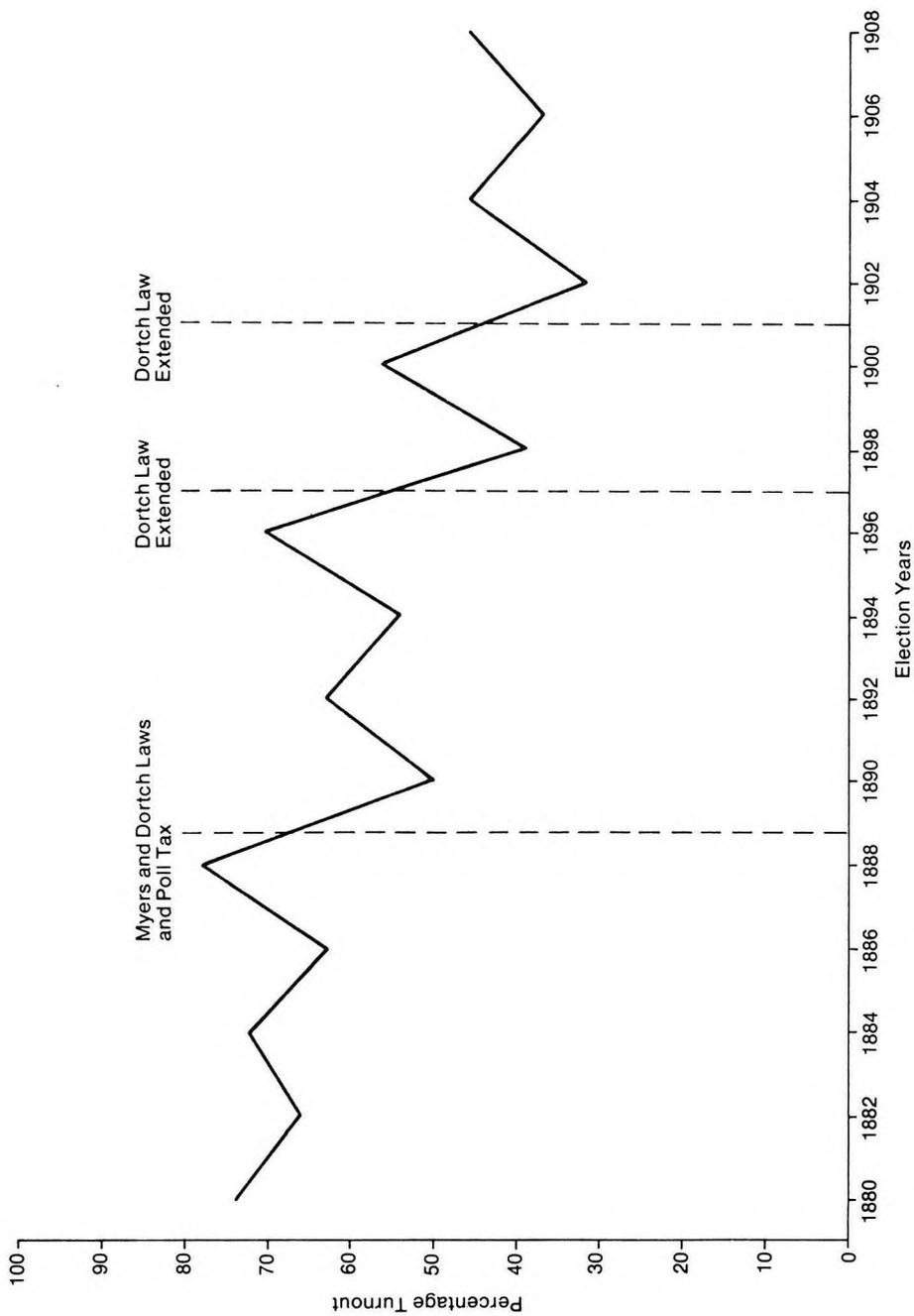


Figure 5.1.1. Effect of Election Law Changes on Turnout in Tennessee Gubernatorial Contests, 1880–1908.

of the 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 as well as the evaporation of the strength of the GOP seem to have disjointed the majority party's organization. Although presidential contests revived both parties in 1892 and 1896, although the 1895 legislature eliminated the requirement that voters present their registration receipts at the polls, and although the Republicans benefited from the nationwide revulsion against the depression-ridden Cleveland administration, turnout in Tennessee never quite returned to its 1888 peak. Meticulous campaigning and huge contributions to funds for paying 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. Before 1897, four counties containing 19 percent of the Tennessee population used the secret ballot. For the 1898 election, that literacy test was extended to towns and civil districts in 34 more counties. 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>20</sup>

To demonstrate the tremendous impact of the secret ballot law, one need only compare voting patterns in the four urban counties with those in the state as a whole from 1880 to 1896 (figure 5.2). In presi-

20. *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. Good coverage of the 1896 campaign appears in *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 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. The spread of the secret ballot is treated by Arthur C. Ludington, in "American Ballot Laws, 1888–1910," in University of the State of New York, *Education Department Bulletin* (Albany, New York: State Education Dept., 1910), pp. 67–68. The proportional coverage figures were computed from statistics given in the *Thirteenth Census of the U.S., 1910* (Washington, D.C.: G.P.O., 1913), *Population*, vol. 3, pp. 724–735.

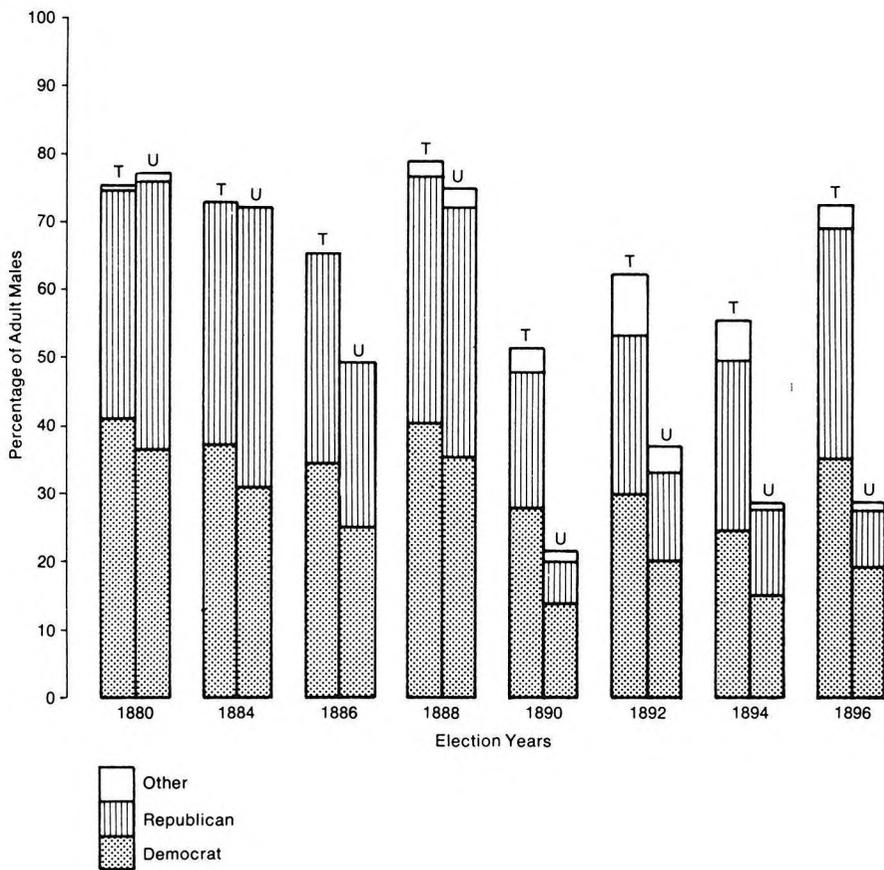


Figure 5.2. Impact of the Secret Ballot: Overall Voting Patterns in Tennessee Contrasted to Urban Counties Where Dortch Law Applied after 1888.

dential years during the 1880s, turnouts in the cities and the state as a whole were approximately equal. The Republican party carried the combined urban areas, but lost the state, in each of these three elections.<sup>21</sup> In 1890, when 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 Democrats 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 of 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, there was a 1 percent decline in turnout from 1900 to 1904. In the counties free from that literacy test in both elections, the decline was 2.6 percent. But the decline in participation in counties where the secret ballot's coverage was extended between 1900 and 1904 amounted to a full 13.3 percent.<sup>22</sup>

As figure 5.3 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 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.

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

22. 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.

There does not appear to be any other ready explanation for the differences in turnout patterns in these three groups of counties. The only common characteristic of the counties in the third group is that they were more rural than those in the first, and less rural than those in the second group. Counties in all three groups were roughly evenly matched in the percentage of Negroes they contained, the section of the state they were in, and the average wealth of whites.

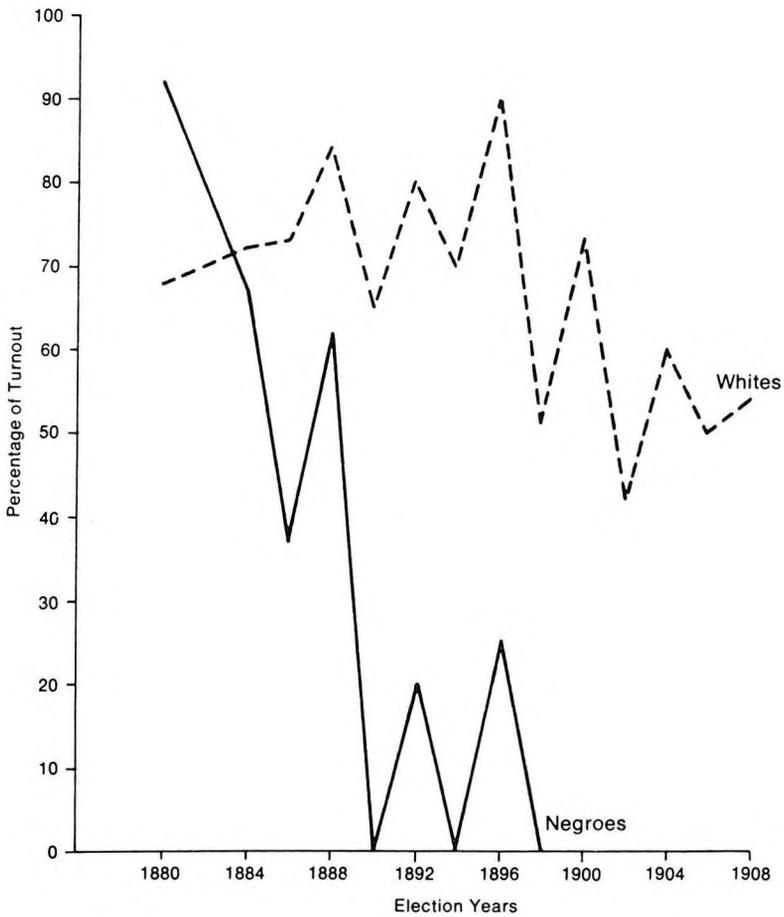


Figure 5.3. Differential Impact of Election Laws on Whites and Negroes in Tennessee: Estimated Turnout, by Race, in Gubernatorial Contests, 1880–1908.

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 exploded Democratic unity toward the end of the decade, gave the GOP a chance for the state house.

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 eastern part of the state. The Democratic margin over the GOP in congressional races throughout the state amounted to only 2.3 percent in 1888, but it jumped to 18.4 percent in 1890, to 26.2 percent in 1892, and never fell below 10 percent thereafter.

Other figures also point up the Republican party's growing 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 percent to 43.4 percent of their votes from that section in gubernatorial races during the 1880s. 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.<sup>23</sup> Only in the east, where the GOP had much

23. This is not to deny entirely the continued influence of violence and fraud in the process of subordinating the opposition after 1890 in Tennessee. 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. But such methods were necessary after 1890 only when the Republicans made

greater influence over the election machinery, did active party opposition to the Democrats persist.

ARKANSAS: DISFRANCHISEMENT "IN THE INTERESTS OF THE  
DEMOCRATIC PARTY"

Arkansas Democrats in 1891 had withstood two successive assaults on their power. The Republican party there was stronger than in some Southern states in the 1880s, regularly polling a third of the votes in governors' races and about 40 percent in presidential contests. Militant farmers' organizations added to the Democratic party's difficulties. In 1885 the "Brothers of Freedom" and the "Agricultural Wheel" fused and the next year, after political pressure forced a prominent Democrat to decline the Wheel nomination, gathered 11 percent of the votes in the state race despite their ticket of unknowns. In 1888 the Wheelers, now organized as the Union Labor party, accepted Republican proffers of support and ran a fusion ticket which polled 46 percent of the officially totaled votes in a fraud-filled contest. The coalition elected two congressmen, one of whom was assassinated while gathering evidence for a congressional committee investigation of the contest for his seat. The fusionists fared worse in the gerrymandered legislature, winning only 26 of 95 seats in the House and 2 of 32 in the Senate. These minorities could be decisive, however, whenever the House Democrats divided on an issue. In 1890, the Union Labor-Republican ticket polled only 44 percent of the votes, their state legislative delegation dropped to 20, and all their congressional candidates lost. Nevertheless, the Democrats could not rest easy, for the news of the state treasurer's extensive defalcation followed closely the announcement of the 1890 results. This blight on the Democrats' vaunted honor handed the opposition a dangerous issue for the 1892 campaign. Moreover, by 1891 the stirrings of the Populist party shook Southern Democrats everywhere. Leaders of the dominant party in Arkansas must have been tempted to silence the opposition while the temporary lull lasted.<sup>24</sup>

---

frenetic efforts to overcome the voting barriers.

24. On the Wheel, Union Laborites, and the 1886-1890 campaigns, see Clifton Paisley, "The Political Wheelers and Arkansas's Election of 1888," pp. 3-21; and Francis Clay Elkins, "The Agricultural Wheel in Arkansas, 1882-1890." See the two contested congressional election cases in Rowell, *Digest of Contested Election Cases*, pp. 441-447, 468-470. The election results for the 1888 race appear in *Chicago Daily News Almanac for 1890* (Chicago: Chicago Daily News, 1890), p. 93; *The American Almanac for 1889* (New York and Washington,

They did not have to look far for the means to avert the threat to their party's supremacy. The overwhelmingly Democratic State Senate had passed both poll tax and secret ballot measures in 1889, the latter authored by James P. Clarke, the 1891 Senate Speaker. In the 1889 House, where the Republicans and Union Laborites were more numerous, neither these bills nor more moderate substitutes for them could be brought to a vote.<sup>25</sup>

But the 1891 legislators did not simply dig up the old bills and forward them for the governor's signature. At first, the House elections committee drew up a more moderate secret ballot law. From the floor, White of Nevada County (29 percent Negro), the elections committee chairman, offered amendments to the bill, one vesting in local party committees the power to nominate election judges, and the other permitting the listing of the party designation after each candidate's name. The first amendment would have gone far toward ensuring the selection of qualified election judges and a fair count, and the second would have made it easier for illiterates to vote, since they could easily be taught to recognize the name "Republican" or "Populist." This bill and the amendments, however, were dropped when eleven days later Ambrose H. Sevier, Jr., introduced a tougher bill, similar to the 1889 Clarke secret ballot act. Sevier's bill, which had been rushed through the Democratic caucus in one hour, left out the guarantee of fairness in choosing election judges and prohibited all party designations, though it did allow judges to help illiterates mark their ballots. The Democrats openly avowed the partisan purposes of the bill. A Democratic newspaper termed it "a partisan measure" which would prove "beneficial to the Democratic party," and Sevier recommended it as "conceived in the interests of the Democratic party." All efforts to amend the bill were brushed aside. Three white-county Democrats in the Senate and 10 in the House joined the Republicans, the Union Laborites, and the single black Democrat in opposing the measure.<sup>26</sup>

Clarke and Sevier, the authors of the 1889 and 1891 secret ballot acts, closely resembled the disfranchisers in other states. Clarke of

---

D.C.: The American News Co., 1889), p. 201; and those of the 1890 race in *Little Rock Arkansas Gazette*, Nov. 4, 1890.

25. *Ark. Senate Journal* (1889), pp. 365, 461, 501-502; *Ark. House Journal* (1889), pp. 806-807, 850-854, 922.

26. *Ark. House Journal* (1891), pp. 262-263, 407, 419-423; *Ark. Senate Journal* (1891), p. 334; *Arkansas Gazette*, Feb. 26-28, 1891; *Interstate News*, n.d., quoted in *ibid.*, Jan. 18, 1891.

Phillips County (78 percent Negro in 1890) had been born in Mississippi in 1854. A graduate of the University of Virginia law school, he followed the prototypical career of a successful politician: law practice, member of the state house of representatives and the state senate, state attorney general, governor, and finally, U.S. senator, where he served as President Pro-Tempore. Described by the Pine Bluff newspaper as “the old [D]emocratic wheelhorse,” he was “a firm believer that the Anglo-Saxon was the only race on earth fit to govern” and was given to urging his Democratic audience “to stand united and fight their old enemies [the Republicans] *to the death*” (my italics). Sevier of Lafayette County (58 percent Negro) was a member of a distinguished Arkansas family. His father was a plantation owner who served as the first congressman and one of the first two U.S. senators from Arkansas, and Sevier Jr. married the daughter of the other senator. After attending Georgetown University and attaining the rank of major in the C.S.A., A. H. Sevier, Jr., returned to Arkansas, entered business and the law, and became owner and publisher of the state’s largest newspaper. Although often mentioned for higher office, he retired after his one legislative term, reemerging into politics only as the conservative Gold Democratic candidate for governor in 1896.<sup>27</sup>

After the partisan battle over the secret ballot, the poll tax bill came as something of an anticlimax. Passage of the bill authorizing a referendum on a poll tax amendment was interrelated with the issue of calling a constitutional convention. In 1888 the voters soundly defeated a referendum proposal to convene such a convention. At issue then was not disfranchisement, but a new usury law, a road law, and other innocuous propositions. Regression analysis shows that virtually all the Democrats and about 65 percent of the Republicans and Union Laborites who participated in the referendum opposed calling a convention in 1888. By 1891, however, with the example of the Mississippi disfranchising convention so close at hand, many Democrats changed their position on the issue. Accordingly, a bill authorizing a

27. John L. Ferguson, *Arkansas Governors and United States Senators*, pamphlet, p. 12; Myrill Cheney Murdock, *National Statuary in the Nation’s Capitol* (Washington, D.C.: Monumental Press, Inc., 1955), pp. 16–17; Dallas T. Herndon, *Annals of Arkansas, 1947* (Little Rock, Ark.: The Historical Record Assn., 1947), pp. 225–226; *Pine Bluff (Ark.) Weekly Commercial*, Aug. 26, 1894. Details on Sevier are from Ferguson, *Arkansas Governors*, pp. 6, 17; *Little Rock Arkansas Democrat*, March 31, 1894; *Arkansas Gazette*, Feb. 27, 1908. I want to thank State Historian Ferguson for providing me with biographical details on Clarke and Sevier.

convention without calling a referendum on the issue passed the Senate, 14–12. Responding to criticism of the Senate bill, the House later passed a substitute which required a referendum. Only after the Senate refused to accede to the House bill did the legislature’s attention turn from the convention issue to the poll tax. The poll tax was pushed through both houses in the session’s last three days; the Senate did not even bother to record a vote on it. Eight white county Democrats and six Republicans and Union Laborites opposed the law in the House.<sup>28</sup>

Analysis of the poll tax referendum sharply challenges those who regard the Populists as chief culprits in the movements to limit the suffrage. The Democratic *Pine Bluff Commercial* neatly summed up the partisan and racist purposes of the poll tax by “most prayerfully” asking party members to vote for it on the grounds that “the most dangerous foe to [D]emocracy [the party] is the Negro.” Conversely, both the Republicans and the Populists strongly condemned the secret ballot act and opposed the poll tax during the 1892 campaign. The Republican candidate denounced the secret ballot as “unjust” and the poll tax as a relic of “the middle ages.” The Populists, whose gubernatorial candidate was the most outspoken opponent of the amendment, denounced the poll tax in their platform as a “partisan effort to strengthen a corrupt party in their hold on power by limiting the right of suffrage.” Regression analysis of the referendum and the 1892 governor’s race shows that Populist voters adhered to the platform (table 5.4).

Table 5.4. Who Voted for the Poll Tax in Arkansas, 1892?

	<i>Position on Poll Tax</i>		
	<i>For</i>	<i>Against</i>	<i>Not Voting</i>
<i>Party</i> <sup>a</sup>			
Populist	0	92	8
Republican	20	55	25
Democrat	62	21	19
Not Voting	4	0	96
<i>Race</i>			
White	27	31	43
Negro	32	0	68

<sup>a</sup>Party in 1892 governor’s race.

28. *Arkansas Gazette*, March 15, 1889, Feb. 17, March 11, 1891. For evidence of Arkansas’ awareness of the Mississippi disfranchising convention and the calls for Arkansas to follow her southern neighbor’s example, see *Pine Bluff Weekly Commercial*, Aug. 24, 1890, Aug. 28,

The Republicans, by nearly a three-to-one margin, joined the men of the People's Party in opposing the tax on voting. As in the legislature, the great bulk of support for the measure came from the Democrats.<sup>29</sup>

Even more important, the results of this referendum underscore the importance of antecedent disfranchisement in the referenda on suffrage restriction, a theme which will receive more attention in the next chapter. In the off-year governor's race in 1890, an estimated 75 percent of the whites and 71 percent of the Negroes had turned out to vote. With the secret ballot in effect in 1892, however, only 58 percent of the whites and just a third of the Negroes were recorded in the poll tax referendum. As the *Arkansas Gazette* reported after the announcement of the results, "Many Negroes from pride failed to vote at all, and others scratched their tickets so badly that the judges had great trouble deciding for whom they intended to vote. . . . The [secret ballot] law demoralized the Negro." And in black belt Pine Bluff, the *Commercial*, exulting in the fact that the Democrats in 1892 overcame the normal three-to-one Republican majority to carry Jefferson county for the first time in 31 years, trumpeted that Sevier's was "A GREAT ELECTION LAW—It Works Like a Charm in the Cause of Intelligent Government." The Democrats had won "thanks to the Australian system."<sup>30</sup>

Figure 5.4 portrays the effect of the secret ballot graphically by comparing nonvoting in the governors' races of 1890 and 1892. In 1890, turnout in the predominantly white counties barely topped that in the black belt. Other graphs, not presented here, show that Republicans dominated all the heavily Negro counties except one. There was little variance in voting rates between counties, most achieving rates of 65 percent to 85 percent. In 1892, however, nonvoting rose throughout the

---

1892. After the passage of the secret ballot act but before defeat of the constitutional convention bill, the *Gazette* listed 13 important bills yet to be acted on by the legislature. The poll tax was not among them. *Arkansas Gazette*, March 8, 1891. Passage of the poll tax is detailed in the *Gazette*, April 4, 1891; *Ark. House Journal* (1891), p. 916.

29. *Pine Bluff Weekly Commercial*, July 17, 1892. It is clear from the context and from the *Commercial's* habit of referring to the Democratic party with a small "d" that this reference is, indeed, to the party. Similarly, see *Little Rock Arkansas Democrat* (n.d.), quoted in *ibid.*, Nov. 9, 1890. The Populists' and Republicans' response appears in *Pine Bluff Weekly Commercial*, Aug. 7, 1892; Ogden, *Poll Tax in the South*, pp. 16–17; James Harris Fain, "Political Disfranchisement of the Negro in Arkansas," p. 42.

30. *Arkansas Gazette*, Sept. 7, 1892, quoted in Graves, "Arkansas Negro and Segregation," p. 95; *Pine Bluff Weekly Commercial*, Sept. 11, Nov. 13, 1892. Republicans charged that the law's purpose was to give the Democratic party the power "to perpetuate itself forever in power. . . ." (Oct. 9, 1892).

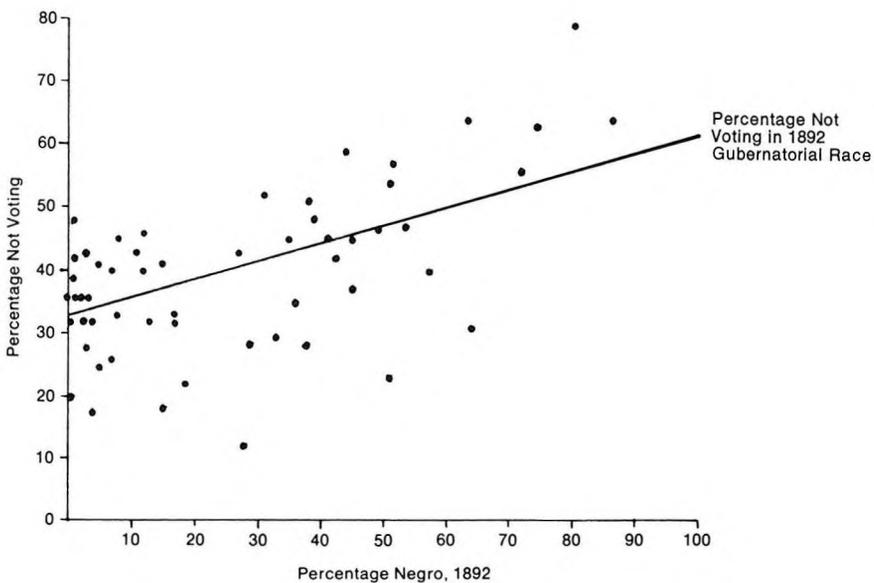
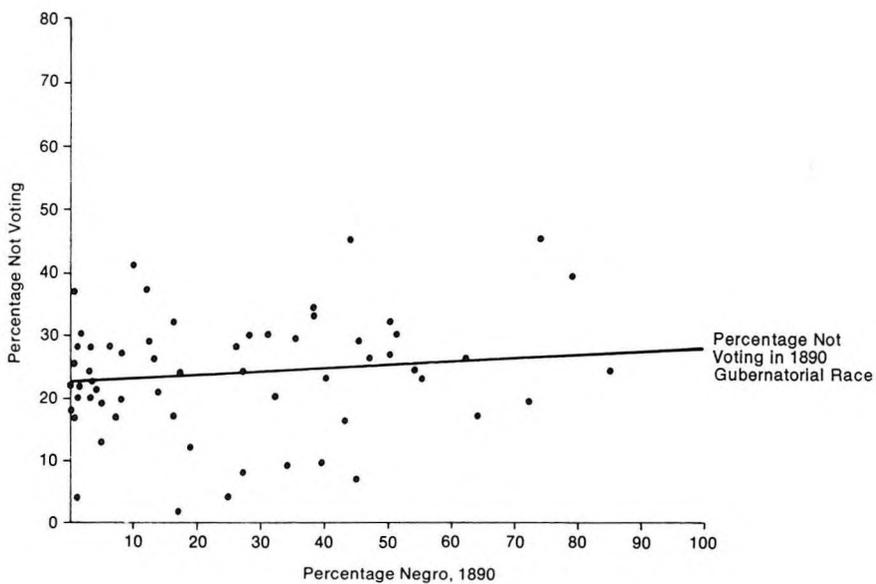


Figure 5.4. Secret Ballot and Disfranchisement of Negroes in Arkansas.

state, but especially in the black belt. The regression line shifts upward and tilts much more sharply from left to right (compare the 1892 regression line with that on the lower 1890 graph). Turnout in most white majority counties in 1892 ranged from 50 percent to 70 percent, a drop-off of about 15 points. Fewer than half of the electors cast ballots in most Negro majority counties. Most of the Negroes who did vote seem to have been recorded for the Democrats and for the poll tax, an indication of ballot box stuffing unless we can believe that the Negroes stupidly plotted to disfranchise themselves.

Thus, the process of suffrage restriction in Arkansas developed in three stages: the Democrats repulsed the opposition party challenge, rammed through a secret ballot law disfranchising many illiterates, and enacted a poll tax act as an extra shield against lower-class political activity. "The ignorant, uneducated whites and blacks cannot vote the ticket," announced the *Pine Bluff Commercial*. This "ought to be, and is a blessing to the state, for ignorance should never rule a great commonwealth like Arkansas."<sup>31</sup>

As tables 5.5 and 5.6 show, the secret ballot contracted voting by about 17 percent (21 percent among Negroes and 7 percent among whites). Then, the poll tax curtailed voter participation by an additional 10 percent (15 percent among Negroes, 9 percent to 12 percent among whites). Together, these two laws shrank opposition strength enough to ensure permanent Democratic hegemony. Little wonder that both the Populists and the Republicans attributed their losses in 1892 and 1894 to the secret ballot and poll tax laws.<sup>32</sup>

Table 5.5. Populism Avoided: Effect of Election Law Changes in Arkansas on Turnout and Party Voting in Gubernatorial Elections, 1888-1896.

<i>Year</i>	<i>Republican</i>	<i>Democrat</i>	<i>Other</i>	<i>Not Voting</i>
1888	0	41	35 <sup>a</sup>	24
1890	0	41	34 <sup>a</sup>	25
		<i>Secret Ballot</i>		
1892	13	33	12	42
		<i>Poll Tax</i>		
1894	9	27	9	55
1896	12	31	7	51

<sup>a</sup>Union Labor-Republican Fusion

31. *Pine Bluff Weekly Commercial*, Sept. 9, 1894.

32. Thomas, *Arkansas and Its People*, 1: 241-242, 248-252.

Table 5.6. Blacks Disfranchised: Effect of Election Law Changes in Arkansas on Estimated Turnout, by Race, in Gubernatorial Elections, 1888–1896.

<i>Year</i>	<i>White</i>	<i>Negro</i>
1888	78	72
1890	75	71
1892	68	39
1894	56	24
1896	59	24

ALABAMA: DISFRANCHISEMENT TO “RESTORE THE  
DEMOCRATIC PARTY”

On the surface, the Alabama political scene in 1890 seemed calm. Grover Cleveland carried Alabama in 1884 by 5 to 3 and in 1888 by 2 to 1. The state’s Republican party, seriously split throughout the decade into “lily white” and “black and tan” factions, lost the 1886 and 1888 gubernatorial races by 4 to 1 margins. No Negro had sat in the legislature since 1876. Such Negro leaders as William H. Council and H. C. Binford advised the blacks to conciliate the Democrats or avoid politics altogether. The “Independent” movement among whites in northern Alabama had petered out after the death of its leader, William Manning Lowe.<sup>33</sup>

Those who looked closer, however, knew that Democratic supremacy was more fragile than it seemed. It depended on the inertia of three groups: disgruntled Democratic politicians, hill-country whites, and Negroes.

Though one word—“nigger”—sufficed to sum up the Alabama Democrats’ strategy for neutralizing white opposition, the party’s formula for controlling the blacks was more complex, blending widespread intimidation with minor favors and a great deal of fraud. Openly admitting—even boasting—that Negro votes were cast for the opposition but counted for the Democrats, leaders of the dominant party had ample reason to fear Republican and Populist pledges of “a free vote and a fair count.”<sup>34</sup>

33. Joseph H. Taylor, “Populism and Disfranchisement in Alabama,” *Journal of Negro History* 34 (1949): 413; Joseph Matt Brittain, “Negro Suffrage and Politics in Alabama,” pp. 48–65, 120–124, 76–77; William H. Council, speech at Tuscumbia, Alabama, 1881, quoted in Stone, *American Race Problem*, p. 279; Going, *Bourbon Democracy*, pp. 51–59.

34. Bond, *Negro Education in Alabama*, pp. 138–141; Moore, *History of Alabama and Her*

The organization of the “Jeffersonian Democratic” and Populist parties, who united on the gubernatorial candidacy of Reuben Kolb in 1892, posed a real threat to the Democrats.<sup>35</sup> Kolb, a watermelon farmer and former head of the state agriculture department, had used his Alliance contacts to become the leading candidate for governor in the 1890 Democratic convention. Defeated at that gathering by back-room bargaining engineered by the Louisville and Nashville railroad, Kolb tried for the nomination again in 1892. When it became clear he would fail once more in the convention, he dropped out of the race and accepted the nominations of the Populists and the “Jeffersonian Democrats,” a front group set up to propitiate those hesitant to desert the Democratic banner. Kolb attracted Republicans, trade unionists, former Greenbackers, and the poorer whites in general. Pledging “protection of the colored race in their political rights” in their platform, the Jeffersonians also made a strong bid for black votes. Their alliance with the predominantly white Moseley faction of the Republicans, however, cost them the support of the state’s leading black Republican, Bill Stevens, and the Democrats used all the traditional weapons to ensure that the Negro vote would end up in their column. According to William Rogers’ close analysis of the election, “It seems certain, on the basis of available evidence, that Kolb was the legitimately elected governor but was counted out in the black belt” (p. 226). Even so, the Populists polled 48 percent of the votes.

What the Democratic *Birmingham Age-Herald* termed the “razzle dazzle” of the 1892 election count also gave the Kolbites a powerful issue for 1894. “Prior to this time,” the chief Democratic organ of the state noted, “the practice of piling up fictitious majorities, of stuffing

---

*People*, 1: 736; Rowell, *Contested Election Cases*, pp. 363–368, 394–395, 411, 424–426, 454–457; Going, *Bourbon Democracy in Alabama*, pp. 33–39; McMillan, *Constitutional Development*, pp. 220, 226, 284–285. For boasts of intimidation and fraud, see the statements of William C. Oates, quoted in Going, *Bourbon Democracy*, p. 39; Going, “Critical Months in Alabama Politics, 1895–1896,” p. 279, and *Congressional Record*, 51st Cong., 1st sess., p. 6724; and the revelations during the constitutional convention, in Ala. Con. Con. *Proceedings* (1901), vol. 3, pp. 2771, 2780, 2786–2789, 2820, 2867, 2982, 3009, and especially a statement by Rogers of Lowndes County, p. 3062.

35. On the 1890 and 1892 elections, see Hackney, *Populism to Progressivism*, pp. 3–27; Charles Grayson Summersell, “The Alabama Governor’s Race in 1892,” pp. 5–35; Moore, *History of Alabama*, 1: 722 ff.; Brittain, “Negro Suffrage and Politics in Alabama” pp. 102–108; Rogers, *One-Gallused Rebellion*, pp. 165–235. Similarly see David Ashley Bagwell, “The ‘Magical Process’: The Sayre Election Law of 1893,” *Alabama Review* 25 (April, 1972): 86–88.

ballot boxes, has made little or no impression on the public mind because it was exercised against the Negroes of a few counties and against an opposition that was too weak to arrest attention.” But in 1892 the same methods had defeated a popular party, most of whose members were native whites. Unless something was done, the Democrats could not “escape destruction at the hands of the same opposition more ably and wisely led, with a moral issue [fraud] to give them standing and respect.”<sup>36</sup>

As usual in such circumstances, the Democrats turned to suffrage restriction to escape their difficulties. In 1889, several party chiefs met at the black belt home of Judge Thomas Coleman to consider whether to follow Mississippi’s example by holding a disfranchising convention. Many of the leaders feared that the problem of setting outwardly non-racial qualifications for the vote might split the Democrats. Despite Governor Thomas Seay’s public endorsement of the idea, a House-passed bill providing for a convention died in the 1889 Senate. Instead of adopting the Mississippi plan, the Alabama Democrats followed the example of Tennessee.<sup>37</sup> Future “Progressive” Governor Joseph Forney Johnston was the author of a plank in the 1892 state Democratic platform which stated:

We favor the passage of such election laws as will better secure the government of the State in the hands of the intelligent and the virtuous [presumably, all Democrats], and will enable every elector to cast his ballot secretly and without fear of restraint.<sup>38</sup>

Democratic representatives from counties with heavy concentrations of Negroes dominated the 1892–93 legislature. The President of the Senate and the Speaker of the House both came from Dallas County (84 percent black in 1890). The House Democratic caucus chairman

36. *Birmingham Age-Herald*, Dec. 11, 1892, Jan. 23, 1893.

37. Thomas H. Watts, quoted in *Memphis (Tennessee) Daily Appeal*, Dec. 11, 1888; Coleman in Ala. Con. Con. *Proceedings* (1901), vol. 3, p. 3865; McMillan, *Constitutional Development*, pp. 249–250; Rogers, *One-Gallused Rebellion*, p. 237; Ala. *House Journal* (1888–89), p. 511; Ala. *Senate Journal* (1888–89), pp. 659, 720; Ala. *Senate Journal* (1890–91), pp. 12, 31–34, 203; Ala. *House Journal* (1890–91), pp. 51, 1035. The Lawson secret ballot act, which would have disfranchised all illiterates, failed in Alabama in 1889 despite endorsement from at least two of the leading newspapers of the state. For its provisions, see *Memphis Daily Appeal*, Feb. 8, 1889.

38. The Democratic plank is quoted in Rogers, “Agrarianism in Alabama, 1865–1896” (Ph.D. dissertation, Univ. of North Carolina, 1959), p. 366. The quotation does not appear in the published version of this work. On Johnston’s authorship of this plank, see Moore, *History of Alabama*, 1: 744.

represented Lowndes County (86 percent Negro); his Senate counterpart, Madison County (49 percent Negro). Districts with black majorities sent to the legislature 3 of the 5 members of the privileges and elections committee in the Senate and 9 of the 13 members of that committee in the House. The chief author and floor manager for the secret ballot law was the chairman of the House privileges and elections committee, Anthony Dickinson Sayre, a prominent lawyer from Montgomery County (74 percent Negro). Sober and grave, Sayre was “a brilliant idealist,” “a model of respectability and conservatism.” He had all the proper family connections for a conservative politician. He was the son of a black belt newspaper editor, the nephew of U.S. Senator John Tyler Morgan (D., Alabama), and the son-in-law of U.S. Senator Simon Bolivar Bruckner (D., Kentucky), the rebel general and vice-presidential candidate on the Gold Democratic ticket in 1896.<sup>39</sup>

Regardless of the Democrats’ platform commitment to the secret ballot, some prominent legislators and newspapers still favored writing new suffrage requirements into the fundamental law.<sup>40</sup> House Speaker Frank L. Pettus of Dallas County, grandson of an antebellum planter, son of “the grandest of all [Alabama’s] old war time and reconstruction leaders,” and close relative of two governors, proposed holding a constitutional convention specifically to consider an amendment that limited the vote to those who were literate or owned \$250 worth of property or had served in the Civil War. His bill answered one common criticism by apportioning convention seats so as to make a Populist majority in the body virtually impossible. According to the *Mobile Daily Register*, the chief argument its proponents made in private discussions of the bill was that it was necessary to settle the suffrage ques-

39. Malapportionment of the legislature limited the Populists and Republicans to 29 of the 101 House seats and perhaps 4 or 5 in the Senate. Committee appointments are recorded in *Ala. Senate Journal* (1892–93), p. 76; *Ala. House Journal* (1892–93), p. 84; *Mobile Daily Register*, Nov. 16, 1892. Biographical information is from Thomas M. Owen, *History of Alabama and Dictionary of Alabama Biography*, 4 vols. (Chicago: S. J. Clarke Pub. Co., 1921), 4: 1507–1508; Nancy Milford, *Zelda, A Biography*, pp. 17, 211. The quoted phrases are those of F. Scott Fitzgerald, who was Sayre’s son-in-law, and Nancy Milford.

40. Newspapers which favored a Mississippi-type disfranchising convention in Alabama included the *Shelby Chronicle*, the *Evergreen Star*, the *Mobile Register*, the *Tuskaloosa Gazette*, the *Huntsville Argus*, the *Anniston Hot Blast*, the *Eutaw Whig*, the *Selma Times*, the *Birmingham Age-Herald*, and many others. See the *Age-Herald*, Dec. 24, 1892–Jan. 18, 1893 for their endorsements.

tion then, while the Democrats were still in control of the government. “We doubt,” the *Register* announced, “whether there is one more governor and one more legislature in the stuffed ballot box.” The *Birmingham Age-Herald* added that, unless robbed of their chief argument—that fraud in the black belt had defeated Kolb—the Populists might well carry the state in 1894. “Every day but lends recuperative power to the now beaten or dissolved opposition. The Democratic party stands before the people as resting for its power on Negro votes, fair or false, and a constitutional convention presents an escape from the inevitable results of that” (i.e. defeat). Nonetheless, most delegates turned to the secret ballot, which, the *Register* noted, “might obviate the necessity for calling a convention,” and the convention bill was decisively shelved.<sup>41</sup> The chief reasons for the convention’s defeat appear to have been opposition from the Jeffersonians, an unwillingness on the part of some black belt Democrats to give up the practice of stuffing ballot boxes, and the South Alabama fear that the capitol might be moved from Montgomery.

The Sayre secret ballot act had the same partisan and racist purposes as the constitutional convention. “We do not think this is an issue of ‘reform,’ ” intoned the *Age-Herald*. “It is, to be exact, a necessity to find some legal and honest way of preventing Negro control in the black counties, the present ‘system’ having produced evils that threaten the existence of the [Democratic] party and the safety of the State.” Agreeing with the newspaper’s interpretation, Sayre claimed (in a reporter’s summary) that his bill “would restore the [D]emocratic party in Alabama. . . . It el[i]minates the Negro from politics, and in a perfectly legal way.” Emerging from Sayre’s committee, the bill met a hostile reception in the House committee of the whole, where it was amended to let most voters register up to the day of election, thus minimizing its disfranchising effect. Sayre’s motion on February 13, 1893, to table the amendments made in the committee of the whole failed. And despite Sayre’s stress on the argument that the bill would largely remove Negroes from politics, the measure went down to defeat on third reading, 40–46.<sup>42</sup>

41. *Mobile Daily Register*, Nov. 16, 17, 1892; Jan. 20–27, Feb. 4, 7, 1893; *Age-Herald*, Dec. 19, 1892, Jan. 21, 1893; Rogers, *One-Gallused Rebellion*, pp. 237–239. Pettus’ father was reportedly the first to call for a disfranchising convention in Alabama. This fact and the description of him appeared in *ibid.*, Jan. 29, 1893.

42. *Birmingham Age-Herald*, Dec. 25, 1892, Feb. 14, 1893. For a different interpretation of

The compromise which made House passage possible involved help to illiterates in order "to satisfy the white counties." After the House resurrected the bill by a 49–44 vote on February 15, Sayre failed to prevail upon the body to table an amendment allowing the voter to bring in a friend to help him mark the ballot. He succeeded, however, in limiting such "friends" to justices of the peace and assistants appointed by the election officials. The bill, described by a leading newspaper correspondent as "a party measure," then passed the House, 50–46.<sup>43</sup>

In the Senate, the opposition, led by Populist Albert Taylor Goodwyn, tried to filibuster the bill to death. Goodwyn charged that the bill would disfranchise 60,000 Alabamians, including about 30,000 whites. In an action paralleling that of the national Republicans during the Lodge Elections Bill debate in the U.S. Senate, the Democrats introduced a cloture rule that allowed a simple majority to stop debate by calling the "previous question." After pushing through the rule while Goodwyn, according to the *Mobile Register*, was "off his guard," the Sayre bill's proponents quickly passed it by a 17–13 margin on the bill's only record vote in the Senate. The Senate President, Compton of Dallas County, facilitated the bill's progress by ruling Populist motions and amendments out of order.<sup>44</sup>

Since the Senate had amended the bill, the lower house had to concur before the measure could become law. The only important amendment added by the Senate prohibited justices of the peace from assisting voters unless they were designated "assistants" by the election officers. This kept Populist or Republican justices of the peace from aiding their parties' illiterates without the approval of the election officials, all of whom were Democrats. The Senate amendments were hammered through the House on the last day of the session.<sup>45</sup>

As finally passed, the Sayre law provided for biennial registration during May, over a month before the state, and five months before the

---

the bill's purposes, see Bagwell, "Sayre Election Law," pp. 95–104. The progress of the Sayre bill is covered in *Mobile Daily Register*, Jan. 22, Feb. 5, 14, 1893; *Birmingham Age-Herald*, Feb. 8, 9, 1893; *Ala. House Journal* (1892–93), pp. 911, 917–920.

43. *Ala. House Journal* (1892–93), pp. 928–930, 948–949; *Birmingham Age-Herald*, Feb. 16, 17, 1893.

44. *Mobile Daily Register*, *Birmingham Age-Herald*, Feb. 19, 1893; *Ala. Senate Journal* (1892–93), pp. 790–793.

45. *Ala. House Journal* (1892–93), pp. 1084–1088; *Mobile Daily Register*, Feb. 22, 1893.

national election. The voter had to bring his registration certificate with him to the polling place. The governor directly appointed all registrars. There was no guarantee of representation for Populists or Republicans on registration or election boards. The publicly printed office-block ballot contained no party names or initials. Candidates were listed in alphabetical order, and the local printers could list the offices themselves in any order they desired.<sup>46</sup>

The legislative lineup on the Sayre Act followed a pattern familiar to the reader by now. Populists, Republicans, and those Democrats who cooperated with the opposition during the legislative session (labeled "Independent Democrats" in table 5.7), opposed the law, and Democrats from the black belt were somewhat more likely to favor it than their white county compatriots.<sup>47</sup> Table 5.7 cross-classifies the February 15 roll call on the bill's third reading with each House member's party affiliation and his constituency's racial makeup. Though the table is not given here, division in the Senate followed similar lines. When the

Table 5.7. A Party Measure: Relation of Party and Racial Composition to Voting on the Sayre Law in the Alabama House, 1893.

<i>Party</i>	<i>For Sayre Law</i>	<i>Against Sayre Law</i>	<i>Total</i>
Populist and Republican	0	28	28
Independent Democrat	0	10	10
Democrat	50	8	58
Total	50	46	96
<i>% Negro in Representatives' County<sup>a</sup></i>			
Less than 50% Negro	26	5 (16%)	
More than 50% Negro	24	3 (11%)	

NOTE: Abstainers are omitted.

<sup>a</sup>Populists and Independent Democrats omitted.

46. Ala. *Acts* (1892-93), pp. 837-851.

47. "Independent Democrats" are those, classed as Democrats at the beginning of the session, who voted for seating the Kolbrite candidate in the contested election case from Conecuh county. See *Birmingham Age-Herald* and *Mobile Daily Register*, Feb. 2, 1893, and *Age Herald*, Feb. 28, 1893. The cleavage on the bill was unusually stable. For example, only three House members who opposed the bill on third reading (Feb. 13) before the amendments which liberalized voting arrangements for illiterates voted for the measure in its final form; and none who favored the bill on Feb. 13 later switched sides.

two houses forwarded the bill to the conservative governor, Thomas G. Jones, he allegedly “pushed aside everything else and said: ‘Let me sign that bill quickly, lest my hand or arm become paralyzed, because it forever wipes out the Kolbites, all the third partyites, and all the niggers.’ ”<sup>48</sup>

Election returns and estimates of voting by race show that the Democrats essentially fulfilled their goals. Tables 5.8 and 5.9 illustrate the rise and decline of the Populists in Alabama, and indicate the role that the

Table 5.8. Populist Threat Diminished: Effect of Sayre Law on Turnout and Party Voting in Alabama Gubernatorial Races, 1890–1896.

Year	Percentage of Adult Males				% of Those Voting Republican or Populist
	Democrat	Republican	Populist	Not Voting	
1890	43	13	0	43	24
1892	37	0	34	29	48
			<i>Secret Ballot</i>		
1894	31	0	23	46	43
1896	34	0	23	43	41

Table 5.9. Participation Declines: Effect of Sayre Law on Voting Patterns, by Race, in Alabama, 1890–1896.

Year	Democrat	Republican	Populist	Not Voting
	WHITES			
1890	34	13	0	51
1892	27	0	53	20
1894	22	0	45	33
1896	27	0	41	32
	NEGROES			
1890	59	12	0	30
1892	49	0	14	36
1894	44	0	-2 <sup>a</sup>	58
1896	45	0	4	51

<sup>a</sup>For an explanation of estimates outside the 0–100% logical limits, see my “Ecological Regression” article.

48. *Birmingham Age-Herald*, July 20, 29, 1893. Since this story came from a Populist, it is somewhat suspect, but the fact that the *Age-Herald*, the leading Democratic newspaper, reported it and that neither Jones nor the *Age-Herald* denied it lends the story a good deal of credibility.

Sayre law, combined with the black belt frauds, played in ensuring Democratic victory. The Republicans attracted only about 13 percent of the potential electors in 1890. With the organization of the People's party, turnout jumped from 57 percent to 71 percent, and Kolb received nearly half of the recorded votes. From 1892 to 1894, the percentage of the total electorate supporting the Populists dropped by more than a third. The two-party balance shifted from a tight 52–48 to a fairly comfortable (for the Democrats) 57–43 margin. According to the statewide estimates, the Populists in 1894 lost 15 percent of their 1892 white supporters and virtually all their black ones.<sup>49</sup> The fact that the estimated black voting percentage dropped by 22 points from 1892 to 1894, and remained below 50 percent thereafter, shows that the Sayre law was administered to disfranchise Negroes—especially those hostile to the Democratic party—and not merely to facilitate fraud.

Apart from the change in election laws, there was no reason to expect the Populists to weaken in 1894. The governor's contest of that year rematched the 1892 contestants, and Kolb should have benefited from a reaction against the obvious 1892 frauds. The deepening depression should have hurt the party in power. Given this situation, it is logical to conclude that the Sayre law—which Kolb spent much of his 1894 campaign attacking—was largely responsible for the decline of the Populists and the decrease in Negro turnout after 1892.<sup>50</sup>

49. The estimates of black and white voting here are obviously tarnished by the notorious black belt fraud, which unreasonably lowers the estimates of white Democrats and Negro Populists. Estimates of black voting calculated by dividing the counties at 30 percent, 50 percent, and 70 percent Negro, respectively, show the Populists in 1892 garnering from four to six times the estimated Negro percentages in table 5.9. In 1894, the Populists seem to have won a third of the Negro votes in the white counties, but counters allowed them none in the areas over 50 percent black. For a corroborating contemporary analysis of black voting, see *Birmingham Age-Herald*, Aug. 9, 10, 1894.

50. On fraud in the 1894 election, see *Birmingham Age-Herald*, Aug. 8–10, 1894, and Bagwell, "Sayre Election Law," p. 101.