

Grandfather Clause, an exemption of current rights-holders and sometimes their descendants from a new regulation or legal qualification. More specifically, the phrase refers to the release of men eligible for the suffrage in 1867, and their legal progeny, from literacy or property requirements for voting established by six southern states in the late nineteenth and early twentieth centuries. This transparently racist attempt to circumvent the *Fifteenth Amendment actually derived from a law that preserved the rights of some black voters. The grandfather of the grandfather clause was a Connecticut law of 1818 that disfranchised all African-Americans in the future but allowed those currently eligible to continue to *vote. In 1857 Massachusetts, in a nativist reaction against the massive influx of Irish immigrants during the potato famine, instituted a literacy test for the franchise but excused any man already registered.

In a widely circulated pamphlet published in 1879, aristocratic South Carolina lawyer Edward McCrady, Jr., proposed that the South copy the Massachusetts literacy test, including the 1857 date, to ensure that older white illiterates would remain enfranchised. If the 1857 date was legal in Massachusetts in 1857, he apparently reasoned, it was legal in South Carolina in 1879. Other southern disfranchisers added lineage to McCrady's racist exemption or modified it to allow illiterate ex-soldiers, including Confederates and their sons and grandsons, to vote. The Supreme Court invalidated the Oklahoma grandfather clause in **Guinn v. United States* (1915), holding that it violated the Fifteenth Amendment.

(See also RACE AND RACISM.)

J. Morgan Kousser
