to come amongst us, to till our prairies, to work in our mines, and to develop the vast and inexhaustible resources of our state?" demanded a delegate from Joe Davies County. "We cannot obtain this class of population without holding out to them inducements equal to those of other states; and as we are burthened with a debt, we should have those inducements greater than elsewhere."[51]

Perhaps the most common way in which the fortunes of the already enfranchised were concretely linked to the cause of suffrage reform was through political parties and electoral competition. Early in the nineteenth century, the Federalist and Republican parties competed actively for votes in many states; in others (such as New York in the 1820s), contests between organized political factions were commonplace. By the 1830s, competition between Whigs and Democrats dominated political life, reflecting the creation of a strong and vibrant national party system: not only were elections systematically contested, but both party loyalty and party identification became prominent elements of public life. In this competitive political culture, the issue of suffrage reform inescapably attached itself to partisan rivalries.

To some degree, particularly during the first quarter of the nineteenth century, the involvement of political parties in debates over suffrage was a straightforward reflection of ideological differences, an outgrowth of beliefs and values. The Federalists, rooted among the northeastern elites and confident in their own leadership, tended to oppose any broadening of the franchise; the more egalitarian Jeffersonian Republicans viewed expansion more favorably. Decades later, the ideological gap between the Whig and Democratic parties was even more pronounced. The Democrats, heirs to the Jeffersonians, embraced an individualist, competitive vision of society, in which the pursuit of self-interest was altogether legitimate and in which all (white) citizens were entitled to political rights—in part to defend themselves against the encroachments of government. The Whigs, on the other hand, clung to a more organic and hierarchical social vision, believing both in a more active state and that it was best for public affairs to be conducted by society's "natural" leaders. They consequently were inclined to resist efforts to enlarge the polity.[52]

Yet the significance of political parties in the evolution of suffrage went beyond matters of ideology: the elementary dynamics of electoral competition created a stimulus for reform. Put simply, in a competitive electoral environment, parties were always alert to the potential advantage (or disadvantage) of enfranchising new voters and potential supporters. The

outcomes of electoral campaigns could easily depend on the size and shape of the electorate; it was natural therefore for parties, at least in some circumstances, to try to broaden the franchise because they wanted to win elections, whatever their views about democratization.

These dynamics probably did not play a significant role in the evolution of suffrage between 1790 and the mid-1820s. Although parties and factions did exist, the political arena was not acutely competitive, particularly once the Federalists started disintegrating in the face of the War of 1812. More important, popular participation in electoral politics was limited: turnout levels were low and many offices were filled either by appointment or by legislative, rather than popular, vote. In some states, there was not even any popular balloting for the presidency. The institutions of politics changed dramatically by the late 1820s and the 1830s, however, with the spread of popular elections, the formation of the Democratic Party as the nation's (and the western world's) first mass-based political organization, and the subsequent emergence of the second party system. Electoral politics became a form of public theater, parties themselves began to print written ballots (deemed acceptable by the courts), the mobilization of voters became a critical activity for both the Democrats and the Whigs, and electoral turnout rose dramatically, from 27 percent in 1824 to 56 percent in 1828 to 78 percent in 1840. It was in this more modern political universe that the partisan pursuit of new voters became clearly visible. The Democratic embrace of alien suffrage, for example, was unmistakably motivated in part by the party's desire to enroll and win the support of immigrant voters.[53]

The nature of partisan competition, moreover, was such that if any party or faction—out of conviction or political self-interest—actively promoted a broader franchise, its adversaries experienced pressure to capitulate.[54] This dynamic was manifested most distinctly in circumstances where different suffrage restrictions applied to different offices. In both New York and North Carolina, for example, voters had to meet a stiff property requirement to participate in senatorial elections, while many more people were eligible to vote for state representatives. As a result, once any political organization began to support abolition of the senatorial property qualification, it became politically risky for others to endorse the status quo—because their parties (or factions, in the case of New York) could be punished at the polls by men who were already voting in some elections.[55] A similar scenario could unfold if there were a sizable gap between municipal and state voting regulations, as occurred in St. Louis in the 1850s.[56]

Such was the scenario played out dramatically in North Carolina in the late 1840s and early 1850s. State politics had been dominated by the Whigs until David S. Reid, a long-shot Democratic candidate for governor, embraced the cause of suffrage reform, somewhat to the surprise of his fellow Democrats. In the election of 1848, Reid did much better than expected (there was no property requirement in gubernatorial elections) and aided by a wave of support from the landless was elected governor in 1850, promising a constitutional amendment to eliminate the property qualification for senatorial voting. Once elected (and reelected), Reid pursued that goal, declaring that the "elective franchise is the dearest right of an American citizen" and complaining that 50,000 free white men were disfranchised by the state's constitution. Sobered by political reality, the Whigs abandoned their opposition to suffrage reform: by the early 1850s, they saw the wisdom of tacitly approving a measure that they had denounced in 1848 as "a system of communism unjust and Jacobinical."[57]

A more common scenario unfolded when two parties were fairly evenly matched, and a broadening of the franchise appeared likely to be of particular benefit to one. In Connecticut, for example, the Republicans stood to gain far more than the Federalists from the abolition of property requirements; in Pennsylvania in 1837, the Democrats expected to benefit from a halving of the residency requirement; and throughout the Midwest, the Democratic Party seemed likely to attract far more alien voters than the Whigs.[58] In each of these instances, and many others, support for democratization stemmed in part from partisan self-interest.[59] Once suffrage reform appeared possible, however, what might be called an endgame dynamic often came into play: the parties that formerly resisted reform would drop their opposition, regardless of their convictions, because they did not want to risk antagonizing a new bloc of voters. In the 1840s and 1850s, for example, in both Ohio and New Jersey, the Whigs ended up capitulating to Democratic demands because they feared the political damage that might result from appearing hostile to men who might well gain the franchise anyway.[60]

These partisan dynamics also point to the ways in which suffrage sometimes was expanded as a political compromise or tactical concession. The Massachusetts convention of 1820–21, for example, was dominated by a well-organized faction of conservatives who generally opposed democratization of the state government: as was true in New York (and later in Virginia), the constitutional convention had been forced on them. The Bay

State's conservatives, however, were willing to tolerate expansion of the franchise as long as seats in the powerful state senate continued to be allocated on the basis of property rather than population.[61] Similarly, in North Carolina, the final acquiescence of the most conservative Whigs to "free suffrage" for senatorial elections was prompted by their desire to maintain a favorable legislative apportionment system and to fend off a constitutional convention that might adopt further reforms.[62] Partisan compromises and tactical maneuvering also marked the New York convention of 1821 and Virginia's final "reform" convention of 1850.[63] Conceding suffrage reform could be a means of taking the steam out of democratic movements while retaining or reconstructing institutional structures that would keep dominant factions and elites in power.

Ideas and Arguments

Alongside the shifts in the social structure and in political institutions—and surely linked to them—was another factor that played a critical role in the expansion of suffrage: a change in prevailing political ideas and values. Stated simply, more and more Americans came to believe that the people (or at least the male people—"every full-grown featherless biped who wears a hat instead of a bonnet") were and ought to be sovereign and that the sovereign "people" included many individuals who did not own property. Restrictions on the franchise that appeared normal or conventional in 1780 came to look archaic in subsequent decades. Franklin's oft-cited view that the right to vote should belong to the man and not the ass began to look commonsensical rather than radical. The shift in political temper was evident in the decisions of states admitted to the union after 1800 not to impose any pecuniary qualifications on suffrage. It also surfaced throughout the nation in newspapers, in the occasional treatise, in public debate: at William and Mary College, in both 1808 and 1812, the graduating students who gave commencement addresses seized the occasion to proclaim their support for universal suffrage. "The mass of the people," declared one newspaper in 1840, "are honest and capable of self-government." Not everyone embraced such ideas, but the tide of political thought was flowing in the direction of democracy.[64]

This ideological tilt, grounded in social changes that had swept the nation, was readily apparent at numerous constitutional conventions that debated and acted on proposals to enlarge the franchise. These debates generally were heated, and many of the views expressed echoed those heard

at the end of the eighteenth century. But the ideological spectrum had shifted, its centerpoint sliding to the left—which was reflected not only in the substance but in the emphases, tones, and language of the debates.

Delegates who advocated the elimination of property requirements (the central obstacle to a broader suffrage) from the outset were more aggressive and more confident in their arguments than their predecessors during the revolutionary period. These delegates paid their rhetorical respects to the founding fathers, but pointed out that the "framers" had unfortunately "retained a small relic of ancient prejudices" that it had come time to be "rid of." As retired Senator Nathan Sanford of New York noted in 1821, the ideas that had shaped the first constitutions came from "British precedents," from the British notion of "three estates" that ought to be represented in Parliament. "But here there is but one estate—the people." David Buel, a young lawyer from Rensselaer County, pointed out that social conditions had changed: "without the least derogation from the wisdom . . . of the framers," it had to be understood that their embrace of property qualifications came in response to "circumstances which then influenced them, but which no longer ought to have weight."[65]

Reform delegates frontally attacked the notion that those who owned property were somehow better qualified to vote than those who did not. "Regard for country," argued J. T. Austin of Boston in 1820, "did not depend upon property, but upon institutions, laws, habits, and associations." William Griffith of New Jersey, writing under the name of Eumenes, declared that it was simply an irrational prejudice, unsupported by any evidence, to claim that the ownership of "fifty pounds clear estate" made someone "more a man or citizen," or "wiser than his neighbor who has but ten pounds," or "more honest." The eloquent nonfreeholders of Richmond went a step further in 1829: "to ascribe to a landed possession, moral or intellectual endowments, would truly be regarded as ludicrous, were it not for the gravity with which the proposition is maintained, and still more for the grave consequences that flow from it." Linked to such views was a complete and sometimes contemptuous dismissal of the Blackstonian notion that only real property ownership gave a man sufficient independence to be a trustworthy voter. One Virginia delegate, after a detailed, logical dissection of the claim that broadening the franchise would permit the rich to manipulate the poor, concluded that the "freehold test" had no merit "unless there be something in the ownership of land, that by enchantment or magic converts frail erring man, into an infallible and impeccable being."[66]

Some advocates of reform insisted, as their predecessors had in the late eighteenth century, that voting was a natural or universal right. New Yorker James Cheetham, writing in 1800, invoked the Declaration of Independence ("all men are created equal") to support the notion that "the right of suffrage cannot belong to one man without belonging to another; it cannot belong to a part without belonging to the whole."[67] In the late 1840s and 1850s, the most radical advocates of democracy even mustered natural rights arguments to support the enfranchisement of African Americans, women, aliens, and paupers. On the whole, however, natural rights or universal rights arguments were notably scarce in convention debates, at least in part because reformers were well aware that such arguments would immediately provoke the conservative Pandora's box counterattack. Josiah Quincy, a staunch defender of property requirements, leapt on a Massachusetts reformer's claim that "every man whose life and liberty is made liable to the laws, ought therefore to have a voice, in the choice of his legislators." Is not this argument, argued Quincy, "equally applicable to women and to minors? . . . The denial of this right to them shows that the principle is not just."[68]

To avoid such counterattacks, many who favored a broader suffrage retreated to the argument that voting was a qualified "right" that only some possessed. *Niles' Register*, the voice of manufacturing interests in Connecticut, maintained that voting was "the natural right of every citizen, who is bound by the law to render personal services to the state, or aid its revenue by money." Similarly, a delegate to the Ohio convention in the early 1850s insisted that voting was "a matter of right" for "a man who is the subject of government, and shares in its burthens." In 1846, in New York, a delegate urged that blacks be granted "the common rights of freemen."[69]

As such language suggests, most proponents of an expanded suffrage, while rejecting the conservative view that the franchise was a privilege that the state could limit however it wished, took the position that voting was a right, but a right that had to be earned: by paying taxes, serving in the militia, or even laboring on the public roads. As Nathan Sanford put it, "those who bear the burthens of the state should choose those that rule it."[70] That simple proposition meshed well with the rhetoric of the revolution, and the principle lent force to demands that all taxpayers vote and that it was an injustice to withhold the franchise from those who fought for the nation and served in its militias. (The military service argument also was mobilized to support the enfranchisement of aliens and African Americans.)[71] There was, to be sure, one glaring inconsistency in the proposed application of this

principle: the exclusion of women who paid taxes and shared the burdens of the state; but this was an inconsistency that most found easy to overlook.

The centrality of the notion of an earned right made clear that the goal of most suffrage reformers was not a universal right to vote but rather the enfranchisement of what New Yorker Samuel Young described as "the intermediate class." Future president Martin Van Buren was more precise, as he maneuvered the New York convention toward rejection of both the status quo and demands, from a radical faction, for universal suffrage. Van Buren's stated goal was "clothing with the right of suffrage" a "class of men, composed of mechanics, professional men, and small landholders" that constituted the "bone, pith, and muscle of the population of the state." Such men, of course, comprised a core constituency of the Democratic Party that Van Buren was so instrumental in building.[72]

Underlying these arguments for expanding suffrage to include "mechanics, professional men . . . small landholders" and others like them was a curiously static vision of the future. Although conservatives (as will be discussed) repeatedly raised the specter of the growth of manufacturing and the appearance of a large, urban proletariat, reformers—in the Northeast between 1800 and 1830 and substantially later in the Midwest—dismissed that specter as a scare tactic. David Buel, for example, acknowledged that if he believed that manufacturing would become predominant and that enormous disparities in wealth loomed in the nation's future, then he would "hesitate in extending the right of suffrage"; but, to the contrary, he was convinced that "the farmers in this country will always out number all other portions of our population." Moreover, the "supposition that, at some future day, when the poor shall become numerous . . . they may rise, in the majesty of their strength, and usurp the property of the landholders, is so unlikely to be realized that we may dismiss all fear arising from that source." His views were seconded by convention delegates throughout the nation, including the redoubtable Daniel Webster.[73]

The movement for franchise expansion thus was grounded in the conviction that the relatively agrarian and egalitarian United States of the early nineteenth century would permanently endure. Only rarely did a reformer, such as J. T. Austin of Boston, argue that suffrage should be broadened even if we did become "a great manufacturing people." "God forbid," declared Austin, but if it should happen, he shrewdly observed that it would be "better to let . . . the laborers in manufactories" vote. "By refusing this right to them, you array them against the laws; but give them the rights of citizens . . . and you disarm them."[74]

The argument against property requirements gained momentum and became easier to make with each passing decade, in part because reformers could cite a growing number of states where no property qualifications were in force and no calamities had ensued. David Buel made this point as early as 1820. A decade later, a delegate to the Virginia convention claimed that there were no property qualifications in "twenty-two out of twenty-four sister republics," none of which had ended up in "tumults, confusion, civil discord, and finally despotism."[75] In the South, the momentum for reform was reinforced by intensifying anxiety about slave revolts and the increasing fusion of prosuffrage arguments with the defense of slavery. As Senator Charles Morgan put it at the Virginia convention of 1829–30, "we ought to spread wide the foundation of our government, that all white men have a direct interest in its protection."[76]

In response to this array of arguments, conservative defenders of property qualifications, who were present and vocal at all the conventions, offered the same ideas put forward in the eighteenth century but with different emphases and in different proportions. Conservatives insisted that voting was not a matter of right but "wholly a question of expediency," and as noted earlier, they were quick to point out the inconsistencies in any rights arguments put forward by reformers. They also maintained, in the words of Samuel Jones, author of a lengthy treatise published in 1842, that "on the question, who shall be admitted to the exercise of the right of suffrage, the public safety ought to govern." The most sharp-edged conservatives, such as Warren Dutton of Massachusetts, claimed that "in this country, where the means of subsistence were so abundant and the demand for labor great," any man who failed to acquire property was "indolent or vicious."[77]

Notably, however, the conservatives rarely reiterated the classical Blackstonian argument that property ownership alone could provide the "independence" required of voters. Although the idea did occasionally surface, and Josiah Quincy attempted a brief—and quickly ridiculed—evocation of Blackstone by arguing that property qualifications actually aided the poor rather than the rich, the eighteenth-century linkage of independence to property or freehold ownership was largely absent from public debate. If the fallible and sometimes weary eyes of one reader of convention transcripts can be trusted, the once-totemic phrase that the franchise should not be granted to "such persons as are in so mean a situation that they have no will of their own" was never uttered in the constitutional conventions. This pow-

erful image of the late eighteenth century simply did not mesh with the social realities or values of the 1820s and 1830s.[78]

Indeed, as Gordon Wood has pointed out, nineteenth-century conservatives—faced with the charge of being aristocrats at heart—ceased to claim that the ownership of landed property was intrinsically linked to a man's character, that real property was a source of gentility, independence, and impartiality. Instead, they retreated to a defense of agriculture as a preeminent economic interest and to a celebration of the virtues of those who cultivated the soil. Among farmers, declared New York Federalist (and later Whig) James Kent, "we always expect to find moderation, frugality, order, honesty, and a due sense of independence, liberty, and justice. . . . Their habits, sympathies, and employments necessarily inspire them with a correct spirit of freedom and justice." In Virginia, it was argued that freeholders deserved special political rights because they paid most of the state's taxes and provided the funds to pay for wars. Such arguments, of course, were less redolent of aristocracy, but they undercut the notion that the *owners* of land possessed special qualities that entitled them to wield a disproportionate amount of political power.[79]

In fact, the conservative case for the maintenance of property requirements, particularly in the Northeast, rested less on the alleged virtues of freeholders than on the fear that the growth of industry would create a large, propertyless, and dangerous urban proletariat. This was a partial reincarnation of the Blackstonian argument, complete with its internal contradictions, yet in a more anxious, fearful, and industrial form. "Manufacturers are rapidly increasing; and their employers may bring them in regiments to the polls," declared a Connecticut legislator. In Massachusetts, Josiah Quincy developed the argument in detail:

> Everything indicates that the destinies of the country will eventuate in the establishment of a great manufacturing interest in the Commonwealth. There is nothing in the condition of our country to prevent manufacturers from being absolutely dependent upon their employers, here as they are everywhere else. The whole body of every manufacturing establishment, therefore, are dead votes, counted by the head, by their employer. Let the gentlemen from the country consider, how it may affect their rights, liberties, and properties, if in every county of the Commonwealth there should arise, as in time there probably will, one, two, or three manufacturing establish-

> ments, each sending as the case may be, from one to eight hundred votes to the polls depending on the will of one employer, one great capitalist. In such a case would they deem such a provision as this of no consequence? At present it is of little importance. Prospectively of very great.[80]

Quincy was, in effect, maintaining that industrial workers would "have no will of their own." At the same time, the equally conservative Chancellor Kent voiced the opposite—and more common—fear: that those who worked in manufacturing would have too much will of their own and would threaten the interests of property. A freehold requirement for the New York Senate, Kent argued, was necessary to protect

> against the caprice of the motley assemblage of paupers, emigrants, journeymen manufacturers, and those undefinable classes of inhabitants which a state and city like ours is calculated to invite. This is not a fancied alarm. Universal suffrage jeopardizes property, and puts it into the power of the poor and the profligate to control the affluent.

Kent went on to maintain that

> there is a constant tendency in human society, and the history of every age proves it; there is a tendency in the poor to covet and to share the plunder of the rich; in the debtor to relax or avoid the obligation of contracts; in the majority to tyrannize over the minority, and trample down their rights; in the indolent and the profligate to cast the whole burthens of society upon the industrious and the virtuous.

Although New York was still dominated by cultivators of the soil, it was, according to Kent, well on the road toward inequalities of a type that would spawn bitter class conflict.

> The disproportion between the men of property and of no property is daily increasing; and it will be fallacious to expect that our people will continue the same small farmers as our ancestors were. . . . As our wealth increases, so also will our poor. . . . What has been the progress of the city of New York? In 1773, it contained only 21,000 inhabitants; in 1821, 123,000 souls. It is evidently destined to become the London of America. . . . And can gentlemen seriously and honestly say, that no danger is to be apprehended from those

> combustible materials which such a city must ever enclose? . . . The poor man's interest is always in opposition to his duty; and it is too much to expect of human nature, that interest will not be consulted.[81]

Clearly, Kent and his many allies were not simply worried that the propertyless lacked good and independent judgment; they were overtly hostile to manufacturing workers and the urban poor. Not only would the "motley assemblage" be covetous and threatening, it also would be, in the words of another New York delegate, a repository of "ignorance, vice, and corruption." This imagined future compelled Kent to refuse to "bow before the right of universal suffrage. This democratic principle cannot be contemplated without terror."[82]

Similar visions of a dangerous and degraded urban population were evoked, in the Midwest, by opponents of alien suffrage. One Illinois delegate in 1847 declared that "the majority of foreigners who came here" were "ignorant, and . . . none but such, and criminals and paupers, came here at all." Another, claiming that Massachusetts was already spending huge sums to support "her foreign pauper population," feared that the urban masses of the Northeast would soon come to Illinois "and cast their votes in competition with our own citizens, even while sucking from us the life blood of our bosoms." Everywhere conservatives voiced the apprehension that eliminating property qualifications would inescapably send the nation careening down the slippery slope that led to universal suffrage. "Once break loose from the freehold qualification," wrote a Virginian in 1825, "and it will soon be found that every argument against that qualification goes the whole length of justifying and requiring universal suffrage, and in a few years we shall have this worst of evils entailed upon us." Moreover, as Kent ominously warned, "universal suffrage, once granted, is granted forever, and never can be recalled. . . . However mischievous the precedent may be in its consequences, or however fatal in its effects, universal suffrage never can be recalled or checked, but by the strength of the bayonet."[83]

Ironically, perhaps, the conservatives' portrait of the nation's future proved far more accurate than the benign, static vision offered by Republican and Democratic reformers. Yet the prospect of a society dominated by manufacturing and cities teeming with hundreds of thousands of poor, rootless workers did not seem credible to most Americans in 1820 or even 1840. In the absence of that specter, the conservative case for preserving or (as in Pennsylvania in the 1830s) reinstituting property qualifications was unper-

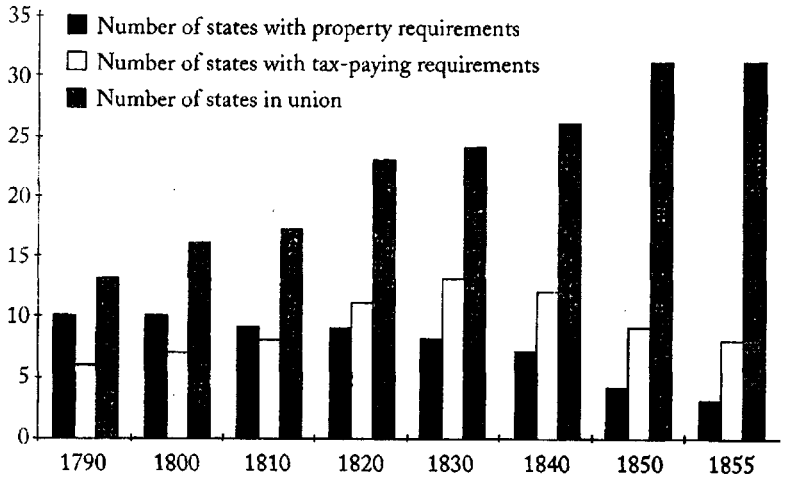
suasive as well as incongruent with widely accepted political values. Granting exclusive political rights to landowners and others who possessed considerable property did in fact smack of aristocracy and indeed was inconsistent with the quasi-egalitarian rhetoric of the revolution and the early republic.

In contrast, an aura of commonsensical fairness enveloped the reformers' basic notion that anyone who shared the burdens imposed by government should have a voice in choosing that government. In the rapidly growing, energetic, and increasingly urban society of Jacksonian America, large numbers of propertyless men were known by their neighbors, relatives, and friends to be altogether capable and worthy of exercising the franchise. "If a man can *think* without property, he can *vote* without property," observed one delegate to the Louisiana convention of 1845.[84] However blinkered their vision of the future, advocates of a broader suffrage were presenting arguments that were more consonant with the predispositions and experience of a majority population. Samuel Jones seriously misgauged the temper of the times when he wrote in 1842 that the "principle of natural law and of our own government, that all men are created equal" ought to have no bearing on the breadth of the suffrage and that "universal suffrage . . . would be a gross violation of it." To most Americans, that much-quoted principle could not easily be separated from the right to vote, and the principle created a strong, if not always articulated, presumption in favor of granting the franchise to adult, white men.[85]

Such a presumption contributed not only to the eradication of property qualifications but also to the stunningly swift abolition of taxpaying requirements in all but a handful of states. By 1855, half of the states that ever had taxpaying requirements—including those that had substituted them for property ownership—had gotten rid of them. To be sure, Massachusetts and Pennsylvania, as well as a handful of other states, voted to retain tax provisions, on the grounds that *only* those who shared the burdens of the state ought to have a voice in governance. Elsewhere, however, this last major, explicit link between a person's financial circumstances and the suffrage—a link so favored by many democratic reformers of the 1810s and 1820s—was dissolved with little fanfare. By the beginning of the Civil War, tax provisions had been eliminated even in most municipal elections.[86]

Shifts in ideology were only partly responsible. Taxpaying provisions also were opposed, by many Whigs as well as Democrats, because they were difficult to enforce and led to substantial fraud. Moreover, broadly stated tax

FIGURE 2.1 Property and Taxpaying Requirements for Suffrage: 1790–1855



requirements could prove difficult to translate into coherent, concrete policies. In New York, for example, the state legislature struggled with problems that arose between lessors and lessees in the 1820s: If a lessee paid tax on a property, was the owner then disfranchised? Or, if the lessor paid the tax, presumably from the rent paid by the lessee, did the lessee lose his right to vote? In 1825, Governor DeWitt Clinton pointed to such problems as a reason to do away with the taxpaying provision altogether; he also pointed out that the prospective elimination of a general state tax could end up disfranchising masses of citizens. In 1826, sweeping aside the arguments for taxpayer suffrage that had been voiced so persuasively by Nathan Sanford, Martin Van Buren, and David Buel only six years earlier, New York amended its constitution to remove the taxpaying qualification.[87]

With the ascendancy of the second party system, taxpaying restrictions also were undermined by the dynamics of partisan politics: parties and factions vied to wear the increasingly popular mantle of democracy while simultaneously accusing one another of circumventing the law for their own advantage. Most commonly, campaigns to terminate taxpaying provisions were launched by Democrats, but the Whigs usually jumped on the band-

wagon quickly, both to shore up their democratic credentials and because they believed that Democrats were corruptly evading the law anyway. In Southern states such as Louisiana and Virginia, eliminating taxpaying requirements was viewed, once again, as mortar solidifying the edifice of white supremacy.[88]

By the middle of the nineteenth century, thus, the nation had taken significant steps in the direction of universal white male suffrage. Spurred by the development of the economy, shifts in the social structure, the dynamics of party politics, the diffusion of democratic ideals, the experiences of war, and the need to maintain militias, the states, the federal government, and municipalities all had dismantled the most fundamental obstacles to the participation of men in elections. The impact of these reforms on the size of the electorate varied from state to state and is difficult to gauge with precision, but it surely was substantial. A careful study of New York before 1820 indicates that two thirds of adult males were unable to meet the freehold requirement to vote for the senate, and one third were unable to meet the much lower property requirement for voting for the legislature; the reforms therefore tripled the electorate for senatorial elections and increased it by 50 percent for the assembly. Similarly, in North Carolina, abolition of the freehold requirement doubled the electorate for senatorial elections, while the Virginia reforms of 1851, applying to all elections, increased the size of the polity by as much as 60 percent.[89]

The consequences were not everywhere so dramatic (in New Jersey and Massachusetts, for example, the growth of the electorate was more modest), but in every state where property and taxpaying qualifications were abolished, thousands and sometimes tens of thousands of men were enfranchised. The expansion of the suffrage in fact played a key role in the enormous upsurge of political participation in the 1830s and 1840s, when turnout in some locales reached 80 percent of all adult male citizens. De Tocqueville's declaration that "the people reign over the American political world as God rules over the universe" was more than a little hyperbolic; but his celebratory enthusiasm was far more closely matched by the reality of the United States in 1850 than it would have been in 1800.[90]

THREE

Backsliding and Sideslipping

> According to our general understanding of the right of universal suffrage, I have no objection . . . but if it be the intention of the mover of the resolution to extend the right of suffrage to females and negroes, I am against it. "All free white male citizens over the age of twenty-one years,"—I understand this language to be the measure of universal suffrage.
>
> —Mr. Kelso, Indiana
> Constitutional Debates, 1850

HISTORY RARELY MOVES IN SIMPLE, STRAIGHT LINES, and the history of suffrage is no exception. Significant as the broadening of the franchise was in the first half of the nineteenth century, it does not tell the whole antebellum story. While the major thrust of legal change was toward increasing the number of voters, laws also were passed that tightened voting requirements. Some of these were administrative in origin, giving specificity to vaguely worded constitutional mandates. Others were designed to fill specific quadrants of the large space opened up by the abolition of property and taxpaying requirements. Still others were a response to the profound economic, social, and political changes transforming the nation: as the United States began to wrestle with the impact of industrialism, sectional conflict, immigration, and westward expansion, the first clouds of an antidemocratic reaction were forming on the horizon.

Women, African Americans, and Native Americans

One of the earliest acts of suffrage restriction—or retraction—was the disfranchisement of women in New Jersey in 1807. Both the state's constitution of 1776 and an election law passed in 1790 granted the right to vote to all "inhabitants" who otherwise were qualified: this was interpreted locally to mean that property-owning women could vote. New Jersey's policy was exceptional—although throughout the new nation there were individuals who followed the logic of "stake in society" arguments across the customary border of gender and concluded that women (such as widows) should be enfranchised if they possessed property and were not legally dependent on men. Why the state of New Jersey embraced this minority view is unclear, but the enfranchisement of women was definitely not inadvertent and appears to have been grounded at least in part in factional politics. As different political groups struggled to gain ascendancy during and just after the revolution, they tried to enlarge their potential constituencies, one of which was female.

Yet what partisan politics could give, it also could take away. By the early nineteenth century, the balance of political power had shifted, charges of voting fraud were rampant, and the Federalists, as well as two competing groups of Republicans, concluded that it was no longer to their advantage to have all "inhabitants"—including women, aliens, and African Americans—in the electorate. After the impulse to clean up politics had been bolstered by a flagrantly corrupt election to select the site for a new courthouse in Essex County, New Jersey's legislature took it upon itself to declare that "no person shall vote in any state or county election for officers in the government of the United States or of this state, unless such person be a free, white male citizen." Those who supported this retrenchment made little or no mention of the incapacity or incompetence of women; they were simply fighting corruption, correcting a "defect" in the constitution, and clearing up "doubts" about the composition of the electorate. Once that constitutional defect had been corrected, women everywhere in the nation were barred from the polls.[1]

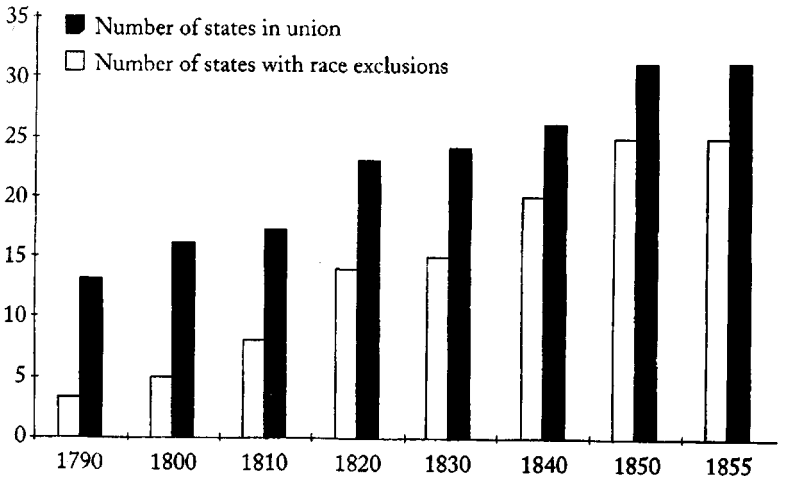
African Americans were the target of a far more widespread movement, in the North as well as in the few pockets of the South where free blacks had sometimes voted. As tables A.4 and A.5 make clear, the number of states that formally excluded free African Americans was relatively small at the nation's founding, but it rose steadily from 1790 to 1850. States that had

permitted blacks to vote during the first years of independence, including New Jersey, Maryland, and Connecticut, limited the franchise to whites before 1820. New York excluded the vast majority of blacks (by instituting a racially specific set of property and residence requirements) in the same constitution in which it removed property qualifications for whites. In 1835, North Carolina added the word *white* to its constitutional requirements, and Pennsylvania, which had such a liberal constitution during the revolutionary era, did the same in 1838, two years after its supreme court had ruled that blacks could not vote because they were not "freemen." Of equal importance, every state that entered the union after 1819 prohibited blacks from voting. In the late 1840s and early 1850s, moreover, many states (including New York, Ohio, Indiana, and Wisconsin) reaffirmed their racial exclusions, either in constitutional conventions or through popular referenda. By 1855, only five states (Massachusetts, Vermont, New Hampshire, Maine, and Rhode Island) did not discriminate against African Americans, and these states contained only 4 percent of the nation's free black population. Notably, the federal government also prohibited blacks from voting in the territories it controlled; in 1857, the Supreme Court ruled that blacks, free or slave, could not be citizens of the United States.[2]

The sources of this exclusionary impulse shifted somewhat over time. Early in the period, there was an almost matter-of-fact quality to decisions to bar African Americans, who were widely believed to be inferior and lacking in potential republican virtues. Since slaves obviously were ineligible to vote and most free blacks could not meet property and taxpaying requirements, formally expressed racial barriers would affect relatively few people, especially in the North. Yet with each passing decade the free black population grew, the abolition of property requirements made it possible for poor, uneducated blacks to vote, and inhabitants of Northern states grew increasingly apprehensive about the prospect of attracting black migrants from the South.

More important, perhaps, was an efflorescence of racism: while abolitionist sentiment was growing, so too were sharply antagonistic, fearful, and hostile attitudes toward blacks. This hardening of attitudes was discernible in the language with which the issue was discussed. At the New York convention in 1821, for example, a delegate opposed to black suffrage rather temperately had described blacks as "a peculiar people, incapable, in my judgment, of exercising that privilege with any sort of discretion, prudence, or independence." Twenty-five years later, one of his successors at the "peo-

FIGURE 3.1 Race Exclusions for Suffrage: 1790–1855



ple's convention" of 1846 belligerently declared that "nature revolted at the proposal" for black enfranchisement.[3]

In some states, the issue became enmeshed in party politics. In New York, for example, Republican factions were hostile to black voting between 1810 and 1820, in part because they feared (correctly) that blacks would constitute a Federalist voting bloc, especially in New York City; politically active blacks, throughout the North, tended to support the Federalists because of their opposition to slavery. Similarly, in later decades, Democratic opposition to African-American suffrage was reinforced by the (equally correct) conviction that most blacks would vote for Whigs—who were more antagonistic to slavery and who, despite their conservatism on class issues, could imagine a place for African-American voters in an organic social order. The membership of both major parties, however, tended to be divided on the issue, and outside of the border states (as well as the South, of course), the electoral stakes were small. In the North in 1850, blacks constituted more than 2 percent of the population in only one state, New Jersey, and many areas that witnessed heated debates on the subject (e.g., Ohio and Indiana) had populations that were less than 1 percent black.[4]

Indeed, northern antagonism to black voting was grounded far less in party politics than in hostile, or at best condescending, white attitudes toward blacks. Numerous delegates to the conventions, often equipped with anti-black suffrage petitions from their constituents, reiterated the notion that suffrage was not a natural right but "a kind of franchise bestowed or withheld as the public good demanded," and they were adamant that blacks were altogether lacking in qualities that could serve the public good. "No pure negro has wishes and wants like other people," declared one Indiana delegate in 1850. "The distinction between these races has been made by the God of Nature," insisted another. "The black race has been marked and condemned to servility, by the decree of Omnipotence; and should feeble man claim to erase from them the leprosy which God has placed upon them?" "Every negro was a thief, and every negro woman far worse," noted a Wisconsin spokesman. Even in freedom, blacks could not be "elevated" enough to make them the equals of whites, and any policy that promoted the "amalgamation" of the races would only lead to the "degradation of the white man." These stridently racist views were galvanized by the fear of black migration: in New York, Pennsylvania, Wisconsin, and elsewhere, convention delegates claimed that enfranchising blacks would only encourage freedmen and runaway slaves to flock to their states. A delegate from Wisconsin insisted that an extension of the suffrage "would cause our state to be overrun with runaway slaves from the South." Blacks at the time constituted two tenths of 1 percent of the state's population.[5]

Northern blacks, of course, resisted efforts to strip away their political rights. In Philadelphia, a gathering of African Americans issued an angry public statement called the *Appeal of Forty Thousand Citizens, Threatened with Disfranchisement, to the People of Pennsylvania.* "We ask a voice in the disposition of those public resources which we ourselves have helped to earn; we claim a right to be heard, according to our numbers, in regard to all those great public measures which involve our lives and fortunes," the statement declared. Similarly, New York's African-American population protested against the state's discriminatory property qualification, and in Providence, blacks—thanks to an extraordinarily complex political situation—succeeded in getting their political rights restored.[6]

Some whites also were forceful advocates of black suffrage, from the early nineteenth century through the 1850s. In 1821, in New York, a delegate countered the claim that blacks were a "peculiar people" by maintaining that they were instead "a peculiarly unfortunate people" that white society

should endeavor to help. At all of the major state conventions, there were delegates who argued that if blacks were men, then they deserved to possess the rights of men. In 1846, a New York delegate "called upon the convention to decide whether the colored people were men or not. If they were men, he claimed for them the enjoyment of the common rights of men; otherwise, make them slaves to you and your children and trample them in the dust forever."[7] That same year, a Wisconsin delegate developed this moral argument more amply and eloquently, grounding the case in both religious and political principles:

> the sentiment that "all men are born free and equal" is a just and right principle . . . the negro has rights as sacred and as dear as any other race; and . . . these rights can only be secured by placing in his hands the instrument of defense—the ballot—which is provided by our institutions as the safeguard of political rights. We live as has been often repeated in this hall, in an age of progressive democracy, an age whose characteristic is a spirit that breaks over the barriers and superstitions of the past and looks through the disguises of rank and nation to a common nature coming from an impartial God. In its political effects it discards the prerogative of a few to govern and looks to the rights of all . . . this spirit is opening a grand law of humanity more comprehensive than all others, that looks farther than the skin to say who shall have rights and who shall be maintained in the free enjoyment of what the God of nature has given them. . . . Because a man is born with a dark skin, he is forever to be disfranchised! This is a terrible, damnable doctrine, and as false as it is terrible. It is a doctrine that will not stand the scrutiny of the spirit of the age; neither will its apologists stand with clean hands at a tribunal where there is no respect of persons.[8]

Such language was echoed in one state after another, in petitions from white and black citizens, and by convention delegates themselves; the argument was buttressed by the claim that granting blacks the vote would help to elevate their condition, while disfranchisement would attach a "stigma" that would throw "an obstacle in the way of their improvement." Attorney Charles Chauncy maintained in Pennsylvania in 1838 that it was "our duty to do everything that lies in our power, to elevate and to improve the condition of the colored race . . . instead of cutting them off." Other advocates pointed out that the very term *white* was ambiguous in its meaning: "Does it mean only Anglo-Saxons?" queried an Ohio delegate. "Does it embrace

all Caucasians? This interpretation would include many who are darker than some it would exclude." Still others played the military card, quoting General Andrew Jackson's praise of black soldiers who took up arms during the War of 1812, and insisting that those who fought for their country, and might fight again, should not be denied the franchise.[9]

Such arguments, compelling as they may sound to twentieth-century ears, carried little weight, either in constitutional conventions or among the population at large. Black suffrage was an emotionally charged issue that could not be reached through rational argument or fine distinctions. In few conventions were votes on the issue even close; at the Indiana convention of 1850, one delegate even offered the barbed jest of an amendment "that all persons voting for negro suffrage shall themselves be disfranchised." Political leaders frequently voiced the fear that any constitution including black suffrage could not be ratified by the electorate, and they were probably right. With the exception of Rhode Island, all of the popular referenda held on the issue resulted in overwhelming mandates for an exclusively white suffrage. Much of the populace believed that blacks were inferior, and outside of the slave states, feared their presence. Permitting African Americans to vote seemed all too likely to open the doors to migration and "amalgamation," and thus to diminish the significance of whiteness and citizenship.[10]

The political rights of the nation's other racial minority, Native Americans, were a less inflammatory issue. To be sure, fears were expressed in Texas that "hordes" of Mexican Indians "will come moving in . . . and vanquish you at the ballot box though you are invincible in arms"; and at California's founding convention, one delegate voiced the conviction—surely widely shared—that it was "absolutely necessary" to include a constitutional provision that "will prevent the wild tribes from voting." In addition, many constitutional conventions held brief debates about whether Indians were or were not "white." The Michigan convention, for example, came to the remarkable conclusion that Indians ought to be considered white because the word *white* simply meant "not black": "the word white was used in contradiction to the black alone, and though the Indian was copper-colored, he was not to be classed among the latter." The prevailing view in much of the nation, however, was that Native Americans, whether officially white or not, ought not be excluded from the franchise on *racial* grounds: as long as they were "civilized" and taxpaying, they should be entitled to vote. As was true of many policies toward Native Americans in the nineteenth century,

Indians were regarded as possessing the raw (but uncivilized) potential for full (white) personhood.[11] (See table A.4.)

Nonetheless, the ability of Native Americans to participate in politics was narrowed between 1790 and the 1850s. In some states, they were barred because they were finally judged not to be legally white, and only whites were eligible to vote. More distinctively, Native Americans were kept from the polls through a series of court decisions and legal declarations that circumscribed their ability to become citizens. The citizenship status of Native Americans was ambiguous in early American law (the constitution specified that Indians "not taxed" were not to be counted in the census for the purposes of legislative apportionment), but beginning with Chief Justice Marshall's landmark decisions of the 1830s, their legal status began to be clarified—in a negative direction. Indian tribes were "domestic, dependent nations," according to Marshall, and thus individual Indians, living with their tribes, were aliens, even if born in the United States. Twenty years later, the Dred Scott decision affirmed this interpretation, while suggesting a path toward citizenship: Indians (unlike blacks) could, if they left their tribes and settled among whites, "be entitled to all the rights and privileges which would belong to an immigrant from any other foreign people." At roughly the same time, however, the attorney general ruled that Indians could not become citizens through the conventional process of naturalization because the naturalization laws applied only to whites and to foreigners—and Indians were not actually foreigners, because "they are in our allegiance." The upshot of this juridical Catch-22 was that Indians could become citizens only by treaty or by special acts of Congress, even if they did settle among whites and pay taxes.[12]

Congress did in fact attempt to naturalize some tribes in their entirety, usually in return for a tribal agreement to accept a limited allotment of land; but congressional actions affected only a small number of Native Americans. Meanwhile, several states formally moved to disfranchise all Indians, or Indians "not taxed," or members of specific tribes, while others expressly limited suffrage to citizens or to "civilized" Indians who were "not a member of any tribe." (Georgia even gave full citizenship rights to individually named Cherokee Indians who surrendered any legal claims to their lands.) Although these latter provisions were commonly construed as extensions of the franchise, their applicability was limited. On the whole, Native Americans were understood to be potential voters, but few in fact ever were able to vote during the antebellum era.[13]

Paupers, Felons, and Migrants

In addition to restrictions focused on people's identities, laws also were passed that targeted their behavior. In drawing—and redrawing—the boundaries of the polity, each state contended not only with issues of race and gender but also with adult, white men who occupied the social margins of the community. Despite the abolition of property requirements, most Americans did not believe that all adult white males were entitled to full membership in the political community.

One restriction preserved a link between economic status and enfranchisement: paupers were denied the right to vote in twelve states between 1792 and the late nineteenth century. (See table A.6.) Although the precise definition of *pauper* was debated in constitutional conventions and in the courts, these laws clearly were aimed at men who received public relief from their communities or from the state: those who lived in almshouses or were given "outdoor relief" (generally in the form of food, fuel, or small amounts of cash) while residing at home. These pauper exclusions were not archaic carryovers of colonial precedents; they were generally new constitutional provisions, often adopted at the same conventions that abolished property or taxpaying requirements.[14]

The exclusion of paupers constituted a direct rejection of claims that suffrage was a right that ought to be universal among white males: it drew a new border around the polity, making clear that individuals had to maintain a minimal level of economic self-sufficiency in order to possess political rights. The rationale for these measures was Blackstonian: a man who accepted public support surrendered his independence and therefore lost the capacity to function as a citizen. Paupers, according to one Delaware delegate, were not "freemen in the whole extent." "The theory of our constitution," declared Josiah Quincy, "is that extreme poverty—that is pauperism—is inconsistent with independence." "When a man is so bowed down with misfortune, as to become an inmate of a poor house . . . he voluntarily surrenders his rights," claimed a member of the New Jersey committee that drafted its law in 1844. Advocates of these laws frequently invoked a vivid, if implausible, image of the trustees or masters of poorhouses marching paupers to the polls and instructing them how to vote.[15]

The prospect of disfranchising a community's poorest residents caused some discomfort, and even outrage, among citizens of both parties. In the New Jersey convention of 1844, Democratic delegate David Naar, a judge

and sephardic Jew whose family had recently emigrated from the West Indies, fiercely opposed the notion that "paupers have made a voluntary surrender of their liberties." "Does any one of his own will and choice become a pauper? No one, sir, except from the necessity of the case!" He also pointed out that "the working men . . . are sometimes bowed down by misfortune, and shall they be deprived of the right of voting? Which of us can say that some day or other he may not become a pauper?" A former overseer of the poor supported Naar, saying that "he had seen citizens of the first families in our State borne to the poor house from misfortune: and now shall we set a mark upon them and rank them with criminals?" In several states, such as Wisconsin, the idea of disfranchising the unfortunate was too distasteful, leading to the rejection of proposals for pauper exclusions; but elsewhere, and with the support of some Federalists, Republicans, Democrats, and Whigs, paupers were defined out of the polity.[16]

As legal historian Robert Steinfeld has perceptively pointed out, the pauper exclusion laws expressed a shift in the prevailing concept of independence, a shift precipitated by the abolition of property requirements. Independence had come to be perceived less in economic than in legal terms: paupers were legally dependent on those who ran poorhouses and administered relief, and often were required to perform labor in return for aid. While they were paupers (the laws were generally interpreted by courts to apply only to men receiving aid at the time of elections), they lacked "self-ownership," which limited their capacity to act or vote independently. Implicitly, the pauper exclusion laws were drawing a distinction between wage earners, whom many viewed as sufficiently independent to be enfranchised, and men who had surrendered legal control of their own time and labor. Yet, as Naar suggested, there was also a class edge to these laws—since they constituted a warning to the working poor that misfortune, or failure to be sufficiently industrious, would deprive them of their political rights. That warning, as Naar surely was aware, was all the more resonant—and seemed all the more unfair—after the jarringly sharp economic downturn of 1837.[17]

The right to vote also was withheld from another group of men who violated prevailing social norms, those who had committed crimes, particularly felonies or so-called infamous crimes. (These were crimes that made a person ineligible to serve as a witness in a legal proceeding.) Disfranchisement for such crimes had a long history in English, European, and even Roman law, and it was hardly surprising that the principle of attaching civil

disabilities to the commission of crimes appeared in American law as well. The rationale for such sanctions was straightforward: disfranchisement, whether permanent or for an extended period, served as retribution for committing a crime and as a deterrent to future criminal behavior.[18]

States began to incorporate such provisions in their constitutions in the late eighteenth century. Eleven states disfranchised those convicted of infamous crimes (and sometimes specified crimes such as perjury, bribery, or betting on elections) between 1776 and 1821; by the eve of the Civil War, more than two dozen states disfranchised men who had committed serious crimes. (See table A.7.) In some instances, these exclusions were specified in state constitutions; in others, the constitutions authorized legislatures to pass laws barring certain offenders from the polls. In almost all cases, the disfranchisement implicitly was permanent, although the New York Constitution of 1846 stipulated that men who were pardoned for their crimes would be reinstated in the voting rolls, a principle likely applied elsewhere as well. Rarely did such constitutional or legislative acts occasion much debate, but it is notable, from a late-twentieth-century perspective (felons are now disfranchised almost everywhere), that such provisions were neither universal nor uniform.[19]

In several states, the franchise also was restricted by lengthening state or local residency requirements. (As noted in the previous chapter, the reverse was true in some locales.) The need for residency rules was widely agreed upon: particularly in the absence of property or taxpaying qualifications, it seemed sensible to restrict the franchise to those who were familiar with local conditions and likely to have a stake in the outcome of elections. How long the necessary period of residence ought to be was less obvious. The average requirement tended to be one year in the state and three or six months in an individual township or county, but there were strenuous advocates of both longer and shorter periods.[20]

Those who favored lengthy residency requirements were generally seeking to prevent "vagrants and strangers," "sojourners," or transients of any type from voting. "There is little propriety," observed James Fenimore Cooper, "in admitting the floating part of the population to a participation" in government. Most of these floating men were manual workers, deemed to be ignorant of local conditions and a source of electoral fraud. In 1820, "hundreds of men . . . from New Hampshire" were reported to be flocking into Massachusetts each spring to vote in elections; in Wisconsin, convention delegates advocated a lengthy period of residence to exclude a "numer-

ous class" of migrant miners from Illinois; in Ohio, the "transient, homeless hands of canal boats" were said to be determining the outcome of elections in towns that bordered the canals. Elsewhere in the Midwest, apprehensions focused on railroad workers (whose votes allegedly could be controlled by railroad corporations) and on farmhands who could be shipped from county to county for political purposes. These concerns became more acute as economic development heightened the visibility of migrants. Nonetheless, anxiety about the transient population generally was overridden by those who believed that lengthy residency requirements would unjustly disfranchise "wandering mechanics," men whom "poverty obliged to remove from one township to another," or even farmers who commonly leased their land for a year or eighteen months and then moved on. Some Midwesterners also argued that shorter periods of residence would encourage muchneeded settlement.[21]

Not surprisingly, there was a partisan dimension to these debates. Federalists and then Whigs tended to favor longer periods of residence, because they were wary of the unsettled and the poor and suspected that most transients would vote for the Republicans or Democrats. The Democrats shared this analysis, advocating shorter residency requirements in the hope of enfranchising more of their own supporters. This partisan split became more pronounced in the 1840s as the issue was infused with conflicting and sometimes antagonistic popular attitudes toward the mobile foreign-born.[22]

Most of these debates resulted in a standoff, but some states did end up lengthening their residency requirements. New York, in 1821, did so for those who could not meet the taxpaying requirements for legislative voting. Maryland adopted a six months' local requirement in 1850, aimed almost entirely at the immigrant population of Baltimore; and Virginia, that same year, increased the state residency requirement from one year to two. In addition, Florida adopted an unusually long residency requirement of two years in 1838. In 1845, a coalition of Whigs and Democrats from the southern parishes of Louisiana, fearing the potential power of immigrants flooding into New Orleans, succeeded in doubling the state residency requirement from one year to two, while demanding a full year's residence in the parish. Residency also would be voided by an absence of ninety days or longer. Meanwhile, in Ohio, a complex, even bewildering, series of laws was passed, as Whigs and Democrats fought over residence rules for more than two decades. The upshot was the maintenance of a one-year state requirement and a shorter local-residence requirement, coupled with the ap-

pointment of election judges who had the power to reject any voter's claim to be a legal resident. This was followed by the passage of a Whigsponsored law that instituted a new system of voter registration applicable only to selected communities and towns and to "canal counties" where rates of transience were high.[23]

Registration and Immigration

Ohio was not the only state where concern about transients—and particularly foreign-born transients—sparked interest in the creation of formal systems of voter registration. Massachusetts had adopted a registration system in 1801, South Carolina instituted a limited registration requirement for the city of Columbia in 1819, and New York considered the possibility in 1821 (and did require that voters present "proper proofs" of their eligibility). Most states, however, did not keep official lists of voters or require voters to register in advance of elections.[24]

Beginning in the 1830s, the idea of registration became more popular, particularly among Whigs, who believed that ineligible transients and foreigners were casting their votes for the Democratic Party. At the same time, a landmark Massachusetts court case, *Capen v. Foster*, ruled that registry laws were not unconstitutional impositions of new voting qualifications but reasonable measures to regulate the conduct of elections. In 1836, Pennsylvania passed its first registration law, which required the assessors in Philadelphia (and only Philadelphia) to prepare lists of qualified voters: no person not on the list was permitted to vote. Although the proclaimed goal of the law was to reduce fraud, opponents insisted that its real intent was to reduce the participation of the poor—who were frequently not home when assessors came by and who did not have "big brass" nameplates on their doors. At the constitutional convention of 1837, Democratic delegates from Philadelphia responded by introducing a constitutional amendment mandating a uniform, statewide registry system; the proposal was resoundingly defeated by rural delegates.[25]

In New York, the 1830s witnessed the beginning of a prolonged partisan struggle over voter registration. Early proposals for a registry were unmistakably designed to hinder the voting of Irish Catholic immigrants and thereby reduce Democratic electoral strength. In 1840, Whigs succeeded in passing a registry law that applied only to New York City, which contained the largest concentration of Irish voters. That law was repealed two years

later, but throughout the 1840s and 1850s an emerging coalition of Republicans and Know-Nothings continued to press for a formal system of registration. (Regarding the Know-Nothings, see chapter 4.) In Connecticut, similarly, the Whigs passed a registry law in 1839. Since it did not require the registrars to be drawn from both parties, Democrats denounced the act as a "disfranchising law" and replaced it, in 1842, with a law that shifted the burden of registration from the voter to town officials. Proposals for registries also were floated in other states. Yet nearly everywhere outside of the Northeast, registration systems were rebuffed as partisan measures that would weaken the Democratic Party while infringing the rights of immigrants and the poor.[26]

Apprehensions about immigrant voting in the 1840s, particularly in the Northeast, also gave birth to new and untried ideas for limiting the franchise. In New York, New Jersey, Indiana, Maryland, and Missouri, constitutional conventions considered proposals to institute literacy tests, or even English language literacy tests, for prospective voters. "The least we can require," noted a New Jersey delegate in 1844, "is this very simple manifestation of intelligence." Such a law, he claimed, would encourage parents to educate their children. "Let fathers understand—let mothers understand, that before their sons wear the livery of American freemen they must be able to read." Samuel Jones stated the issue more severely: "persons wholly destitute of education do not possess sufficient intelligence to enable them to exercise the right of suffrage beneficially to the public." Although the image of an educated electorate clearly had its attractions, these proposals were rapidly rebutted: there were many fine, upstanding citizens who happened to be illiterate or barely literate (even Andrew Jackson, it was claimed, had difficulty spelling his own name) but were perfectly capable of responsibly exercising the franchise. Without a system of universal education, moreover, a literacy requirement would be, as one delegate put it, "a blow at the poor."[27]

Advocates of restriction also put forward another proposal explicitly aimed at immigrants: they sought to prevent naturalized citizens from voting until they had held citizenship for one, five, ten, or even twenty-one years. The expressed goal of this proposal was to prevent the partisan, mass naturalization of immigrants that allegedly occurred on the eve of elections; the proposal also would give immigrants time to become fully acquainted with American norms and values (and diminish the Democratic vote). In the 1840s and early 1850s, laws of this type were proposed in New York,

New Jersey, Missouri, Maryland, Indiana, and Kentucky. Yet not until the Know-Nothing successes of the later 1850s (see chapter 4) were any literacy or "waiting period" restrictions actually imposed—although New York, in 1846, did institute a system through which registrars could interrogate naturalized citizens and demand written proof of their eligibility. Notably, the concern about immigrant voters in the Northeast was mounting at precisely the same time that many Midwestern states were extending the franchise to nondeclarant aliens.[28]

By the early 1850s, therefore, several groups or categories of men (and one group of women) had lost the political rights they possessed a half century earlier. Although the franchise on the whole had been broadened, new barriers were erected, targeting specific—and smaller—populations. These barriers were expressions of the nation's reluctance to embrace universal suffrage, of the limits to the democratic impulses that characterized the era. After the 1820s, such barriers—as well as proposals for additional restraints on the franchise—were also a response to socioeconomic change, as the economy became more industrial, large numbers of immigrants arrived at the nation's shores, and the impending crisis over slavery threatened to release significant numbers of African Americans not only from bondage but from the South. Despite the democratic ethos of the era, the transformation of American society was setting in motion a crosscurrent of apprehensions about a broadly democratic polity, apprehensions that would prove to be harbingers of things to come.[29]

Democracy, the Working Class, and American Exceptionalism

Americans have long taken pride in what they see as the exceptional qualities of political development in the United States, qualities that distinguish American history from that of other, particularly European, nations. Prominent among these exceptional features are the longstanding tradition of political democracy and the relatively small role played by class in American social life and politics. For much of the twentieth century, scholars and writers have linked these two ingredients, locating their convergence in the uniquely early and quite uncontested enfranchisement of the American working class in the years before the Civil War. According to the standard, widely accepted narrative, American workers—unlike their counterparts

nearly everywhere in Europe—gained universal suffrage (or at least universal white male suffrage) early in the process of industrialization and thus never were obliged to organize collectively to fight for the franchise. As a result, workers were able to address their grievances through the electoral process, they were not compelled to form labor parties, and they developed partisan attachments to mainstream political organizations. All of which—or so it has been argued—had profound implications for the subsequent evolution of American politics and American labor, including the absence of a strong socialist movement in the United States.[30]

The traditional account does have some validity. Many American workers indeed were enfranchised decades before their counterparts in Europe (although just how many remains unclear). Moreover, as leading labor historian David Montgomery has recently pointed out, the acquisition of the franchise by thousands of artisans, craftsmen, and mechanics in antebellum America led to important legal changes that served the interests of working people.[31]

Nonetheless, the traditional account, grounded in a triumphalist, or Whig, history of suffrage, misses a critical dimension of the story. Put simply, to the extent that the working class was indeed enfranchised during the antebellum era (and one should not ignore that women, free blacks, and recent immigrants constituted a large portion of the working class), such enfranchisement was largely an unintended consequence of the changes in suffrage laws. The constitutional conventions that removed property and even taxpaying requirements did not deliberately intend to enfranchise the hundreds of thousands of factory operatives, day laborers, and unskilled workers who became such a prominent and disturbing feature of the economic landscape by the mid-1850s. Certainly not immigrant, and especially Irish Catholic, operatives, laborers, and unskilled workers.

Although conservatives such as James Kent and Josiah Quincy had warned that lowering the barriers to voting would end up giving substantial political power to such undesirables, the proponents of suffrage reform discounted that possibility. New Yorker David Buel, it will be remembered, declared that if he shared Kent's vision of the future, he would not have advocated the elimination of property qualifications. Buel, however, was convinced that New York would remain an overwhelmingly agricultural state and that there was nothing to be feared from the relatively small urban population of New York City. Similarly, Martin Van Buren, another staunch supporter of a broader franchise, made clear that he opposed "universal suf-