

I'M AN
IMMIGRANT
AND I
VOTE

DEMOCRACY for ALL

Restoring Immigrant Voting
Rights in the United States

Ron Hayduk

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CHAPTER 2

The Rise and Fall of Immigrant Voting in U.S. History: 1776 to 1926

The world is my country, all mankind are my brethren, and to do good is my religion.

—Thomas Paine, *Common Sense*¹

There is no such thing as impartial history. The chief problem in historical honesty isn't outright lying. It is omission or de-emphasis of important data.

—Howard Zinn, *You Can't Be Neutral on a Moving Train*²

Writing for the *American Political Science Review* in 1931, Leon Aylsworth noted, “For the first time in over a hundred years, a national election was held in 1928 in which no alien in any state had a right to cast a vote for a candidate for any office—national, state, or local.”³ Although it may come as a surprise to many, “aliens” voted in local, state, and even national elections in as many as forty states and federal territories from the founding of the United States until 1926, and noncitizen immigrants held public office such as alderman and coroner.⁴ But, as discussed in the previous chapter, this 150-year practice came to a grinding halt in the early twentieth century.

There is discrepancy in the scholarship about how many states, which states, and at what times states allowed noncitizens to vote. Several scholars, who calculate the figure using the date on which noncitizen voting rights ended, estimate that “at least twenty-two states and territories allowed noncitizens to vote and hold office.”⁵ Raskin rightly questioned the accuracy of this figure.⁶ More recent scholarship shows “an upper limit of 35” states and territories that “ever permitted noncitizens to vote,” according to Marta Tienda.⁷ My research, drawing upon secondary and primary sources with the assistance of law students at New York University, shows that as many as forty states and federal territories at one point or another allowed noncitizens to vote, as detailed below. Regardless, the fact remains that a majority of states and territories in the United States have at some point permitted noncitizens to vote. The idea that noncitizens should have the vote is older and has been practiced longer than the idea that they should not.

Contrary to the dominant narrative about a consistent expansion of democracy and political participation in the United States, the history of immigrant suffrage provides a more accurate lens to expose a recurring pattern that runs throughout the history of American voting rights: one step forward and two steps back. An influx of newer immigrants at a point in time sparks a wave of nationalism and nativism—often associated with war or political conflict—and a rollback of voting rights. Alternatively and sometimes simultaneously, struggles to expand democratic participation and economic imperatives—such as westward expansion and the need for labor—spur further cycles of migration and conflict, which have led to additional changes in electoral arrangements.⁸

What was the basis of noncitizen voting? How extensively was it practiced? Why were noncitizen voting rights eliminated? Which groups fought for and against this practice? What impacts did this shift have on political participation and politics? This chapter addresses these questions and related issues.

The Rise and Transformation of Immigrant Voting

From the colonial period, voting by noncitizen immigrants was widely practiced and not extraordinarily controversial.⁹ The emerging republicanism and liberalism embodied in slogans such as “No taxation without representation” made noncitizen voting a logical democratic practice tied to notions of “inhabitants” and difficult to challenge.¹⁰ Voting rights were instead predominantly tied to property, gender, and race.¹¹ Alien suffrage was compatible with the exclusion of other categories of residents (men without property, women, and blacks), and actually buttressed the

privileging of propertied white male Christians.¹² From the late 1770s until the 1820s, voting requirements were not tied to citizenship.

Massachusetts provides a typical example. Its 1780 Constitution reads, “Every male person, being twenty-one years of age, and resident in any particular town in this Commonwealth for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a Representative, or representatives for the said town.”¹³ That is, all male “inhabitants” who met these financial qualifications were permitted to vote, regardless of citizenship status.¹⁴

National figures no less than George Washington affirmed such principles. In 1783 he said, “The bosom of America is open to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions; whom we shall welcome to a participation of all our rights and privileges.”¹⁵

Congress itself promoted noncitizen voting in the Northwest Ordinance of 1789, which gave “freehold aliens” with two years of residency the vote for territorial legislative representatives. Furthermore, it granted “wealthier” resident aliens with three years of residency the right to serve in territorial legislatures.¹⁶ In subsequent acts, Congress granted voting rights for immigrants in the new territories of Washington, Kansas, Nebraska, Nevada, the Dakotas, Wyoming, and Oklahoma. In addition, Congress explicitly authorized the right of aliens to vote for representatives to state-wide constitutional conventions in Ohio, Indiana, Michigan, and Illinois.¹⁷

Historically, Michigan, like other Northwest Territory states, permitted noncitizen voting. After entering the union in 1835, Michigan’s state constitution allowed noncitizens to vote and to participate in state constitutional conventions. In 1885, the Michigan Supreme Court reaffirmed this practice when it was challenged, stating that “if the intention to become a citizen is declared in due form of law, and the other conditions of age, residence within the state and voting precinct for the proper length of time, are found to exist, the constitution (article 7, § 1) confers the right of suffrage.”¹⁸

Alien suffrage was widely practiced throughout the nineteenth century, though it ebbed and flowed during particular periods. During the antebellum period and westward expansion, the issue of immigrant voting increasingly became more contentious. The War of 1812 slowed and even reversed the spread of alien suffrage—in part by raising the specter of foreign “enemies.”¹⁹ Northern states generally held that alien suffrage fell in line with basic rights of the Republic, while Southern states saw immigrants as a threat because the newcomers were generally hostile to slavery. Immigrant voting was a significant issue leading up to the Civil War, as

reflected in debates in Congress and in the Confederacy. In fact, when the South seceded, the first plank of the Confederate Constitution explicitly stated that only citizens of the Confederacy would have voting rights, precluding alien suffrage at all levels of government.²⁰ Nearly 25 percent of the Union Army was foreign-born during the Civil War.²¹ After the Civil War and Reconstruction, alien suffrage spread to the South and West, reaching its peak in 1875. But during the decades surrounding the turn of the twentieth century, immigrant voting rights were rolled back and ultimately eliminated by 1926. The appearance, transformation, and disappearance of alien suffrage—and related policy—occurred at critical junctures in American history.

For example, the Alien and Sedition Acts of 1798 were passed by the Federalists partly in response to fears that Frenchmen entering America would infect the people with radical revolutionary ideas.²² The Federalists hoped to retain control of the presidency (John Adams) and used the acts to appeal to conservatives and nativists. In addition, the Federalists passed a Naturalization Act that made it more difficult to attain citizenship by raising the residency requirements from five to fourteen years.²³ However, after the Federalists lost the 1800 election the Alien and Sedition Acts were not enforced; they expired in 1801. Shortly afterwards, in 1802, under President Thomas Jefferson, the residency requirement for naturalization was returned to its original five years.²⁴ Later, some would push for easier and faster naturalization laws. In 1842, for example, J. P. Walker, a Democrat from Wisconsin, proposed shortening naturalization by reducing the five-year residence requirement to three years. But Walker met with stiff opposition from some of the Southern states, and the bill was defeated.²⁵

Similarly, the War of 1812 stirred nationalism and anti-alien sentiment. Some states that permitted alien suffrage began to revoke the practice, usually by changing the “constitutional definition of voters from ‘inhabitants’ to ‘citizens,’”²⁶ and some other states enacted laws requiring U.S. citizenship as a prerequisite to vote. Some have speculated that another factor may have also been at work: the gradual reduction and elimination of property qualifications for voting. Because alien suffrage was “ideologically consistent” with property qualifications, when agitation increased to abolish property qualifications—which began just after the War of 1812 ended—support for alien suffrage decreased. By eliminating the property qualification, all immigrant men would have the vote, which posed a threat to the status quo.²⁷ To help follow these changes, table 2.1 and figure 2.1 present the timeline of state practices.

To maintain a measure of control on the electorate, states added other qualifications to vote, including citizenship.²⁸ In a few years, several states enacted citizenship requirements proximate to the times they reduced or

TABLE 2.1 Noncitizen Voting Rights in the United States

State	Time Period when Noncitizens Held Voting Rights
Alabama	1868–1901
Alaska	none
Arizona ^a	none
Arkansas ^b	1874–1926
California	none
Colorado	1876–1902
Connecticut	1776–1819
Delaware	1776–1831
District of Columbia	none
Florida	1868–1894
Georgia	1868–1877
Hawaii	none
Idaho	1863–1890
Illinois	1818–1848 ^c
Indiana	1851–1921
Iowa	none
Kansas	1854–1918
Kentucky ^d	1789–1799
Louisiana	1879– ?
Maine	none
Maryland	1776–1851 for state and federal elections; six towns allow noncitizen voting in local elections. ^e
Massachusetts	1780–1822
Michigan	1835–1894
Minnesota	1849–1896
Mississippi	none
Missouri	1865–1921
Montana	1864–1889 ^f
Nebraska	1854–1918
Nevada	1848–1864
New Hampshire	1792–1814
New Jersey	1776–1820
New Mexico	none
New York	1776–1804

(Continued)

TABLE 2.1 Noncitizen Voting Rights in the United States *(Continued)*

State	Time Period when Noncitizens Held Voting Rights
North Carolina	1704–1856
North Dakota	1861–1889/1909 ^a
Ohio	1802–1851
Oklahoma	1850–1907
Oregon	1848–1914
Pennsylvania	1790–1838
Rhode Island	1762–1842
South Carolina	1790– ?
South Dakota	1850–1918
Tennessee	1796–1834
Texas	1869–1921
Utah	none
Vermont	1767–1828
Virginia	1776–1818
Washington	1850– ?
West Virginia	none
Wisconsin	1848–1908
Wyoming	1850–1899

Source: Adapted from Marta Tienda, “Demography and the Social Contract,” *Demography* 39, no. 4 (2002): 587–616; Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000); Virginia Harper-Ho, “Noncitizen Voting Rights: The History, the Law and Current Prospects for Change,” *Law and Inequality Journal*, no. 18 (2000); Gerald L. Neuman, “‘We Are the People’: Alien Suffrage in German and American Perspective,” *Michigan International Law* 13 (1992): 259; Jamin B. Raskin, “Legal Aliens, Local Citizens: The Historical, Constitutional, and Theoretical Meanings of Alien Suffrage,” *University of Pennsylvania Law Review* 141 (1993): 1401ff.; Paul Kleppner, “Defining Citizenship: Immigration and the Struggle for Voting Rights in Antebellum America,” in *Voting and the Spirit of American Democracy: Essays on the History of Voting and Voting Rights in America*, ed. Donald W. Rogers and Christine Scriabine (Urbana: University of Illinois Press, 1992); Gerald Rosberg, “Aliens and Equal Protection: Why Not the Right to Vote?” *Michigan Law Review* 75 (April–May 1977): 1092–36; Kirk H. Porter, *A History of Suffrage in the United States* (1918; reprint, Chicago: University of Chicago Press, 1971); New York University Law Students for Human Rights; New York University Law Students for Human Rights included Ying Chi, Jessica Chicco, Caroline Cincotta, Rachel Coen, Hannah Gladstein, Po-Siann Goh, Sarah Parady, Eric Ruben, Zoe Salzman, and Ellen Van Scoyoc. Suffrage Universal, “Le droit de vote aux Etats-Unis (Voting Rights in the USA),” <http://users.skynet.be/suffrage-universel/us/usvo.htm>; and the Immigrant Voting Project, “Immigrant Voting Project: Democracy for All.”

^a Kleppner, “Defining Citizenship: Immigration and the Struggle for Voting Rights in Antebellum America,” in *Voting and the Spirit of American Democracy: Essays on the History of Voting and Voting Rights in America*, ed. Donald W. Rogers and Christine Scriabine (Urbana: University of Illinois Press, 1992).

TABLE 2.1 Noncitizen Voting Rights in the United States (*Continued*)

^a Although the United States took possession of the territory, including present-day Arizona, following the Treaty of Guadalupe Hidalgo in 1848, Arizona was not organized as a territory separate from New Mexico until 1863. During the territorial period, it appears that some noncitizens may have voted at the local level. Historian Lawrence Michael Fong explains that Anglo settlers in Arizona primarily feared the political power of a consolidated Mexican vote and, perhaps as a consequence, paid comparatively little attention to immigrant groups such as the Chinese. While Fong's examination of the Pima County register for 1882 reveals that only one Chinese resident, Chan Tin-Wo, a naturalized citizen, voted, he concludes that it "appears that in Pima County there were no social or political barriers for Chinese who wished to participate in deciding county or municipal issues. Of course, one had to be able to speak the institutional language, English." A handful of other Chinese immigrants registered to vote prior to the turn of the century, including one Chan Tin-Wo, who "cast the decisive vote in favor of a bond issue for the construction of Drachman School in the 1890s." Although it is unclear whether those voting had naturalized, it is probable that at least some were noncitizens, given that the Chinese Exclusion Act of 1882 had called a halt to the naturalization of Chinese immigrants. New York University Law Students for Human Rights; Lawrence Michael Fong, "Sojourners and Settlers: The Chinese Experience in Arizona," *Journal of Arizona History* 21 (1980): 1–30.

^b Although Arkansas's Constitution of 1836 provided suffrage only to "free white male citizen[s] of the United States," the postwar Constitution of 1874, in addition to enfranchising nonwhite men, allowed noncitizen men to vote, granting suffrage to every "male person who has declared his intention of becoming a citizen" of the United States and met the age and residency requirements. Arkansas Constitution of 1874, art. III, sec. 1.

^c Noncitizens, who were present in 1848, were grandfathered in.

^d In *Cowan v. Prouse*, 93 Ky. 1956 (1892), the Kentucky Court of Appeals permitted a noncitizen to vote in Christian County in the election of the clerk of the court. His vote had been challenged in a dispute over the outcome of the election, but the court did not disqualify him because he had declared his intent to become a citizen and had served in the armed forces, receiving an honorable discharge. He apparently had voted in previous elections. 93 Ky. at 167–68.

^e Since 1918, Barnesville has permitted noncitizens to vote; Martin's Additions and Somerset have permitted noncitizens to vote since 1976; Takoma Park since 1992; and Garrett Park since 1999.

^f Noncitizen voting was phased out over a five-year period after the enactment of the Constitution that prohibited it, so as to grandfather in declarant alien voters to achieve U.S. citizenship and thus retain their suffrage uninterrupted. The Montana Constitution read, "Every male person of the age of twenty-one years or over . . . [who] shall be a citizen of the United States. . . . *Provided* [t]hat nothing herein shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this constitution; *Provided*, that after the expiration of five years from the time of the adoption of this constitution no person except citizens of the United States shall have the right to vote." Montana Constitution of 1889, art. IX, sec. 2. Reproduced in William F. Swindler, *Sources and Documents of United States Constitutions*, vol. 6 93 (Dobbs Ferry, N.Y.: Oceana Publications, 1976).

^g At some point before 1909, North Dakota amended its Constitution to remove the declarant alien provision. Francis Thorpe, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America* (Washington, D.C.: Government Printing Office, 1909), 2895. Thorpe does not give a year for the amendment to the state's constitution that eliminates the declarant alien provision.

eliminated property qualifications. In 1804, for example, New York enacted one of the first citizenship requirements, partly due to the anti-French sentiment following the 1789 French Revolution, which spread radical ideas that alarmed elites. Although New York's Constitution never



Fig. 2.1 Marta Tienda, “Demography and the Social Contract,” *Demography* 39, no. 4 (2002): 604. Reprinted by permission of Population Association of America and Marta Tienda.

explicitly limited voting to U.S. citizens, in its 1821 Convention, some delegates referred to noncitizen voting when discussing their opposition to a proposal to grant blacks voting rights. As one delegate put it, “It is not thought advisable to permit aliens to vote, neither would it be safe to extend it to the blacks. We deny to minors this right, and why? Because they are deemed incapable of exercising it discreetly, and therefore not safely, for the good of the whole community.”²⁹ In 1814, New Hampshire enacted a citizenship requirement.

Connecticut disenfranchised noncitizens in 1818 during a time that fear of immigrant voters was on the rise and manifested in public debates. For example, Federalist Noah Webster proposed that a greater number of votes be allotted to ministers and those with greater taxable wealth so as to ensure that newer immigrants would have comparatively less influence. The Constitution of 1818 disenfranchised noncitizens at the same time it explicitly excluded blacks and women from voting.³⁰ Other states that soon followed suit for similar reasons included Virginia (1818), New Jersey, (1820), Massachusetts (1822), Vermont (1828), and later Delaware (1831), North Carolina (1856), Tennessee (1834), and Rhode Island during the following two decades. (Ohio did not adopt citizenship requirements until 1851.) Only Georgia and North Carolina did not follow suit and link

voting with citizenship prior to 1860.³¹ Similarly, Illinois maintained alien suffrage (for those with six months' residency) until 1870.³² And most of the newly admitted states to the U.S. "confined the franchise to citizens", beginning with Louisiana (1812), and then Indiana (1816), Mississippi (1817), Alabama (1819), Maine (1820), and Missouri (1821).³³ Between 1820 and 1845, however, the focus on alien voting rights receded as debates about property qualifications and the "Negro" came to occupy center stage.³⁴

But with the great waves of immigrants from Ireland and Germany, nativism rose and spread. The reaction was not so much against people of Irish and German descent per se; rather, what provoked nationalism and nativism was their religion, Catholicism in particular. Some perceived the invading hordes to be part of a larger plot: Reverend Lyman, for example, in his 1835 sermon *A Plea For the West*, saw the new arrivals as an attempt by the pope to conquer America. Similarly, Samuel F. B. Morse wrote a series of letters in the *New York Observer* "warning that the Catholic monarchies of Europe were sending immigrants to take over this country and force it to succumb to the doctrines of despotism and popery."³⁵ In response, nativists would form the Know-Nothing Party.

The Know-Nothings saw these immigrants as a threat because of their ideas and voting trends. In 1856, the Know-Nothing Party's platform denounced alien suffrage and also called for a twenty-one-year residency requirement for naturalization. Legislation to allow noncitizens to vote in the new territories became hotly contested. In 1854, for instance, John M. Clayton, a Whig, introduced an amendment to deny alien inhabitants suffrage in Nebraska, which drew the ire of Democrats.³⁶

The kinds of nativist concerns expressed at this time are strikingly similar to those of contemporary nativists: immigrants were uneducated, would steal jobs from "real" Americans, would become paupers and live off of taxpayers' money, were immoral, and would undermine the civil and social institutions of the country. Other nativists worried about the politics of the new immigrants and their potential impacts on elections and policy. For example, New York Senator James Brooks said it was not religion "we make war [upon]" but "the politics of men whose principles are alien to the institutions of our country."³⁷

In 1841, Senator Alexander Porter, a Whig, petitioned the Louisiana House of Representatives to increase the residency period to fourteen years as a requirement for becoming a citizen and obtaining voting rights. The Louisiana House went further, passing a resolution by a vote of 20 to 10 to increase the naturalization period to twenty-one years of residence.³⁸ Similarly, Governor Henry J. Gardner of Massachusetts made several proposals

in his third term (in 1856) aimed at excluding Catholics and foreign-born residents from voting and holding office. One was for a twenty-one-year residency requirement before immigrants could gain the franchise, which did not pass, but another successful proposal did impose a literacy requirement for suffrage.³⁹

Alien suffrage became increasingly contested in struggles between the North and South between 1850 and 1860. Northerners tried to expand the political power of immigrants largely because the newer immigrants were opposed to slavery (even if they were not friendly to blacks), which of course spurred Southerners to further resist and oppose alien suffrage. Similarly, alien suffrage was increasingly contested in Congress as it weighed legislation regarding new states and territories. During the Civil War only eight of the Northern states allowed aliens to vote, which meant that the North lost a significant number of votes proportionate to their population given the influx of immigrants at that time.⁴⁰

Yet, alien suffrage spread in the South and West with the growing need for new labor, particularly after the Civil War and during Reconstruction. Many new states and territories used alien suffrage as an incentive to attract settlers. The general practice was to require residency from six months to one year before voting rights were granted.

Wisconsin developed a formula in 1848 that allowed aliens who “declared” their intent to become citizens the right to vote. The Wisconsin formula became a model for other states and Congress. Jamin Raskin describes how this model—the declarant alien qualification—helped to weaken the objections of nativists and nationalists who opposed alien suffrage “by recasting” how alien suffrage was conceived and practiced. Alien suffrage was now seen more clearly to be “a *pathway* to citizenship” rather than a substitute for it—a kind of “pre-citizen voting.”⁴¹ Declarant aliens were now presumed to be on the “citizenship track.”⁴² The Wisconsin proposal provided a strong rebuttal to opponents of alien suffrage. It was articulated during the Constitutional Convention by delegates who were foreign born, most notably Franz Huebschmann and Charles Burchard, who “argued that when a foreigner left his old life behind and traveled thousands of miles to start a new life in Wisconsin, that effort alone was more than adequate to demonstrate his loyalty and commitment to Wisconsin.”⁴³ In this way, Wisconsin provided a reply to adversaries that proved to be effective. Thus, in Wisconsin and other states, declarant aliens won the right to vote in local, state, and national elections.⁴⁴ As we shall see in later chapters, this line of reasoning has proven effective for contemporary advocates of immigrant voting rights, and has similarly deflected opponents’ objections that immigrant voting would deter newcomers from naturalizing.

Similarly, soldiers returning from the Civil War demanding the right to vote provided another argument that proved to be effective for supporting alien suffrage, one that has been likewise employed by advocates today. During and following the Civil War, immigrant soldiers argued for and obtained what many perceived as their just reward for their service, particularly given that they fought for the freedom and voting rights of blacks.⁴⁵ Another Civil War–related reason was also at work: the need to attract cheap labor, particularly in the South and West after the abolition of slavery.⁴⁶

Before the Civil War, none of the Southern states permitted noncitizen voting, but under Reconstruction declarant aliens were allowed to vote as specified in the constitutions of Alabama, Arkansas, Florida, Georgia, South Carolina, and Texas. In addition, Congress passed acts enabling the territories of Oregon, Minnesota, Washington, Kansas, Nebraska, Nevada, the Dakotas, Wyoming, and Oklahoma to allow noncitizen voting, and after achieving statehood, most preserved the practice. At least thirteen new states adopted declarant suffrage. Noncitizen voting was practiced to its greatest extent by about 1875.⁴⁷ By the time of the close of the nineteenth century, nearly one-half of all the states and territories had some experience with voting by aliens, which lasted for more than half a century for most of them. However, a gradual decline in the number of states that allowed noncitizen voting began at the close of the nineteenth century even while several states (such as the Dakotas) passed noncitizen voting rights in 1889.

Alabama represents an interesting example of the shifting politics of immigrant voting rights. After the War of 1812, Alabama restricted the vote to citizens.⁴⁸ But after the Civil War and during Reconstruction, Alabama was one of several states to reverse course and grant voting rights to noncitizen males, hoping to draw new settlers. In 1901, however, Alabama rescinded voting rights for noncitizens by constitutional amendment, except for male noncitizens who previous to the 1901 Constitutional Convention declared their intention to become citizens. This “grandfathering” in of resident aliens who intended to naturalize was meant to avoid disenfranchising white men, while preventing future non-white immigrants from gaining the vote.⁴⁹ Indeed, race played a critical role in the ebb and flow of immigrant voting rights.

The Fall of Immigrant Voting

The massive influx of Southern and Eastern European immigrants during the decades surrounding the turn of the twentieth century fueled anti-alien passions and halted and reversed noncitizen voting practices.

The largest wave of immigrants into the U.S. occurred between 1880 and 1910: 12.5 million people streamed into the country from Southern and Eastern Europe. Immigrants comprised about one-third of the total population of the country during those years. This tremendous increase of darker Mediterranean and politically suspect immigrants sparked a nativist reaction, which produced several significant changes that have had lasting impacts on the American polity.

The elimination of noncitizen voting rights during the first decades of the twentieth century—coupled with the malapportionment of cities—came at the same time as the population of urban America rivaled the populations in much of the rural and suburban parts of the country. By 1920, 51 percent of the total population in the U.S. resided in cities.⁵⁰

Immigrants became the subject of, and embroiled in, sharp social, economic, and political conflict during the Progressive Era, which cut to the heart of notions of citizenship and democracy. Rapid industrialization and urbanization—and the wrenching social and economic changes they brought—fueled social protest movements of Labor, Populists, and Socialists and the third parties they formed.

These developments in turn provoked countermobilizations. Mass immigration sparked intense debate about the impacts of immigrants on nearly everything. The Progressive Era also witnessed explosive conflicts among immigrants and the native-born. Nativistic responses led to proposals that restricted immigration and to public policies that consigned immigrants to second-class status. Since the founding of the U.S., nativist groups have perpetrated certain themes about immigrants: they have portrayed newcomers as being genetically and morally inferior, possessing cultural “habits” and language barriers that make them unable or unwilling to “assimilate” into the “mainstream” of American culture, and being prone to criminal activity or just plain lazy—all of which have pervaded the rhetoric and policy surrounding immigration.⁵¹

As a result, a host of laws was enacted that addressed these issues in ways that constricted the franchise and had profound impacts on public policy and American political development. For example, eighteen states adopted literacy requirements aimed at restricting the flow of immigrants and their political participation, as well as that of other working-class constituencies and African Americans.⁵² By 1900, only eleven states retained immigrant voting rights. In the years leading up to and with the advent of World War I, these remaining states moved to end alien suffrage, usually by constitutional amendment. The states were Alabama (1901), Colorado, (1902), Wisconsin, (1908), Oregon, (1914), Kansas, (1918), Nebraska

(1918), South Dakota, (1918), Indiana, (1921), Texas, (1921), Missouri, (1921), and Arkansas (1926).⁵³

The case of Minnesota provides insight into both the rise and fall of noncitizen voting, particularly that of other Midwestern and northwestern states. The federal Organic Act of 1849 created the territorial government of Minnesota, which allowed declarant aliens the right to vote. It stated the following:

That every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the legislative assembly; provided, that the right of suffrage and of holding office shall be exercised only by citizens of the United States and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the constitution of the United States and the provisions of this act.⁵⁴

When Congress was considering legislation that would enable the territory of Minnesota to be admitted to statehood in 1857, a contentious debate ensued. Senator Asa Biggs stated that “the right of suffrage ought to be confined to citizens of the United States,” and he introduced an amendment that would have required voters on the statehood issue to be U.S. citizens. Other supporters of the Biggs amendment defended this position by pointing out the dangers of foreign influence in elections, even while they claimed no affiliation with the nativist Know-Nothing Party.⁵⁵ One supporter, Senator Albert Brown, proclaimed his disdain of immigrants and a fear that new immigrants would be susceptible to manipulation by political parties: “There may be in this Territory Norwegians, who do not read one word of English. . . . What a mockery, and what a trifling with sacred institutions it is to allow such people to go to the polls and vote! Who does not know that they are led up like cattle to the ballot-boxes, and vote as they are told to vote?”⁵⁶ Moreover, Senator Brown claimed it was important to set limits in order to prevent claims that suffrage should be extended to “both sexes, male and female . . . to black and red as well as white.”⁵⁷ Equally important and revealing, some representatives from slave states feared that abolitionist noncitizen voters might tilt the delicate balance that existed between North and South on slavery.⁵⁸ For example, Senator John Bell of Tennessee worried that

looking to the general aspect of the party divisions by which the country is distracted, and more particularly to the point of the intensity and magnitude of the interests depending on our national elections, you will see that foreigners not naturalized constitute an element of strength, distributed as they are in several of the northern and northwestern States, destined often to control our national elections, if they shall be allowed the privilege of voting; and thus they may, in the end, exert a powerful influence in changing the policy and even the vital principles of our Government.⁵⁹

Supporters of declarant alien voting, such as Senator William Henry Seward, countered that noncitizens were capable of exercising self-government just as were citizens, and that alien suffrage was desirable “precisely for the reason that these new States are to be made chiefly by aliens and foreigners.”⁶⁰ Although the Senate did adopt Senator Biggs’s amendment in the bill, the final act allowed any “legal voter,” which included qualified aliens, to vote on statehood.⁶¹ Minnesota subsequently reaffirmed its commitment to declarant alien suffrage in its first state constitution, adopted in 1857.⁶²

But in 1896, after the influx of more and newer immigrants, Minnesota discontinued its practice of noncitizen voting by referendum, whereby a vote of 97,980 to 52,454, Minnesota voters approved a constitutional amendment that prohibited noncitizen voting.⁶³ A 1902 editorial in the *Washington Post* captured the prevailing attitude of the times. It criticized the states that had not yet repealed alien suffrage, referring to the “marked and increasing deterioration in the quality of immigration” and saying, “Men who are no more fit to be trusted with the ballot than babies are to be furnished with friction matches for playthings are coming in by the hundred thousand.”⁶⁴

Similarly, Nebraska provides insight into how concerns about who would wield the vote—particularly women and immigrants—affected franchise laws. During Nebraska’s Constitutional Convention of 1871 it was female suffrage, not alien suffrage, that generated the most controversy. One delegate, Mr. Estabrook of Douglas County, proposed to add to the Nebraska Bill of Rights the following provision: “Every human being, of full age, and resident for a proper length of time on the soil of the nation and State, who is required to obey the law, is entitled to a voice in its enactment, and every such person whose property is taxed for the support of the government, is entitled to a direct representation in such government.”⁶⁵ Presumably, Estabrook proposed this amendment to secure a broader suffrage provision. And although the amendment was designed to enfranchise

women, opponents revealingly objected on the grounds that it would make suffrage an inalienable “natural” right rather than a discretionary “political” right, thus enfranchising not only women—who were deemed to be incompetent to exercise the franchise wisely—but also “barbarian” aliens. Using racist rhetoric, opponents of broader suffrage objected,

The Chinaman who scoffs at your religion; who bows down and worships blocks of wood and stone; and who defiles your temples of Christianity with his blasphemy and who refuses to declare that he is a liege subject of your government—he is to be allowed to exercise the elective franchise. . . . Are you willing that every barbarian as soon as he shall land here, shall exercise full political power? I think that this move is a dangerous one.⁶⁶

Thus, it was fear of the “barbarian” aliens voting combined with anti-female suffrage attitudes that led to the defeat of Estabrook’s proposed amendment. It would take the force of the federal government’s constitutional amendment in 1920 to give women the vote in Nebraska. Two years earlier, in 1918, Nebraska changed its constitution to eliminate declarant alien voting.⁶⁷ Apparently, rising hostility to new immigrants and xenophobia generated by World War I led to the elimination of non-citizen voting. Hostility to Greek immigrants who came to Omaha to work on the railroads and in the meat-packing industry was common.⁶⁸ For example, an editorial in the *Omaha Daily News* expressed the commonly held sentiments of the day: “Herded together in lodging houses and living cheaply, Greeks are a menace to the American laboring man—just as the Japs, Italians, and other similar laborers are.”⁶⁹ The examples of Nebraska and Minnesota provide insight into the rationale embodied in legal changes to the franchise, most often embodied in state constitutions.

The timing of the disenfranchisement of immigrants—and of other poor and minority groups through other means such as literacy tests, poll taxes, restrictive residency requirements, and voter registration procedures—does not appear to have been coincidental. Such disenfranchising measures were promoted and enacted by powerful economic and political elites just when the electoral potential for working-class constituencies, progressive social movements, and third party mobilization was growing.⁷⁰ The impact of noncitizens in elections increased with their numbers—making the difference in several state elections, and feeding critics of “the weight of a foreign element” in politics.⁷¹ Elites viewed noncitizen voters as a threat because of the appeal that third party challenges had on immigrants and the working class more generally. Moreover, elites reacted to big-city political machines that were tied to immigrants. Elites were also

alarmed at the fact that 70 percent of total government spending was done at the state and local levels before 1929.⁷²

These disenfranchising measures and the elimination of noncitizen voting rights contributed to the precipitous decline in voter participation during the Progressive Era. From 1830 to 1900 voter turnout nationally in presidential elections ranged from 70 to 80 percent, but dropped to 49 percent by 1924. Voter turnout in state and local elections was also significantly higher during the nineteenth century compared with the twentieth century. In some urban centers, such as New York City (where most immigrants in the state resided), nineteenth-century voter turnout ranged upward to between 85 and 90 percent.

Additional anti-immigrant federal legislation was enacted to limit the influx of immigrants to the U.S. From 1882 until 1924, national anti-immigrant laws were enacted to exclude the entrance of persons on qualitative grounds—the Chinese, criminals, prostitutes, the physically and mentally ill, and, in 1917, the illiterate (a literacy test was established for immigrants), who were considered likely to become “paupers.” In 1903, “anarchists” were added to the list of excludables.⁷³ The 1924 National Origins Act drastically reduced the flow of immigrants into the U.S. and limited the proportion of non–Western European immigrants.⁷⁴ Nativist groups, including the Ku Klux Klan, played a role in the passage of the National Origins Act.⁷⁵

Taken together, these developments limited democratic politics and progressive possibilities in the United States for years to come. The legacy of these changes had significant implications for public policy and American political development throughout the twentieth century to this day.⁷⁶

Race, Ethnicity, and the Politics of Immigrant Policy

At the root of these developments were racial and ethnic conflicts. The newer immigrants who arrived during the Progressive Era affected deeply held racial and national identities, which cut to the core of notions of American citizenship and democracy. Who can become an American—and, equally important, at what level in the social hierarchy they be incorporated—are processes that have long been imbued by racial considerations.⁷⁷ Race and ethnicity have always played a critical and often decisive role in shaping immigration and immigrant policy and politics throughout U.S. history. The main contours of U.S. immigration and immigrant policy reveal distinct racial and ethnic conflicts (along with social, economic, and political dynamics), and have been a site of political struggle throughout American history.⁷⁸ Moreover, voices for and against immigration and immigrant rights have coexisted since the founding. Yet

there are periods when anti-immigrant sentiments have tended to be stronger.

For example, anti-Irish Catholic sentiment, which surfaced especially around the time of the War of 1812 and during the 1840s, led to rollbacks in noncitizen voting, particularly in the Northeast. The antipathy of many old-stock New Englanders toward the Irish and Germans is well documented, and it manifested in efforts to impose a variety of restrictions on immigrants—including voting—during these periods. For example, foes of Tammany Hall in New York pressed for changes in the state's constitution to establish literacy requirements and property qualifications.⁷⁹ Similarly, other states such as Massachusetts, Connecticut, and Maryland attempted to restrict immigrant activity and to reel in the growing power of political machines during much of the nineteenth century.⁸⁰

In 1854 in Massachusetts, nativists who had formed the Know-Nothing Party won statewide offices and a majority of the state legislature, and subsequently passed anti-immigrant legislation. One of their legacies was embedded in the Massachusetts Constitution, which stated, “No person of foreign birth shall be entitled to vote or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth.”⁸¹ Thus, immigrants were prevented from voting for two years even after they naturalized.

The case of Wisconsin is particularly revealing. As aforementioned, Wisconsin forged a model for enfranchisement of immigrants that many states followed—by granting voting rights to aliens who declared their intention to become naturalized citizens. Declarant immigrants who resided in the state for six months were permitted to vote beginning in 1848. But controversy surrounding the merits of this policy, evident in debates of the state legislature and during constitutional conventions, points to specific factions that came down on opposite sides of the issue. For example, during the constitutional debate in the 1840s, delegates from southwestern Wisconsin opposed alien suffrage due to the fact that most immigrants were settling in the eastern counties. These regions had different ethnic bases. Wisconsin politics was dominated by Yankees from New York and New England who initially settled the territory. Beginning in the 1840s, however, large numbers of European immigrants—particularly from Germany and Norway—settled in Wisconsin. During the next seventy-five years, Wisconsin became one of the most heavily ethnic states in the U.S. Ethnic conflicts percolated during several periods that affected noncitizen voting rights.

Older blueblood Wisconsin residents fought German immigrants on such issues as liquor consumption and Sunday practices, issues that also played out with Irish immigrants in Wisconsin and elsewhere. Concern about alcoholism ran high amongst Yankees, who associated it with a host of social ills and believed that Sundays should be devoted to worship. German culture and practice, on the other hand, entailed the consumption of beer and use of Sundays for recreational purposes. In 1872, the Wisconsin legislature passed a more stringent version of the 1849 antiliq- uor law known as the Graham Law. Germans in Wisconsin felt this was a direct attack on them and went to court to contest the new law. Although their court fight was unsuccessful, they went to the voting booth in 1873 and helped defeat the Republican administration that had passed the Graham Law. In 1874, the legislature “replaced the Graham Law and the Sunday blue law with a considerably milder law.”⁸²

Similarly, schools that taught material in the German language were subject to legislation mandating the use of English in the 1890s. Wisconsin ended declarant noncitizen voting in 1909. World War I further sharpened anti-German (and other immigrant) sentiment and elicited frequent calls to eliminate immigrant voting rights throughout the U.S. As one *Washington Post* article framed the sentiment during the period,

The political campaigns in Wisconsin and elsewhere, in which the issue is narrowing down to Americanism versus Germanism, or victory versus defeat, may bring out in sharp outlines the mistake made by Wisconsin and some other states in permitting aliens to vote. . . . The enemy is not to be trusted, here or in Europe. No temptation should be placed in the way of aliens to do mischief to the American cause. The enemy will make enough mischief with- out being assisted by American neglect. The State legislatures should amend the election laws as promptly as possible to provide that no person shall be qualified to vote unless he is a citizen of the United States.⁸³

Ohio offers similar insights about ethnic prejudices of the day. Ohio was one of the few Midwestern states that did not permit noncitizen voting. During the Ohio Constitutional Convention of 1873–1874, Democrats and some foreign-born members proposed enfranchising declarant aliens, arguing that such legislation would foster migration into the state, attach immigrants to American institutions, reward loyal aliens who fought in the Civil War, and destigmatize aliens who by implication were now inferior to recently enfranchised blacks.⁸⁴ But opponents successfully marshaled nativist arguments, including fear of

foreign influence in domestic policy making and anxieties about racial equality.

In the late nineteenth and early twentieth centuries, Italians and Jews in particular were the object of much scorn and discrimination. Moreover, they were not universally viewed as “white.” In fact, Italians and Jews were sometimes referred to as “colored.” For example, in 1891 the *New York Times* and local Louisiana newspapers referred to several Italians who were lynched in New Orleans as “colored” while at the same time mentioning that “Negroes” were also present. Such incidents were not isolated. Officially, however, the U.S. Census categorized Europeans as white, as did some newspapers of the time.⁸⁵

Interestingly, contemporary parallel characterizations—and fears—appear in current popular debate. Emerging patterns of immigrant social and political incorporation hold great significance for future race relations and political alignments, particularly regarding which immigrant groups are becoming “white” and which groups are becoming “black” as they are ascribed a place in a racial hierarchy, just as was done in the past.

Additional Anti-immigrant Measures

Further obstacles were erected to limit immigrant voting power. In the name of guarding against fraud, naturalization processes were made more onerous, literacy requirements imposed were made more stringent, and residency laws were enacted. Most of these changes were usually supported by Republicans and middle- and upper-class elites and opposed by Democrats and working-class ethnic groups.⁸⁶

But traditional categories of “liberal” and “conservative” or “left” and “right” are ill equipped to adequately discuss or explain U.S. immigration and immigrant policies, including noncitizen voting rights. For example, throughout much of U.S. history organized labor has been anti-immigrant (although labor is usually characterized as being progressive in general) yet has actively organized immigrants into unions. Still, U.S. workers and unions composed of dominant ethnic groups have often perceived newer immigrant laborers as undercutting their hard-won gains.⁸⁷ Business groups, on the other hand, have historically been more pro-immigration in general. They generally view particular types of labor as valuable resources, whether as cheap and abundant labor or highly skilled labor (depending on changing economic conditions). But while business groups have generally supported immigration for economic reasons, members of the upper and middle classes often held anti-immigrant sentiments and actively contributed to campaigns to not only limit immigration but also enact policies hostile to immigrants and immigrant rights including

the abolition of noncitizen voting rights. Analysis of immigrant policy is complicated.

Nevertheless, nativist groups have been consistently anti-immigration and anti-immigrant. During the Progressive Era, a broad range of nativist groups increasingly perceived newer immigrants as a threat to them: in economic terms, particularly in periods of economic recessions, but also on social and moral grounds.⁸⁸ Immigrants were often characterized by nativists as low-skilled, ignorant, criminals, pestilent, anti-American, unable to properly and successfully assimilate, generally socially and politically suspect, and morally ill fitted to American culture. Catholic immigrants, for example, were seen by many Protestants as being prone to alcoholism, crime, disease, and poverty, which they contended would lead to economic, social, and moral decline for the nation. Jews and other Eastern Europeans were similarly branded. At the time, the bulk of Eastern and Southern European immigrants arriving were not considered “white” by popular and academic taxonomy.⁸⁹ The racism behind such views and sentiments was often highly vitriolic.

Other nativists—particularly elite “reformers”—utilized a more veiled racism. For example, at the turn of the twentieth century they helped popularize population projections showing that America would become mostly nonwhite (or non-“Aryan” and non-Protestant) within fifty years.⁹⁰ Such scare tactics were used by elite reformers and nativist groups (such as the Immigration Restriction League) to influence and sway officials to pass legislation during the Progressive Era that restricted immigration and perpetuated other anti-immigrant policies, including the elimination of non-citizen voting. As aforementioned, from 1882 until 1924, national immigration policy excluded people accused or suspected of being criminals, prostitutes, physically or mentally ill, illiterate, paupers, and anarchists.⁹¹ Similar to the wave of anti-immigrant hysteria that swept the country in 1812, the “Red Scare” during World War I led to a sweeping retreat of the remaining alien suffrage policies that had characterized the nineteenth century. One prominent example is that of U.S. Attorney General A. Mitchell Palmer, who rounded up over 4,000 suspected radical foreigners, deporting hundreds. From the Know-Nothings in the early nineteenth century to the KKK in the early twentieth century, these nativist and xenophobic groups were among the critical players in shaping U.S. immigration and immigrant policy. As mentioned, the KKK played an important role in the 1924 National Origins Act, which dramatically curtailed immigration and tied it toward European immigrants.⁹² That is, race and ideology—along with economics, religion, and politics—drove the curtailment of immigration and the constriction of the franchise. Alabama changed its constitution in 1901 to eliminate noncitizen voting; it was

followed by Colorado in 1902; Wisconsin in 1909; Oregon in 1914; Kansas, Nebraska, South Dakota, and Texas in 1918; Indiana in 1921; Mississippi in 1924; and, lastly, Arkansas in 1926.

Ultimately, the distribution of rights to racial and ethnic immigrant groups reflects the biases and strategies of dominant political actors who enacted immigrant policies and citizenship laws. Political actors and interests aligned themselves with different groups at different times—depending on their calculations about the consequences of particular policies on their political fortunes—shaping laws governing immigrants, including noncitizen voting rights. Rogers Smith maintains that lawmakers structured U.S. citizenship in terms of illiberal and undemocratic racial, ethnic, and gender hierarchies—white male Anglo-Saxon Protestant—for reasons rooted in basic, enduring imperatives of political life.⁹³ Political elites forge citizenship laws and policies—including noncitizen voting rights—which legally incorporate and empower (or exclude and disempower) their likely constituents. They also offer symbolic support for civic ideologies and identities that foster a sense of peoplehood for dominant groups. Thus, the most successful political actors have been those who mix liberal (individual personal freedoms) and democratic (prosperity for all citizens) ideologies with ascriptive notions of which groups are most American and “worthy.” Political actors have used these traditions of political discourse about civic identity to protect or alter citizenship arrangements, or to justify or oppose laws in light of changing political conditions. These dynamics were particularly evident during the Progressive Era. The establishment and then the elimination of noncitizen voting rights provide further evidence for this perspective.

Progressive Era Reformers: A Mixed Bag

One way to view American civic life is through distinct periods of party realignment.⁹⁴ Political conflicts emerge in each period and reflect the balance of power among the system’s participants, who, in turn, structure the terrain and content of later conflicts. Such an approach is useful in understanding forces arrayed against immigrants who led the fight and eliminated noncitizen voting rights during the Progressive Era. Partisan conflict among three basic groups is critical to understand these changes: urban political machines (usually Democratic), rural and suburban politicians (usually Republican, particularly in the North), and Progressive Era upper- and middle-class reformers (often independents, allied with the Republican Party or dissident factions of the Democratic Party). Not only does examination of partisan conflict among these groups illuminate who eliminated noncitizen voting rights and how, but

it also points to key linkages among the class, racial, ethnic, and political constituencies involved.

Perhaps nothing characterizes the Progressive Era better than the impulse to reform. But many Progressive Era reform groups had different interests and notions of reform, thereby promoting their own ideal. Most progressives attacked corruption in government, but different groups focused on particular elements of the political system. For example, many elite progressive reformers attacked urban political machines and sought to make government more efficient and economical. By “throwing the rascals out,” these reformers hoped to “clean up” government. They held that good government was possible by rationalizing and democratizing politics. To achieve these ends, such Progressives inaugurated a broad range of reforms—including important electoral changes—that have had significant and lasting impacts on our political system.

“Progressivism” was an uneasy coalition at best—it was not a cohesive movement. Progressive Era reform movements operated at the local, state, and national levels, but many of the diverse groups in what is characterized as Progressivism were actually antagonistic to one another.⁹⁵ Historians have often divided Progressives into two camps in attempts to sort out the complexity of the period. For example, some dichotomize progressives into “social” reformers versus “structural” reformers,⁹⁶ while others posited groups of “social justice” progressives versus “social order” progressives,⁹⁷ and still others focused upon “new-stock urban liberals” versus “old-stock patrician reformers.”⁹⁸

While there was a significant democratic tendency within Progressivism, one where laborites and socialists found common ground with Progressives (as in the first groupings listed above), there was another strain that is the focus of attention here. These latter groups of Progressive Era reformers (in the second categories listed above) tended to be more conservative. For example, their attempt to overthrow urban political machines—which often had the loyal following of ethnic immigrant working-class voters—involved imposing elite institutions in their place (such as boards and commissions where decision-making power was further removed from the hands of voters and their local representatives, such as city council members or aldermen). Moreover, many such progressives held more veiled forms of nativist animus against immigrants, arguing, for example, for various means of “social uplift.” In another parallel to the present day, this refrain can be heard among contemporary social reformers.⁹⁹

Most importantly, some reforms that conservative Progressives advocated for included electoral changes that constricted working-class immigrant political participation. The elimination of noncitizen voting rights

was among these. A host of other electoral reforms—including restrictive residency requirements for voting, cumbersome registration procedures, literacy tests, and antifusion laws and other ballot access measures that limited third party challenges—effectively barred poor and working-class immigrant citizens as well as insurgent parties and candidates from participating in elections. These electoral changes, in turn, reduced party competition (along with the North/South sectional political realignment following the election of 1896)—all of which combined to sharply reduce voter participation.¹⁰⁰

For example, one common reform—requiring immigrants to show their naturalization papers in order to vote—proved to be a significant hurdle, much as lawmakers knew it would be. As the *New York Herald* reported, “A sad feature [of this requirement] was that many persons will be deprived of their vote, as their papers are either worn out, lost, or mislaid.”¹⁰¹ Similarly, the *New York Times* reported that a committee of twenty prominent civic organizations recommended changes to the naturalization process that would impose literacy requirements and place the process in the hands of “proper administrative officials” (and away from the courts).¹⁰² Both of these changes, which were enacted during the early twentieth century, decreased the rate and total number of immigrants who were naturalized. Similarly, a *Washington Post* article argued, “Until we have laws in all the States providing an educational qualification for suffrage, we ought to deny citizenship to applicants who cannot speak English.”¹⁰³ Thus, by increasing the difficulty for immigrants to naturalize and by linking literacy tests to both the naturalization process and the voting process, voter participation rates of working-class immigrants decreased.

Such changes were enacted in the name of preventing fraud. In fact, Progressive Era charges of corruption and fraud—prevalent among this more conservative group of reformers—were important tools in their arsenal to enact political change. Allegations of what they claimed was rampant fraud were also integral to their explanation about why voter turnout declined precipitously after the turn of the twentieth century. Progressive Era reformers claimed that the decline in voter participation was due to the elimination of fraudulent ballots, particularly by immigrants tied to urban party machines.¹⁰⁴ They contend that these electoral changes, such as stricter voter registration laws and the establishment of bipartisan boards of elections, reduced control over the electoral process by urban political machines and reduced illegal voting by immigrants.

But these assumptions are flawed and unsupported by compelling counterevidence. Burnham, for example, argues that allegations of electoral fraud reflected elite motivations and interests of those who inaugurated

and implemented Progressive Era electoral changes, and contends that other factors—such as the decline in party competition—account for a greater proportion of the decline in voter turnout.¹⁰⁵

Perhaps most revealing is that charges of fraud—and the laws they helped create—reflected a nativistic animus aimed at the new urban immigrants who were tied to party machines, which many reformers reviled.¹⁰⁶ Moreover, partisan considerations also appear to have been involved. Most allegations of fraud originated within Republican Party organizations, oppositional or insurgent factions within Democratic Party ranks, or upper-class reform organizations and groups, who charged dominant regimes (generally urban political machines, usually controlled by Democrats with strong ties to working-class immigrants) with fraudulent activities. The most frequent charges were made during the years of heaviest immigration (1870s through the 1920s). Much writing was “openly condescending, moralistic, and prejudiced toward the new arrivals. . . . The literature on election fraud, in sum, corresponded roughly with the years of the mugwump-progressive reform movements and can be seen as a manifestation of the middle and upper-class reform of these years.”¹⁰⁷ Charges of fraud originated in muckraking magazines (such as *Harper’s Weekly*, *Outlook*, *McClure’s*, *Century*, and *Forum*) whose writers were native-born, white, Protestant, middle- and upper-class Progressive reformers. The accounts were largely anecdotal and based on accounts of highly motivated observers and participants.

The pattern of partisan wrangling over legal and institutional changes is repeated regarding immigrant voting rights. These same reformers (from the late Gilded Age through the Progressive Era) pressed for and won the elimination of noncitizen voting in state after state from the 1880s to the 1920s. Many pressed these changes into their states’ constitutions, while others eliminated immigrant voting rights through changes in statutes. In either case, elite reformers and other opponents to noncitizen voting used racial and ethnic appeals and scare tactics to attain passage of these electoral and legal changes. Some of the most influential critics of universal manhood suffrage—who published critiques of the growing influence of immigrants in politics in the *Atlantic Monthly*, the *Nation*, and the *North American Review*—included such notables as historian Francis Parkman, editor E. L. Godkin, and other elite, Protestant, generally Republican-leaning, upper-class opinion makers.¹⁰⁸ Such Progressive Era reformers argued that if immigrants were allowed to continue to select representatives sympathetic to their concerns and interests, the political system would grow more corrupt and American society would decline. The *New York Sun*, which supported the repeal of alien voting, alarmingly led off a 1909 story

by noting that nine states still allowed noncitizens to vote: “It is possible that the balance of political power in the United States is lodged with foreigners owing no allegiances to this government, or, in fact, to any government on the face of the globe.”¹⁰⁹ Eventually, these reformers succeeded in overturning noncitizen voting rights.

Thus, the interests of those who won such political struggles are embedded in these new electoral arrangements. These changes to election laws, in turn, produced other reinforcing electoral dynamics. For example, the elimination of noncitizen voting rights affected the nature of party competition and issue appeals: the parties were freer to ignore newcomers who were now barred from voting. Moreover, the elimination of noncitizen voting further allowed state legislatures to draw district lines for the selection of representatives in such a way as to shortchange urban-centers. The malapportionment of cities, where the majority of noncitizens resided, resulted in the further marginalization of immigrant interests. These electoral changes set the path of public policy making in the direction away from the interests of noncitizens and immigrants more generally and decidedly toward rural and growing suburban constituencies.

In the name of reforming corrupt political machines, elite political interests successfully established an election system—whether by design or default—that fostered undemocratic electoral dynamics and political outcomes by disenfranchising millions of Americans, particularly immigrant voters. These electoral arrangements skewed political power away from the needs and interests of the working class for years to come. Keyssar sums up the impact of the massive disenfranchisement enacted by Northern and Southern elites:

Millions of people—most of them working class and poor—were deprived of the right to vote in municipal, state and national elections. Their exclusion from the electorate meant that outcomes of innumerable political contests were altered, different policies were put into place, different judges appointed, different taxes imposed. Third-party insurgencies were deprived of a potential electoral base, and the relative strength of the two major parties, in at least some cities and states, was reversed. Many of the core institutions of the modern American state—institutions built and solidified between Reconstruction and World War I—were indeed shaped and accepted by a polity that was far from democratic.

Even when the Great Depression launched the New Deal, it was blunted of greater political support from below than it might otherwise have

received, which probably contributed to its limited nature and eventual undermining by economic and military elites.

Conclusion

The political biases of the past continue to plague the contemporary electoral system. There is good historical reason to believe not only that these electoral changes helped depress voter turnout, especially of low-income and minority groups, but also that the class- and race-skewed contemporary electorate continues to reflect the legacy of these laws and institutions that still remains largely unreformed today. Restoring immigrant voting rights has the potential to rectify some of these conditions and could help to reinvigorate the American polity.

As we shall see, today's immigrants—whose numbers rival those at the turn of the twentieth century—owe a great debt to the civil rights movement. Civil rights activists not only helped open the door to newcomers from around the world, a door that had been shut tightly after 1924, but also flung it open to immigrants from every part of the globe to enter the United States. One year after the Civil Rights Act was signed into law (July 2, 1964) and just months after the Voting Rights Act became law (August 6, 1965), the Immigration and Nationality Act of 1965 was enacted in October 1965, which prohibited immigration and naturalization on the basis of race, sex, or nationality. The Hart Cellar Act, as it was popularly called and which took effect on June 30, 1968, abolished the nation-of-origin restrictions that were imposed in the 1920s and that had previously limited immigration to Europeans. The Hart Cellar Act established new immigration criteria based on kinship ties, refugee status, and “needed skills.” Henceforth, America has been open to receive immigrants from Africa, Latin America, and Asia, places that had previously been largely excluded or severely restricted. Thus, the reason most contemporary immigrants are people of color is because the civil rights movement pried open America's door that had been closed to them. It is to these changing demographics—and their political ramifications—that we now turn our attention.