

THE RIGHT TO VOTE



*The Contested History of
Democracy in the United States*

ALEXANDER KEYSSAR



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Designed by Rachel Hegarty

Library of Congress Cataloging-in-Publication Data
Keyssar, Alexander.

The right to vote : the contested history of democracy in the United States /
Alexander Keyssar

p. cm.

Includes index.

ISBN 0-465-02968-X

1. Suffrage—United States—History. 2. Voting—United States—History. I. Title.

JK1846.K48 2000

324.6'2'0973—dc21

00-034299

00 01 02 03/10 9 8 7 6 5 4 3 2 1

For Natalie

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PREFACE

I have come to believe that books have fortuitous or unforeseen beginnings, and this one is no exception.

A half dozen years ago, I began to draft a different book, a highly quantitative study of working-class participation in electoral politics in the United States. My outline for that book—developed after several years of research—called for a stage-setting chapter about the legal and political history of the right to vote. I envisioned that chapter as a simple preamble to a detailed investigation of the ways in which working people did and did not participate in elections.

But when I sat down to write the chapter, I ran into trouble. The story line, tracing the evolution of the right to vote in the United States, began to zig and zag at unpredictable moments. Easy generalizations wilted when I tried to mold them into forceful arguments or undergird them with documentary evidence. Moreover, the evidence I had on hand, drawn from standard sources, looked increasingly skimpy and incomplete. I went back to the library for a few months and then tried again. Without success. The more I wrote, the further I seemed to be from the finish line. The chapter kept getting longer, as did my list of unanswered questions.

Eventually I realized that the chapter with which I was wrestling was a book in itself. The subject, the right to vote, was of almost self-evident importance to American history and contemporary politics; remarkably little had been written about it; and I could not really make sense of electoral participation until I had a deeper understanding of the laws that shaped and structured that participation. I also realized that I wanted to write about the history of suffrage: the richness of the issues, their intricacy and importance, had captured my attention and imagination. Americans had debated, and fought over, limitations on the right to vote from the revolution to the late twentieth century, and those debates and contests told much about the meaning of democracy in American political life and culture. My stacks of

computer printouts went back into the filing cabinet, and I went back, yet again, to the library.

The book that has emerged from this detour is longer, and perhaps more ambitious, than I originally intended. My sojourn with the sources convinced me that the many different strands to this story—including women's suffrage, the voting rights of African Americans and immigrants, residency and property requirements, literacy tests, felon and pauper exclusions—were closely intertwined with one another and could only be understood as part of a single fabric; similarly, the ups and downs in the narrative, the shifting and uneven mix of gains and losses, could only be comprehended as part of a lengthy chronicle. Consequently, I have tried to write a comprehensive, multifaceted history of the right to vote in the United States, from the nation's birth to the present, a history that encompasses not only national laws and policies but also developments in the fifty states.

Writing such a book, trying to explore such an enormous terrain, has many intellectual rewards for an author. Yet it is also a humbling experience. Although surprised initially by the absence or scarcity of systematic scholarly studies, I have been dependent nonetheless on the labors of scores of scholars who have carefully mined particular veins, who have examined specific themes, individual states, and colorful historical actors. This book would not have been possible had I not been able to build on their efforts. No one, moreover, is more aware than I of the work that remains to be done, of the many patches of terrain that have never been carefully scrutinized. As my own labors draw to a close, one of my strongest hopes is that this book will open the doors to further inquiry, that it will spark other studies of the history of suffrage, as well as the broader history of democracy, in the United States and elsewhere.

A word about a self-imposed limit to this inquiry: this is a book about the legal and political history of suffrage; it is not a study of political practice or participation. Inescapably, questions will arise about the relationship between the legal structures and the practice of politics, about the precise—and quantitative—impact of voting laws on political behavior. Those questions, for the most part, will not be fully answered in this volume; but I do hope to address them, as completely as I can, when I return to writing the history of electoral participation that gave birth to this book in the first place.²⁸



This book has been a long time in the making, and it still would be were it not for the generous assistance that I received from many institutions and individuals. Having the opportunity to express my thanks is one of the (long-imagined) pleasures of sending a manuscript off to press. The Dean's Office of the School of Humanities and Social Science at the Massachusetts Institute of Technology provided a grant that launched the research, and it continued with the help of a research fund provided by Duke University. A fellowship from the John Simon Guggenheim Memorial Foundation gave me time to think about the materials that I was collecting. A year spent in what a friend has called "academic nirvana," the Center for Advanced Study in the Behavioral Sciences, offered me stimulating intellectual company as well as the opportunity to write without interruption—except for the thoughtful hours that I happily spent staring out the window at San Francisco Bay.

The research for this book could be gathered only by casting a wide net, and over the years that net was held by a small army of student (and ex-student) research assistants. Indeed, so many have toiled in this project that I have sometimes believed that my research was responsible for the decline in the national unemployment rate. Among those who served particularly long stints were Greg Bylinsky, Ewan Campbell, Cypria Dionese, Conrad Hall, Stephen Hartzell, Roger Michel, Katie Ratte, Chris Seufert, Teddy Varno, and James Worthington. I thank them all, as well as the many others whose indentures were of shorter duration. Two people deserve special mention. Courtney Bailey has worked on and off this project for years; her thoughtful attentiveness and long hours helped me to gain control of unwieldy legal materials and made it possible for me to finish the endnotes. Laura Thoms rightfully deserves credit as co-author of the appendix. Tables always look neat and simple in print, but these tables began as clumsy boxes of photocopied documents, some of which traveled with Laura wherever she went. Translating these documents into their current tidy form took more than two years of careful sifting and cross-checking; without Laura's indefatigable efforts, the tables might still be in boxes.

Many colleagues helped me to find new sources, clarify my thinking, and sharpen my prose. Too numerous to mention are the scholars, archivists, and librarians who over the years have fielded my phone calls and e-mails about particular (often arcane) details: they know who they are, and I thank them. Closer to home, Sydney Nathans and Peter Wood generously responded to my queries about times and places that they know better than I. Larry Goodwyn, Bill Reddy, and David Montgomery posed challenging questions that I have since tried to answer. Feedback from seminar presentations at the Newberry Library, the Charles Warren Center at Harvard University, the Center for Advanced Study, the Ecole des Hautes Etudes in Paris, the University of California at Santa Cruz, and Yale University stimulated my thinking about various pieces of the project. Valuable comments on portions of the manuscript were offered by Nancy Cott, John Demos, Robert D. Goldstein, Linda Kerber, Marc Kruman, Jonathan Prude, and James C. Scott. Benjamin I. Page read the entire manuscript, improving the product while encouraging the producer. My thanks to all of them.

The logistical process of getting the book to press was made vastly easier by the cheerful efforts of Deborah Carver-Thien and Andrea Long. My agent, Jill Kneerim, gave me sound advice and warm support at moments when both were needed. Tim Bartlett has been a model editor, committed to the project, deft and thoughtful in suggesting revisions, patient about waiting for me to produce them. Michael Wilde has been a remarkable copyeditor; Richard Miller has superintended the production process with care, consideration, and good humor. Basic Books merits special thanks for its willingness to publish the appendix tables as a contribution to scholarship.

This book is dedicated to my daughter, Natalie. For years, she has fallen asleep (and now, as a teenager, awakened) to the sound of tapping at my computer across the hall. An ardent democrat in her own right, she has particularly strong convictions about the role of universal suffrage within the family. I can't honestly say that Natalie helped in the production of this book (indeed recently she commented that it was amazing that I finished it "with one of me around"), but I hope she knows what a pleasure it always is when she interrupts me.



Introduction

A MERICANS DON'T VOTE MUCH ANYMORE. In recent decades, only half of all potential voters have actually shown up at the polls for presidential elections; in state and local contests, turnout has been even lower, often dropping to 20 or 25 percent. Barring the unforeseen, these patterns appear certain to continue in the early years of the new millennium.¹

Such low levels of popular participation suggest that our democracy, two centuries after the nation's founding, has become dispirited, if not lethargic, and that the act of voting is not greatly prized. Yet Americans do place a high value on democratic institutions, and white Americans, at least, have long thought of themselves as citizens of a democratic nation—indeed, not just any democratic nation, but *the* democratic nation. According to our national self-image—an image etched in popular culture and buttressed by scholarly inquiry—the United States has been the pioneer of republican and then democratic reforms for two hundred years, the standard bearer of democratic values on the stage of world history. As the influential political theorist and founder of the *New Republic*, Herbert Croly, put it in 1909, the United States is the “Land of Democracy,” a nation “committed to the realization of the democratic ideal.” Similarly, in a famous address to Congress in 1965, President Lyndon B. Johnson maintained that Americans had “fought and died for two centuries” to defend the principle of “government by consent of the governed” and the conviction that “all men are created equal.” From the late eighteenth century through the cold war, Americans have regarded their own political institutions as models of popular government and self rule.²

Implicit in this democratic self-image is the belief that the right to vote is, and long has been, widely distributed among Americans, that the United States has something very close to universal suffrage. (The phrase has been historically elastic; here it means simply that all adult citizens have the right to vote.) As every schoolchild learns, thousands of soldiers fell at Gettysburg so that government “of the people, by the people, and for the people” would not perish from the earth—and presumably a government of and by the people was one that the *people* selected. Indeed, in popular usage, the term *democracy* implies that everyone, or nearly everyone, has the right to participate in elections; the image of a democratic United States is that of a nation with universal suffrage. And rightly so: although a nation certainly could have universal suffrage without being a democracy, a polity cannot be truly democratic without universal suffrage.

In recent years, in fact, there has been a reasonably good fit between the image and reality of voting rights in the United States. As Congressional Quarterly’s *Guide to U.S. Elections* concluded in 1985, with a trace of patriotic hyperbole, “by the two hundredth anniversary of the nation, the only remaining restrictions [on the franchise] prevented voting by the insane, convicted felons, and otherwise eligible voters who were unable to meet short residence requirements.”³ To be sure, many scholars and activists remain deeply concerned about our “turnout problem,” about the ways in which the electoral system may discourage voting, and about the extraordinary growth in the number of persons disfranchised because they have committed felonies. Yet the vast majority of American adults do possess the right to vote, and formally at least, the United States has universal suffrage.⁴

This was not always the case, however—not by a long shot. Until the 1960s most African Americans could not vote in the South. Women were barred from voting in a majority of jurisdictions until 1920. For many years, Asian immigrants were disfranchised because they could not become citizens, and Native Americans lacked the right to vote far more often than they possessed it. In the early nineteenth century, moreover, states generally granted the franchise only to property owners, and well into the twentieth century paupers often were prohibited from voting. The list could, does, and (in later chapters) will go on: for much of American history, the right to vote has been far from universal.

Why was this the case? Why were so many Americans, in different places and at different times, denied the right to vote? How could Americans have thought of themselves as democratic while they possessed such a restricted

franchise? Most fundamentally, perhaps, how, why, and when did the laws governing suffrage change? These questions are central in political history, critical to an understanding of the evolution of democracy; they also are central to our conceptions of what it means to be an American.

Yet these questions rarely have been asked—or answered. The history of the right to vote in the United States has received far less scrutiny than the subject would seem to warrant. There exist, to be sure, important monographic studies of the voting rights of African Americans, focusing particularly on the post-Civil War period (when African Americans were enfranchised and then disfranchised) and on the 1950s and 1960s (when they were reenfranchised).⁵ There is also a rich literature—beginning with the writings of key participants—chronicling the movement for women’s suffrage.⁶ In addition, historians have produced several synthetic accounts of the ways in which the franchise was reconfigured between 1800 and 1850.⁷

Yet thus far, no modern, comprehensive history of the right to vote has been written. The last attempt to survey the evolution of the franchise in the United States was made fifty years ago; the most recent scholarly effort, written by historian Kirk Porter, was published in 1918.⁸ There has been, in effect, no attempt to explore in any systematic way the sweep of this story over a long period, the links between different strands of the history (e.g., suffrage for women and the voting rights of immigrants), or the overall sources and rhythms of change in the breadth of the franchise. Which is remarkable in a nation that so publicly prizes its democratic history.

This scholarly silence appears to have several different sources. Foremost among them is what one might call a progressive or triumphalist presumption: a deeply embedded, yet virtually unspoken, notion that the history of suffrage is the history of gradual, inevitable reform and progress. (In England, as historian Herbert Butterfield has famously noted, such presumptions have yielded a “Whig” interpretation of history.)⁹ The inventor of this idea—or at least its most well-known early celebrant—was Alexis de Tocqueville. Writing in 1835 in *Democracy in America*, de Tocqueville observed (or rather predicted) that

Once a people begins to interfere with the voting qualification, one can be sure that sooner or later it will abolish it altogether. That is one of the most invariable rules of social behavior. The further the limit of voting rights is extended, the stronger is the need felt to spread them still wider; for after each new concession the forces of democracy are strengthened, and its demands

increase with its augmented power. The ambition of those left below the qualifying limit increases in proportion to the number of those above it. Finally the exception becomes the rule; concessions follow one another without interruption, and there is no halting place until universal suffrage has been attained.¹⁰

De Tocqueville's "rule of social behavior" certainly rings a bit mechanistic to modern ears, but the broad outlines of his forecast have seemed to many analysts to match the American experience. The standard narrative, consequently, goes as follows: at the nation's founding, the franchise was sharply restricted, but thereafter one group of citizens after another acquired the right to vote. Most propertyless white men were enfranchised during the first half of the nineteenth century; then came African Americans; then women; then African Americans again; and finally, even eighteen-year-olds. The precise causes and dynamics of change may have been less straightforward than de Tocqueville believed, but viewed from afar, the major events in American suffrage history appeared to fit the de Tocquevillian model of change that was straightforward, unidirectional, and inevitable.¹¹ "The history of the American suffrage has been one of steady and irresistible expansion," noted Harvard historian and political scientist William B. Munro in 1928. "One limitation after another has been swept away by constitutional amendments and laws—religious tests, property qualifications, race discriminations, and finally exclusion on grounds of sex."¹²

Interestingly—but not surprisingly—this progressive presumption has had greater currency during some periods than others. Roughly a century ago, when some of the first histories of suffrage were written (and when the breadth of the franchise was a very live issue), de Tocqueville's notion was far from preeminent. An impressive study of suffrage in Michigan in the nineteenth century, for example, concluded that change was not at all unidirectional: "The tendencies which were so markedly toward liberality and extension in the earlier half of the century," wrote Mary Jo Adams, "have been scarcely less clearly in the direction of conservatism in the later half."¹³ The same conclusion was reached in 1897 by James Schouler, in the first article about American voters ever published in the *American Historical Review*. More or less simultaneously, writer and professor of constitutional history Francis N. Thorpe characterized the evolution of voting rights as contingent rather than inevitable; there had been, he wrote, a "struggle for the franchise, now lasting a century."¹⁴ Two decades later, Kirk Porter's his-

tory of suffrage, reflecting the emphasis on conflict so characteristic of his era's historians, depicted a "vigorous" century-long "fight" over the right to vote, driven by "materialistic considerations."¹⁵

By the middle of the twentieth century, however, this sense of conflict and contingency had receded; perhaps because women finally had gained the franchise and because cold war liberalism provided a congenial ideological climate, the idea of an inexorable march toward universal suffrage became preminent. "One of the easiest victories of the democratic cause," proclaimed political scientist E. E. Schattschneider in 1960, "has been the struggle for the extension of the suffrage. . . . The struggle for the ballot was almost bloodless, almost completely peaceful and astonishingly easy." It is testimony both to the paucity of historical research and to the ideological power of triumphalism that Schattschneider, a learned and insightful critic of American politics, could pen such sentences despite the violent struggles over suffrage in the post-Civil War South—and while most blacks remained voteless. Similarly, in 1978, an eminent and concerned trio of political scientists could identify "the history of the franchise" simply as "the history of the removal of barriers based on economic condition or sex or skill and often the lowering of the age threshold. . . . The result is a system with wide political rights equally available to all citizens." This triumphalist spirit also informed the only scholarly synthesis written during this period, Chilton Williamson's study of colonial and antebellum reform, tellingly subtitled *From Property to Democracy*.¹⁶

More important, the progressive presumption appears to have dampened interest in the subject, to have deflected the spotlight of inquiry away from the history of the right to vote, even at a time when the struggle for voting rights was generating conflict and violence in the South. "Invariable rules of social behavior" and "irresistible expansions"—by whatever name—are phenomena that tend to be taken as historical givens rather than as problems inviting research. The expansion of democratic political rights in the United States was not deemed to require explanation; it was the nation's natural destiny. Accordingly, many mid-twentieth-century historians—particularly those of the consensus persuasion—were likely to agree with Munro that the history of suffrage was "a long and not a very interesting story."¹⁷ This opinion was shared by the revisionist social historians of a slightly later generation (including the author), at least in part because we were inclined to view electoral politics as mere superstructure and thus irrelevant or of scant interest.¹⁸ Within the scholarly community, the evolution of the right to

vote attracted attention primarily among students of comparative politics, who were interested less in historical inquiry or specific national histories than in theory building.¹⁹

This book is an attempt to break the odd silence about the history of suffrage, to take a new look, with fresh eyes, at a venerable, if neglected, subject. It offers a chronicle of the history of the right to vote in the United States from the late eighteenth century to the present, an account of the evolution of the laws—municipal, state, and federal—that have defined and circumscribed the American electorate. It is a narrative detailing the ways in which women, African Americans, industrial workers, immigrants, and many other groups (or categories of individuals) acquired, and sometimes lost, the right to vote.

This book also is an attempt to puzzle over the story, to avoid taking familiar things for granted, to interrogate the past with wonder. It is well known, for instance, that only property owners could vote at the end of the eighteenth century, but why exactly was this the case? Why in fact did it take so long for women to gain the right to vote? Or, for that matter, why did the right to vote expand at all? Why did those who were already enfranchised, such as property-owning white males, cut anybody else in on the deal? It is by no means self-evident, as one looks at modern history, that individuals who possess political power will (or can be expected to) share that power with others, millions of others. Why did it happen, and why did the right to vote expand at certain times and certain places, while contracting in others?

To pose such questions is to inquire both into the origins of democracy and into the obstacles or threats to the existence of democratic polities. The two inquiries necessarily accompany and implicate one another: as global politics in the twentieth century have made clear, democracies do not thrive under all conditions, and democratic yearnings do not necessarily produce durable democratic institutions. The United States is not and has not been an exception in this regard. Our history is complex, at times contradictory, befitting a nation that began as a republic that tolerated slavery.²⁰ The evolution of democracy rarely followed a straight path, and it always has been accompanied by profound antidemocratic countercurrents. The history of suffrage in the United States is a history of both expansion and contraction, of inclusion and exclusion, of shifts in direction and momentum at different places and at different times.

In addition to charting such shifts and reversals, this book offers a framework for understanding and explaining them—a framework that may well

provoke controversy and perhaps inspire further research. Stated briefly, the argument is as follows: The expansion of suffrage in the United States was generated by a number of key forces and factors, some of which have long been celebrated by scholars, journalists, politicians, and teachers. These include the dynamics of frontier settlement (as Frederick Jackson Turner pointed out a century ago), the rise of competitive political parties, the growth of cities and industry, the flourishing of democratic ideals and beliefs, and effective efforts at mobilization on the part of the disfranchised themselves.²¹

Yet alongside these factors was another, less celebrated force: war. Nearly all of the major expansions of the franchise that have occurred in American history took place either during or in the wake of wars. The historical record indicates that this was not a coincidence: the demands of both war itself and preparedness for war created powerful pressures to enlarge the right to vote. Armies had to be recruited, often from the so-called lower orders of society, and it was rhetorically as well as practically difficult to compel men to bear arms while denying them the franchise; similarly, conducting a war meant mobilizing popular support, which gave political leverage to any social groups excluded from the polity. While it may seem less exceptional and romantic than the frontier, without doubt war played a greater role in the evolution of American democracy.²²

The history of suffrage in the United States was also shaped by forces that opposed or resisted a broader franchise, forces that at times succeeded in contracting the right to vote and often served to retard its expansion. Once again, most of these forces or factors have long been recognized: racist and sexist beliefs and attitudes, ethnic antagonism, partisan interests, and political theories and ideological convictions that linked the health of the state to a narrow franchise.

One important factor, however, has received little or no attention: class tension. The concept of class, of course, has long carried heavy ideological freight and at times has been the great unspoken word in America's officially classless society. Yet class conflict and class differences have played a vital role in many chapters of American history, and the right to vote is no exception. A wide-angle look at the full span of suffrage history—considering all restrictions on voting rights throughout the nation—strongly suggests that class tensions and apprehensions constituted the single most important obstacle to universal suffrage in the United States from the late eighteenth century to the 1960s. Contrary to a great deal of received wisdom about the

history of American politics and labor, the formation and growth of an industrial working class, coupled with the creation of a free black agricultural working class in the South, generated a widespread, potent, and sometimes successful opposition to a broad-based franchise in much of the nation. In 1898, in the city of New Bedford, Massachusetts—to cite one of many little-known examples—this opposition was sufficiently strong that striking textile workers were threatened with disfranchisement because their employers claimed that the strikers had accepted public relief and consequently were “paupers” who could not legally vote.²³ This incident, as well as others like it, does not appear in standard histories of suffrage.

A caveat: to emphasize the significance of class is not to diminish the salience of race, gender, or ethnicity, all of which have been central to the history of voting rights; nor is it to substitute a monocausal interpretation for more complex or nuanced interpretations of the past. Race, class, gender, and ethnicity (a category that can house religion as well) have always been overlapping, dynamic, intertwined dimensions of identity and experience. Race and ethnicity are common determinants of class position, while class often has structured the significance of gender, racial, and ethnic boundaries and divisions. Historically, the formation of an industrial working class in the United States has been shaped by the presence of racially or ethnically distinctive supplies of labor, as well as by the gendered segregation of jobs and the reconfiguration of women’s work. Class, race, gender, ethnicity, and religion all have played a part in the history of the right to vote in the United States, and their interaction lies at the heart of this narrative. But the particular role of class in this history is both fundamental and relatively unexamined.

It is class—and its link to immigration—that shapes the periodization of the story. There were, in fact, four distinctive periods, or “long swings,” in the history of the right to vote in the United States. The first was a pre- and early industrial era during which the right to vote expanded: this period lasted from the signing of the Constitution until roughly 1850, when the transformation of the class structure wrought by the Industrial Revolution was well under way. The second period, stretching from the 1850s until roughly World War I, was characterized both by a narrowing of voting rights and by a mushrooming upper- and middle-class antagonism to universal suffrage. The third era, lasting until the 1960s, was contoured differently in the South than in the North, but throughout the nation was marked by relatively little change in the formal breadth of the franchise; in

the North this period also was distinguished by state-sponsored efforts to mitigate the significance and power of an unavoidably growing electorate. The fourth and last period, inaugurated by the success of the civil rights movement in the South, witnessed the abolition of almost all remaining restrictions on the right to vote. During each of these periods, the right to vote was contested; at times, the breadth of suffrage was a major political issue; at stake always was the integration (or lack of integration) of the poor and working people into the polity.

To describe the history of the right to vote in these terms—as a protracted yet dynamic conflict between class tensions and the exigencies of war, with a trajectory far from unilinear—is to suggest that the experience of the United States has been less unique or exceptional than has oftentimes been claimed.²⁴ Wars, class tensions, ethnic antagonisms, and shifting gender roles have been staples of western experience over the last two centuries, and it is hardly surprising that conflicts over the franchise that constitute such a well-known feature of European history had counterparts on this side of the Atlantic. Social class shaped the evolution of voting rights not only in Britain and Japan but in New York and Texas. Wars influenced the breadth of the suffrage in the United States, as well as in Norway, France, and Germany. Gender was a critical issue everywhere. Race and ethnicity separated the enfranchised from the disfranchised not only in the United States but—as the recent history of Europe makes clear—wherever there has been migration or empire.²⁵

Indeed, almost all of the forces and factors that shaped the history of the right to vote in the United States were present in other nations. The American story, contrary to popular legend, was not a unique amalgam of the frontier, the democratic spirit, and egalitarian principles; it was not an exceptional example of democratic destiny and idealism.

Yet the history of suffrage in the United States is certainly distinctive in many ways, several of which merit bold headlines. The United States was indeed the first country in the western world to significantly broaden its electorate by permanently lowering explicit economic barriers to political participation. De Tocqueville was not hallucinating when he described (and seemed overwhelmed by) a vibrant, powerful democratic spirit in the early nineteenth century. The United States also was exceptional, however, in experiencing a prolonged period during which the laws governing the right to vote became more, rather than less, restrictive. Finally, despite its pioneering role in promoting democratic values, the United States was one of the last

countries in the developed world to attain universal suffrage. Linking and accounting for these headlines is one of the tasks of the tale that follows.

Telling this tale, exploring the complex evolution of the right to vote, should shed light on both the strength and fragility of democratic institutions in the United States. In so doing, it leads inescapably to the reframing of portraits of key episodes in American political history—including the dramatic successes of the Know-Nothings in the 1850s, the debates surrounding the Fifteenth Amendment during Reconstruction, the rise of urban political machines, the programmatic efforts of “good government” reformers, the institutionalized dominance of a two-party system after 1896, the political thrust of the New Deal, and the civil rights movement of the 1950s and 1960s. In addition, examining this slice of our past might help us to understand that most distinctive and paradoxical feature of contemporary American politics: the low, class-correlated turnout of voters. America’s formally democratic institutions are ones in which most Americans do not participate. The nation’s public culture celebrates the insignificance of class boundaries, yet the wealthy and well educated are far more likely to go to the polls than are the poor and those lacking education.²⁶ These are paradoxes that history has created—and can also illumine.



PART I

The Road to Partial Democracy

The same reasoning which will induce you to admit all men who have no property, to vote, with those who have, . . . will prove that you ought to admit women and children; for, generally speaking, women and children have as good judgments, and as independent minds, as those men who are wholly destitute of property; these last being to all intents and purposes as much dependent upon others, who will please to feed, clothe, and employ them, as women are upon their husbands, or children on their parents. . . . Depend upon it, Sir, it is dangerous to open so fruitful a source of controversy and altercation as would be opened by attempting to alter the qualifications of voters; there will be no end of it. New claims will arise; women will demand the vote; lads from twelve to twenty-one will think their rights not enough attended to; and every man who has not a farthing, will demand an equal voice with any other, in all acts of state. It tends to confound and destroy all distinctions, and prostrate all ranks to one common level.

—JOHN ADAMS, 1776

It seems to me sir, that we should not abandon the principle that all men are to have some participancy in the affairs of government, particularly when they may be called upon to contribute to

the support of that government. These people . . . are subject to pay taxes, they are liable to be called on to perform road labor and various other duties; and, sir, they . . . when the tocsin of war has sounded, rally to the field of battle. Shall we say that such men shall not exercise the elective franchise?

—MR. DAVIS OF MASSAC, ILLINOIS,
AT THE ILLINOIS CONSTITUTIONAL CONVENTION, 1847¹

AT ITS BIRTH, THE UNITED STATES WAS NOT a democratic nation—far from it. The very word *democracy* had pejorative overtones, summoning up images of disorder, government by the unfit, even mob rule. In practice, moreover, relatively few of the new nation’s inhabitants were able to participate in elections: among the excluded were most African Americans, Native Americans, women, men who had not attained their majority, and adult white males who did not own land. Only a small fraction of the population cast ballots in the elections that elevated George Washington and John Adams to the august office of the presidency.

To be sure, the nation’s political culture and political institutions did become more democratic between the American Revolution and the middle of the nineteenth century. This was the “age of democratic revolutions,” the epoch that witnessed the flourishing of “Jacksonian democracy.” The ideal of democracy became widespread during these years, the word itself more positive, even celebratory. Owing in part to these shifting ideals and beliefs—and also because of economic and military needs, changes in the social structure, and the emergence of competitive political parties—the franchise was broadened throughout the United States. By 1850, voting was a far more commonplace activity than it had been in 1800.

Yet the gains were limited. Longstanding historical labels ought not obscure the restricted scope of what was achieved. The American polity may have been set on an unmistakably democratic course during the first half of the nineteenth century, but the United States in 1850 stood a long way from “universal suffrage.” Significantly, this phrase had begun to appear in public discourse, but the institution lagged far behind. Indeed, some Americans who had been enfranchised in 1800 were barred from the polls by midcentury. Change was neither linear nor uncontested: the sources of democratization were complex, and the right to vote was itself a prominent political issue throughout the period.

ONE

In the Beginning

Today a man owns a jackass worth fifty dollars and he is entitled to vote; but before the next election the jackass dies. The man in the mean time has become more experienced, his knowledge of the principles of government, and his acquaintance with mankind, are more extensive, and he is therefore better qualified to make a proper selection of rulers—but the jackass is dead and the man cannot vote. Now gentlemen, pray inform me, in whom is the right of suffrage? In the man or in the jackass?

—BENJAMIN FRANKLIN, *The Casket, or
Flowers of Literature, Wit and Sentiment* (1828)

AS THE MEN WHO WOULD LATER BE CALLED “the framers” of the United States Constitution trickled into Philadelphia during the late spring of 1787 (most of them arrived late), they had weighty issues on their minds: whether the Articles of Confederation should be revised or replaced with an altogether new plan of government; how the federal government could be made stronger without undermining the power of the states; resolving the already brewing conflict over the apportionment of representatives between large and small states; and contending with the freighted and divisive matter of slavery. Although the Revolutionary War had been won and independence achieved, a great deal still appeared to be hanging in the balance: as James Madison portentously noted, “it was more than probable” that the plan they came up with would “in its operation . . . decide forever the fate of Republican Government.”¹

With George Washington presiding and the energetic, carefully prepared Madison shaping many of the terms of debate, the fifty-five delegates to the convention wrestled, in closed sessions, with these and many other issues throughout the hot and humid summer. That they would succeed in devising a constitution acceptable to the twelve states that had sent them (not to mention Rhode Island, which had declined the invitation to attend) was far from certain; several impasses were reached in the first two months of deliberation, and by the end of July, many of the delegates were frustrated, impatient, and tired. Eighty-one-year-old Benjamin Franklin, described by one of his fellow delegates as “the greatest philosopher of the present age,” trudged wearily back and forth to the sessions, occasionally having to be carried in a sedan chair.²

By mid-September, a constitution had been drafted and signed, and delegates began returning home to promote its ratification. The Articles of Confederation were to be scrapped; the increased—but restrained—powers of the federal government had been specified; the issues of state representation and slavery had been compromised; and a great many details outlining the operation of a new republican government had been etched in parchment. What British leader William E. Gladstone a century later would call “the most wonderful work ever struck off at a given time by the brain of man” was complete. The western world’s most durable and perhaps most celebrated written blueprint for representative government was soon to become the fundamental law of North America’s new nation.

Remarkably, this new constitution, born in celebration of “republican government,” did not grant anyone the right to vote. The convention’s debates about suffrage, held during the doldrums of late July and early August, were brief, and the final document made little mention of the breadth of the franchise. Only section 2 of article 1 addressed the issue directly: it declared that in elections to the House of Representatives “the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.” More obliquely, section 1 of article 2 indicated that the legislature of each state had the right to determine the “manner” in which presidential electors would be selected, while article 4 entrusted the federal government with a vague mandate to “guarantee to every State in this Union a Republican Form of Government.” Otherwise, the Constitution was mute—from which much would follow.

The Received Legacy

For more than a decade before the founding fathers arrived in Philadelphia, individual states had been writing their own suffrage laws. These laws almost everywhere were shaped by colonial precedents and traditional English patterns of thought. The lynchpin of both colonial and British suffrage regulations was the restriction of voting to adult men who owned property. On the eve of the American Revolution, in seven colonies men had to own land of specified acreage or monetary value in order to participate in elections; elsewhere, the ownership of personal property of a designated value (or in South Carolina, the payment of taxes) could substitute for real estate.³

Both in England and in the colonies, property requirements had long been justified on two grounds. The first was that men who possessed property (especially “real property,” i.e., land and buildings) had a unique “stake in society”—meaning that they were committed members of (or shareholders in) the community and that they had a personal interest in the policies of the state, especially taxation. The second was that property owners alone possessed sufficient independence to warrant their having a voice in governance. As Henry Ireton had argued in England in the seventeenth century, “if there be anything at all that is the foundation of liberty, it is this, that those who shall choose the law-makers shall be men freed from dependence upon others.” And the best way to be “freed” from such dependence, or so it was believed, was through the ownership of property, especially real estate. Conversely, the ballot was not to be entrusted to those who were economically dependent, because they could too easily be controlled or manipulated by others. Such control may have seemed particularly plausible in the six colonies in which voting was *viva voce*—although advocates of secret paper ballots pointed out that disfranchisement was not the only solution to that problem. Indeed, implicit in the argument for independence was another notion, often unspoken but especially resonant in the colonies, where economic opportunities were believed to abound: that anyone who failed to acquire property was of questionable competence and unworthy of full membership in the polity.⁴

These concerns also prompted other restrictions on voting. Many colonies instituted residency requirements to exclude transients who presumably lacked the requisite stake in the colony’s affairs;⁵ for similar reasons, some made citizenship, of England or the province, a prerequisite for voting.⁶ To

guarantee that those who were dependent could not vote, several colonies formally barred all servants from the polls, while others expressly excluded paupers. Women too were prohibited from voting, because they were thought to be dependent on adult men and because their “delicacy” rendered them unfit for the worldly experiences necessary for engagement in politics.⁷ In addition, there were limitations on the franchise that had more to do with social membership in the community than with a person’s independence or stake in society. Freedmen of African or Amerindian descent were denied the ballot in much of the South.⁸ In seventeenth-century Massachusetts, only members of the Congregational church could vote; in the eighteenth century, Catholics were disfranchised in five states and Jews in four.⁹

As these details suggest, aside from property qualifications, there were no firm principles governing colonial voting rights, and suffrage laws accordingly were quite varied. Not only Catholics and Jews, but also Native Americans, free blacks, and nonnaturalized aliens could vote in some places and not in others.¹⁰ Women were barred expressly in several colonies, including Virginia, but statutes elsewhere made no reference to gender, and in at least a few Massachusetts towns and New York counties propertied widows did legally vote.¹¹ Absentee landowners were enfranchised in Virginia in 1736, which often meant that they could vote in more than one place. In practice, moreover, the enforcement or application of suffrage laws was uneven and dependent on local circumstances.¹²

Of equal importance, the qualifications to vote in local elections—especially in the cities and larger towns—often differed from those needed to vote for colonial or provincial officers. These differences had two sources. The first was political or institutional. Royal charters for incorporated cities frequently spelled out precise suffrage rules, and those rules commonly granted political citizenship to men who had commercial affairs—rather than a residence—within the city limits. The breadth of the franchise in New York City, Perth Amboy, New Jersey, and Norfolk, Virginia, for example, was determined not by colonial general assemblies but by royal declaration and by the appointed officers who controlled the municipal corporations. The second reason for this municipal—colonial difference was economic: city and town dwellers possessed different types of property than did farmers, and consequently they sought to define property requirements in terms other than acreage or land. Although differently configured, city and town suffrage qualifications were not uniformly more strict or more lenient than were the qualifications for voting in the countryside.¹³

Did the right to vote expand or contract during the colonial era? Were the colonies becoming more or less democratic, in their suffrage rules? The evidence is mixed. Some broadening of the franchise certainly occurred: religious restrictions, for non-church members and Protestant dissenters, tended to be relaxed in the late seventeenth and eighteenth centuries; municipal corporations began to grant the franchise to freeholders as well as men of commerce; and both Massachusetts and Virginia enacted laws that reduced the property requirements for voting.¹⁴ Yet the colonial era also witnessed some statutory contraction of the suffrage. The initial laws restricting the franchise to property owners generally were passed only decades after the colonies were settled, and in several colonies, including Pennsylvania, Rhode Island, and Virginia (which had a notably nonlinear franchise history), property requirements became more stringent over time.¹⁵ Moreover, the legal exclusion of Catholics, as well as African Americans, mulattoes, and Native Americans, took place primarily in the eighteenth century.¹⁶ Whether these laws altered rather than codified existing practices is unclear; but the statutes seem to have been more restrictive by the middle of the eighteenth century than they had been in the seventeenth.¹⁷

What also is unclear is just how many people could and did vote. This issue is a source of controversy among historians, some of whom conclude that colonial America was a land of middle-class democracy in which 80 or 90 percent of all adult white males were enfranchised, while others depict a far more oligarchic and exclusive political order.¹⁸ In fact, enfranchisement varied greatly by location. There certainly were communities, particularly newly settled communities where land was inexpensive, in which 70 or 80 percent of all white men were enfranchised.¹⁹ Yet there were also locales—including coastal towns (e.g., Ipswich, Massachusetts), farming counties (Westchester, New York, and Chester, Pennsylvania), cities (e.g., Philadelphia and Boston), and even some frontier settlements (Kent, Connecticut)—where the percentages were far lower, closer to 40 or 50 percent.²⁰ Levels of enfranchisement seem to have been higher in New England and in the South (especially Virginia and the Carolinas) than they were in the mid-Atlantic colonies (especially New York, Pennsylvania, and Maryland); not surprisingly, they also tended to be higher in newer settlements than in more developed areas. On the whole, the franchise was far more widespread than it was in England, yet as the revolution approached, the rate of property ownership was falling, and the proportion of adult white males who were eligible to vote was probably less than 60 percent.²¹

The Revolution and the Vote

The ultimate end of all freedom is the enjoyment of a right of free suffrage.

—“A WATCHMAN,” *Maryland Gazette*, 1776

The “shot heard round the world” signaled the beginning of a new era in the history of the franchise. By challenging Britain’s right to rule the colonies, the American Revolution sparked a far-reaching public debate about the nature and sources of legitimate governmental authority. The issue of suffrage was always near the center of that debate: if the legitimacy of a government depended on the consent of the governed (one of the key rhetorical claims of the revolution), then limitations on suffrage were intrinsically problematic, since voting was the primary instrument through which a populace could express or withhold consent.²²

Did the colonial franchise restrictions, then, have to be abolished? The question loomed large, and in many of the former colonies, the revolutionary period—stretching from the mid-1770s to the ratification of the Constitution—witnessed heated public exchanges and sharp political conflict over the franchise; in some locales, men voted—or were prevented from voting—through the use or threat of force. Challenges to the traditional class restraints on suffrage were critical ingredients in the democratic, rather than anti-imperial, thrust of the revolution.²³

The conflict over the franchise that erupted during the revolution involved—as such conflicts always would—both interests and ideas. The planters, merchants, and prosperous farmers who wielded power and influence in late-eighteenth-century affairs had an unmistakable interest in keeping the franchise narrow: a restricted suffrage would make it easier for them to retain their economic and social advantages. Conversely, tenant farmers, journeymen, and laborers (not to mention African Americans and women) had something to gain from the diffusion of political rights. Landowners would maximize their political power if the franchise were tied to freehold ownership, while city dwellers, shopkeepers, and artisans had a direct interest in replacing freehold requirements with taxpaying or personal property qualifications.

Yet the debates were not simply a self-interested shouting match between the haves and the have nots or between men who owned different types of property. For one thing, the haves were hardly unanimous in their views; nor