

**The Impact of the Fifteenth Amendment's Negative Rights Framing on Voting Rights in
the Post-Reconstruction Era: 1877-1965**

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Introduction

This research attempts to answer the following question: to what extent has the negative rights framing of the Fifteenth Amendment stifled voting rights protections in the post-Reconstruction era? This is achieved by analyzing the historical events that led to the ratification of the Fifteenth Amendment and those that followed, as well as the degree to which state-sanctioned violence and intimidation have prevented African Americans from fully accessing the ballot box.

With the centuries-long struggle that African Americans have endured to gain suffrage and the renewed attempts by states across the country to restrict the voting of African Americans and other minority groups, college students, low-income communities, and the elderly, historical debates over the language adopted into the Fifteenth Amendment are central to understanding how the nation arrived at this inflection point. Contemporary voting rights battles reflect the debates of the past that resulted in a negative rights framing of the right to vote. The decision by lawmakers at the time to frame suffrage in these terms has fundamentally defined generations of jurisprudence around the permissibility of state actions to determine voter eligibility. What would have been the result of a positive rights framing of the right to vote which was contemplated at the time the Fifteenth Amendment was drafted? Would a constitutional mandate for states to enfranchise virtually all male citizens have made it more difficult for states to curtail voting rights as seen during the post-Reconstruction era? This research paper seeks to answer these questions and many others.

History of the Fifteenth Amendment

To understand the impetus for the Fifteenth Amendment, one must confront the harsh reality of Black political repression that was evident in several states following the Civil War.

Following the passage of the Reconstruction Act of 1867, the majority of Black men were afforded the right to vote (Foner, 2019, p. 95). However, many remained disenfranchised, particularly those in the border states that never seceded from the Union and as a result were not subject to Reconstruction. There also was a sizable portion of Black men in the North who were denied access to the ballot box. In the same year, voters in Connecticut, Kansas, and Minnesota rejected Black suffrage proposals (Foner, 2019, p. 96). In August 1868, a large convention of African Americans from the northern and border states met in Baltimore, Maryland and decried the systematic denial of suffrage to Black men and called on Congress to take action (“Address of the Colored Men's Border State Convention to the People of the United States, Baltimore, August 5-6, 1868”). The election of President Ulysses S. Grant and the approval of Black suffrage referendums in Minnesota and Iowa later that year increased the fervor of the Black suffrage movement. However, without a constitutional amendment that cemented voting rights protections for African Americans, their claims to the franchise would remain dubious and subject to the whims of each state.

By December 1868, a flurry of proposed amendments had cropped up in the U.S. House and Senate that largely fell into two camps: the first camp included those that would have established universal male suffrage and the second would have simply limited states from discriminating against voters based on certain characteristics like race. The debate over the Fifteenth Amendment is one of the most consequential in our nation’s history. As Foner notes in *The Second Founding*, the debate expanded to a discussion about the right to vote more broadly—the first time that a national dialogue had ensued over the meaning of suffrage in the American body politic. In the words of Senator Samuel C. Pomeroy of Kansas, a Republican in Congress at the time, “The irresistible tendency of modern civilizations is in the direction of the

extension of the right of suffrage... The day when a few men did the voting and governing for the many has gone by” (Foner, 2019, p. 99). Indeed, the appeals to democratic principles were far-reaching and many Radical Republicans wanted to broaden the notions of suffrage beyond African Americans and extend them to other populations such as Irish, German, French, and Chinese immigrants as then-Senator Simon Cameron of Pennsylvania proposed. However, these types of proposals were defeated largely due to the pervasive nativist and xenophobic ideologies that existed at the time.

Republicans, who controlled Congress, had to decide between the two approaches and while Radicals favored an affirmative approach, they were in the minority. There was also debate about whether to include a provision about the right to hold office that some believed was unnecessary because officeholding was a logical extension of voting power, while others believed it deserved an explicit reference. Republicans also debated over what language would be able to receive approval from enough states. Newspapers at the time commented that “there [were] not half a dozen states” that would approve a positive amendment (Foner, 2019, p. 103).

The most surprising part of the congressional process was the strange result from the conference committee that met to reconcile the different amendments passed by the House and Senate. The result was so outrageous for seven Republican senators that they abstained during the vote for the amendment’s passage, including prominent civil rights supporter, Senator Charles Sumner. Wendell Phillips, a prominent abolitionist from Boston, Massachusetts, penned a striking appeal to lawmakers during the Fifteenth Amendment debate. Phillips urged lawmakers to suppress their reformist tendencies and instead pass an amendment that was limited to Black voting, believing that that was “all the ground that people [were] ready to occupy” (Foner, 2019, p. 104). The conference committee eventually went in Phillips’ direction

as then-Congressman George S. Boutwell admitted but not without eliminating several previously agreed upon provisions that both houses had approved. This resulted in Congress passing the most conservative language that had been proposed for the amendment in 1869 and it later being ratified in 1870. The amendment reads as follows:

Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2

The Congress shall have the power to enforce this article by appropriate legislation.

The choice to select the most conservative wording for the Fifteenth Amendment and the negative framing contained therein, however, did have consequences for Black voters and these consequences were contemplated by Congress at the time of the debate. For example, several members warned that the amendment's purpose could be circumvented by states that used ostensibly race-neutral impediments like poll taxes and literacy tests that would disproportionately disenfranchise Black voters. Whether Congress underestimated the recalcitrance of southern states or wanted to avoid the intricacies of the complex issue, the end of Reconstruction in the South meant the end of the African American man's unfettered access to the polls until the passage of the Voting Rights Act of 1965.

Implications for the Reconstruction Era Post Fifteenth Amendment: 1870-1877

It is important to remember the gains that African Americans made during Reconstruction when the South remained under Union occupation in five military districts. It was during this time that African Americans mobilized and elected Republican governments,

resulting in a record number of African American elected officials. By the 1870s more than a dozen Black men served in Congress and more than 600 served in state legislatures (“15th Amendment”, 2009). Black elected officials were able to craft laws that improved the condition of their communities, the greatest of which was the establishment of the public school system (Anderson, 2019, p. 3). Black progress in part could be attributed to the federal government’s successful enforcement of the Fifteenth Amendment across the South. However, this progress was ultimately short-lived. Ex-Confederates quickly used the myth of incompetent and dangerous “[Black] rule” to stoke white anger and foment a backlash against the racial progress that the South was making.

Before Reconstruction officially ended, southern Democrats violently regained control of states like Alabama and Mississippi during the states’ 1874 and 1875 elections, respectively. Unfortunately, the passage of the Fifteenth Amendment did not fundamentally change the way that southern racists viewed African Americans. “As a southerner explained, ‘Many Texans refused to accept the fact the the Negro was ‘free and equal,’ and stopped at nothing to prevent him from enjoying civic and political rights’ ” (Anderson, 2019, p. 2; Bullock, 1957). This prevailing ideology drove southern states to develop strategies that ensured that Black people would never amass real political power. The preeminence of these views demonstrates that states below the Mason-Dixon line would not have upheld the Fifteenth Amendment irrespective of how strongly it was written. However, could a positive rights framing of the Fifteenth Amendment have helped to shape the Supreme Court’s interpretation of southern states’ actions at the time? The next section examines a series of lawsuits brought before the court following Reconstruction, where this question can be explored.

Implications for the Post-Reconstruction Era: 1877-1965

As Carol Anderson lays out in *One Person, No Vote*, many of the political schemes that lawmakers are using today to disenfranchise Black voters can be traced back to the ploys developed during the post-Reconstruction era by former Confederate states. They include efforts to target groups based on their socio-economic condition by using characteristics like poverty, illiteracy, and immobility. While the efforts we see today like voter purges and reduced polling hours are cloaked in the name of “voter integrity” and “administrative efficiency,” Southern politicians following the end of Reconstruction were clear about their intentions to systematically stop African Americans from voting.

When Reconstruction officially ended with the Compromise of 1877, President Rutherford B. Hayes removed all remaining federal forces from the former Confederacy, opening the door for southern states to regain what they believed the North had stolen (“The End of Reconstruction”, 2018). In the short time that followed, the gains that African Americans had made across the south were completely erased.

The Mississippi Plan

One of the most notorious schemes to systematically deny African Americans access to the ballot box was the Mississippi Plan. Created in 1890, the Mississippi Plan, as Anderson (2019) describes, included “a dizzying array of poll taxes, literacy tests, understanding clauses, newfangled voter registration rules, and ‘good character’ clauses—all intentionally racially discriminatory but dressed up in the genteel garb of bringing ‘integrity’ to the voting booth.” Its effectiveness led southern Democrats like Virginia’s Carter Glass to pass similar plans in their states to deny African Americans voting power. The plan required a potential voter to read and explain the state constitution or explain the constitution when read to them (Anderson, 2019, p. 5). The registrar’s decision about whether a potential voter passed the test was final and

non-appealable. In a state that systematically refused to educate millions of its citizens and severely underfunded Black schools, literacy tests proved to be extremely effective. The effects were particularly harmful to African Americans because, during the Jim Crow era, many school systems did not have high schools for Black children. Black voter intimidation was also central to the plan and often groups of gun-toting Democrats would provoke deadly conflicts at Republican rallies, killing numerous Blacks (“The Mississippi Plan Enacted”, 2021).

As a major pillar of the Mississippi Plan, literacy tests withstood constitutional scrutiny for a few reasons, namely, that at their surface they appeared race-neutral, as well as the “aura of plausibility” that they carried (Anderson, 2019, p. 7). As the argument went, every voter—white or Black— should understand their state’s laws and constitution. However, when practically applied and coupled with the state-sanctioned depravity of education that Black communities faced, literacy tests had less to do with ensuring an informed citizenry and more to do with systematically blocking Black people from the franchise (Anderson, 2019, p. 7).

The poll tax was another measure that had deleterious effects on the political participation of Blacks in the South—one that all eleven states of the old Confederacy adopted. The poll tax initially was intended to place African Americans under the rule of white men (Anderson, 2019, p. 7). Since failure to pay the tax could be considered grounds for vagrancy, which itself was used as a proxy to criminalize and jail Black people, any African American who could not pay the tax would be “forced to place himself under the protection of a white man who would pay the tax for him” (“Disenfranchisement by Means of the Poll Tax”, 1940). In the years that followed during the Jim Crow era, the poll tax was weaponized further to deprive age-eligible Black voters of casting ballots. The arguments at the time centered on the notion that elections were costly endeavors that required voters to “pay a small fee in order to enjoy such a precious

privilege” (Anderson, 2019, p. 8). The tax was also said to be an important source of additional revenue for public schools, a claim that was dubious at best. In Arkansas, the poll tax only generated five percent of the state’s total school budget, yet the tax effectively disenfranchised nearly 80 percent of its eligible voters (Anderson, 2019, p. 8; Stoney, 1940). The tax was also cumulative meaning that a voter was responsible for paying the tax every year for which they were eligible to vote. This made the tax an even greater burden for low-income and Black communities. “Many poor [Blacks] were sharecroppers, living on credit until the harvest came in. Without cash throughout most of the year, they had no ability to pay the poll tax” (Anderson, 2019, p. 9). As if these challenges were not enough, states like Mississippi required “receipts for two years of poll taxes in order to vote” (Anderson, 2019, p. 10). To illustrate the severity of the voter disenfranchisement that the poll tax states had conducted, these states reached an abysmal 18 percent voter turnout rate in the 1944 presidential election compared to the 69 percent national average (Berg, 2005; Jordan, 2011).

In their zealous attempt to block Black voters from the franchise, southern lawmakers suppressed the votes of whites as well. Voter turnout plummeted to less than half of age-eligible whites across the South following the widespread adoption of the Mississippi Plan after it had peaked in 1896 at 79.6 percent (Waldman, 2016, p. 94). For African Americans, the figures were even worse. In Louisiana, Black voter registration dropped from 130,000 in 1896 to 1,342 by 1904 (Waldman, 2016, p. 88). The case was similar in Alabama. By 1940, only three percent of age-eligible African Americans were registered to vote in the South (Waldman, 2016, p. 142). The most insidious thing about the plan was the ability of Southern states to stay within the bounds of the Fifteenth Amendment—a point that might reflect more poorly on the Supreme Court than the effectiveness of the amendment.

The Supreme Court

While many Black activists and their allies argued that the Fourteenth and Fifteenth Amendments provided a strong enough legal basis for the courts to uphold their rights including those to the franchise, they also recognized the reality that these amendments required federal enforcement. In Florida, for example, the State Colored Conference held in Gainesville in 1884 called for “a law [to be] enacted restoring... the right of suffrage [to] all men” (“Proceedings of the State Conference of the colored men of Florida, held at Gainesville, February 5, 1884”). Even though this convention occurred after the ratification of the Fifteenth Amendment, there was still widespread voter disenfranchisement. A major hurdle to securing voting rights was the Supreme Court. Throughout the late 1870s and into the early twentieth century, the Supreme Court notoriously sided with the southern states in voting rights cases with a few exceptions. This is also reflected in the records of the Gainesville State Colored Conference where Black activists railed against the Supreme Court’s ruling from the previous year that invalidated the Civil Rights Act of 1875. In the ruling, the court held that the Thirteenth and Fourteenth Amendments had not given Congress the authority to pass the act.

While the Supreme Court is often lauded as an impartial body that calls “balls and strikes” as Chief Justice John Roberts once described, the individuals who serve on the court bring life experiences and biases that cannot be divorced from the court’s rulings. Of the 24 men who served on the Supreme Court between 1870 and 1900, Foner (2019) describes most as “mediocrities who left little impact on the law,” with a few exceptions. Most also came from privileged backgrounds and previously made their living representing railroads and other corporations. This was typical during the Gilded Age which was full of political patronage. Of the men whose decisions would affect Black political participation for the next two generations,

“[none]... had served in Congress when it debated and approved the [Reconstruction era] constitutional amendments, and few had significant contact with [Black] Americans” (Foner, 2019, p. 129). Near the turn of the century, the court’s membership even included a former Confederate soldier, Edward D. White, who later became chief justice in 1910 (Foner, 2019, p. 130; Kent, 2016). It is difficult to imagine that a positive rights construction of the Fifteenth Amendment would have led a Supreme Court composed of these individuals to arrive at fundamentally different views of federalism and suffrage.

The White Primary

The white primary was a powerful tool that southern states used to effectively negate the votes of African Americans. Following Reconstruction, the South was a one-party system where Democratic rule prevailed. This meant that whoever won the Democratic primary would almost certainly win the general election. Therefore, if Democrats were able to prevent Black people from casting ballots in the primary election the results would be a foregone conclusion. For African Americans who were able to scale the hurdles of literacy tests and poll taxes, the white primary ultimately sealed their fate. Certainly, this racially discriminatory practice would run afoul of the Fifteenth Amendment’s prohibition against suffrage denial on account of race. This was not the case. The Supreme Court ruled in *Newberry v. United States* (1921) that “the federal government, and thus, the U.S. Constitution itself, had no authority over the conduct of primary elections in the states” (Anderson, 2019, p. 11; *Newberry v. United States*, 1921). This ruling enabled southern lawmakers to deploy their anti-democratic voting restrictions with legal legitimacy.

Despite the Supreme Court’s *Newberry* ruling, African Americans challenged the constitutionality of the white primary in a series of four separate lawsuits. In 1923, Texas passed

a law that expressly denied anyone who was not white the ability to participate in the Democratic primary. The Supreme Court's review of the law resulted in the court unanimously finding that Texas had "[directly] and [obviously]" violated the Fourteenth Amendment (Marshall, 1957; *Nixon v. Herndon*, 1927).

Since the earlier ruling did not hedge on Fifteenth Amendment grounds, Texas passed a new law that turned the Democratic Party into a private organization. In the 1875 *Cruikshank* decision, the Supreme Court ruled that private actors were not subject to the "strictures of the Fourteenth and Fifteenth Amendments" (Anderson, 2019, p. 12; *United States v. Cruikshank*, 1875). On those grounds, Texas believed that its new law would withstand constitutional scrutiny. However, when the latest statute was challenged, the Supreme Court ruled against Texas. In a 5-4 decision, the court found that the law was unconstitutional because the "so-called private Democratic Party received its authority directly from the state" (Anderson, 2019, p. 12). Because of this, it was considered "an agent of the State of Texas" and not a private actor (Anderson, 2019, p. 12). Rather than comply with the letter and spirit of the Fourteenth and Fifteenth Amendments, Texas again attempted to craft an ingenious plan to disenfranchise Black citizens from the Democratic primary.

Texas Democrats instead chose to vest the authority to discriminate against non-white voters with the state's Democratic convention. Less than a month after the Supreme Court's ruling in the matter, the Texas Democratic Party convened a statewide convention and passed a resolution to restrict party membership and primary participation to white citizens. When Black citizens sued the state a third time in 1935, the Supreme Court sided with the Lone Star State, unanimously deciding that the Democratic primary was now strictly a private affair (Anderson, 2019, p. 12).

When it appeared Black Texans had exhausted all legal avenues, the Supreme Court's ruling in *United States v. Classic* (1941) provided a new path for a revised lawsuit against Texas. In the ruling, the court held that "If a state law made the primary an integral part of the election machinery and if the primary did effectively control the choice of the elected official, then Congress had the right and the duty to regulate and control such primaries" (Hine, 1977). In their fourth lawsuit against the white primary, Black Texans prevailed. In the Supreme Court's 8-1 decision in *Smith v. Allwright* (1944), the court held that while the Texas Democratic primary had become a private matter, it was an integral part of the election machinery and therefore fell under the scope of the U.S. Constitution (Anderson, 2019, p. 13). Southern lawmakers continued their chicanery, however. South Carolina, for example, maintained the white primary and instead removed all election laws from the books (Anderson, 2019, p. 13). As Anderson (2019) explains, the state's rationale was that if nothing was written down, the courts would not be able to find that the state had violated the Fourteenth or Fifteenth Amendments. However, the actions of southern states wishing to implement white primaries were once and for all ruled unconstitutional by the nation's highest court in *Terry v. Adams* (1953), ending this decades-long fight. Despite the obstacles, Black people persisted and when the former Confederate states could not achieve their objectives through legal means, they turned to violence.

Violence and Intimidation

Throughout the post-Reconstruction era, Black people were persecuted simply for attempting to exercise their Fifteenth Amendment rights. In Colfax, Louisiana (1873), Wilmington, North Carolina (1898), and Ocoee, Florida (1920), African Americans were brutally beaten, murdered, and terrorized as white supremacists and southern governments—tacitly or in

some cases openly approving of the violence—sought to intimidate Blacks (Anderson, 2019, p. 14; Kieth, 2008; Cecelski & Tyson, 1998; Ortiz, 2010).

In the late 1940s, Georgia was home to one of the most virulent racists of the day, Eugene Talmadge. During his campaign for governor, Talmadge vowed to bring back the white primary and gladly accepted the Ku Klux Klan's endorsement. Black voter registration soared in the years before Talmadge's campaign in 1946, going from 20,000 in 1944 to 135,000 by 1946 (Anderson, 2019, p. 14). White resentment to the growing Black political power that Georgia was seeing helped spur Talmadge and his followers to embark on a major campaign of "cross burning, night riders, and violence" (Anderson, 2003, pp. 63-64). However, Maceo Snipes, a Black World War II veteran, was determined to cast his ballot. As an American citizen and following the Supreme Court's ruling in the *Smith v. Allwright* case that upended the white primary, Snipes believed he was eligible to vote and cast his ballot in the July 1946 Taylor County primary election (Sterling, n.d.). Days after casting his ballot, four white men came to Snipes' home where they fired their weapons, causing Snipes to die two days later after being denied treatment at a local hospital.

Much like in Georgia, Mississippi politicians like then-Senator Theodore Bilbo riled up white crowds to brutally attack any Black person who dared register to vote. In his own words, Bilbo fired off that "If any nigger tries to organize to vote, use the tar and feathers and don't forget the matches" (Anderson, 2003, p. 64; "Voting in Mississippi", n.d.; Sullivan, 2009). For the brave souls who did attempt to register or cast ballots, many were either turned away, beaten, or even told to "paint... their faces white" (Anderson, 2019, 16). A Black veteran, Etoy Fletcher, was flogged and the president of the Gulfport National Association for the Advancement of Colored People (NAACP) branch was assaulted for trying to participate in an election (Sullivan,

2009). For Black people in the South, the reality was that white violence occurred with impunity. The police would photograph those who attempted to register to vote and armed white individuals would torment and harass the would-be Black voter. African Americans might even be arrested or severely fined for trying to exercise their right to the franchise. These punishments sent a powerful message that drastically suppressed Black voting.

Global Condemnation

During the Cold War, global condemnation and the competition for influence with the USSR forced America to reckon with its brutality toward African Americans. The USSR brought to light America's human rights abuses in searing details. The majority non-white, global audience that the U.S. wanted to appeal to was shocked to learn about the vicious murder of Emmett Till and the bombings of Black homes and churches (Anderson, 2019, p. 18). Every act of white violence against Blacks and the impunity with which it was allowed to happen played into the Kremlin's argument that America wanted to export Jim Crow around the world, not a thriving multi-racial democracy (Anderson, 2019, p. 18). By 1957, America's world standing had been so damaged that its foreign policy was being affected, as then-Secretary of State John Foster Dulles frustratingly admitted (Anderson, 2019, p. 18; Memorandum of a Telephone Conversation Between the Secretary of State and the Attorney General (Brownell), 1957).

As the struggle for Black freedom grew into a movement, the federal government could no longer avoid addressing the issue of Jim Crow. The Eisenhower administration with the help of then-Senator Lyndon Johnson prepared a new civil rights bill that it urged Congress to pass. The Civil Rights Act of 1957 was the product. While this new piece of legislation was proclaimed as the federal government's firm response to the deep-seated violence and oppression that African Americans had experienced throughout the post-Reconstruction era, the law lacked

the teeth to fundamentally uproot the South's discriminatory laws and practices. It did, however, authorize the U.S. attorney general to prosecute those violating the voting rights of American citizens, change the Civil Rights Section of the Department of Justice to a division, and establish the Civil Rights Commission (Keyssar, 2009, p. 208). However, the attorney general's ability to bring lawsuits was severely hampered by the fact that lawsuits would be a reactive rather than preventative measure. Since a lawsuit can take years to resolve, the voting impediments that could ultimately be ruled unconstitutional could languish in courts for years. Additionally, without access to voter registration records before filing suit and preventing the destruction of those records, it would be extremely difficult for the attorney general to convince southern judges or the South's often all-white juries that a violation had occurred (Litchman, 1969, p. 350). In the years that followed, Congress noted the ineffectiveness of the 1957 Civil Rights Act and passed the sweeping Voting Rights Act of 1965.

Conclusion

Laws and amendments do not achieve their objectives without rigorous enforcement. After examining Supreme Court case law and the actions of former Confederate states, it is clear that a positive framing of the Fifteenth Amendment alone would not have stemmed the tide of widespread voter intimidation and disenfranchisement that was wreaked on Black Americans during the post-Reconstruction era. What history demonstrates is that the persistence of Black Americans and their allies over successive generations has been one of the greatest forces for achieving significant racial progress in the U.S. When the federal government refused to protect African Americans who were being persecuted across the South, Black people sued the southern states in court. When Democratic rifle clubs vowed to kill those who dared go to the polls, people like Maceo Snipes and Etoy Fletcher risked their lives to exercise the rights that the U.S.

Constitution afforded them. And when African Americans could not convince the federal government to act through the existing domestic political landscape, they turned to a global audience. Black activists brought into searing detail America's hypocrisy of supporting democracy abroad while allowing widespread voter disenfranchisement in the South. After the passage of the Fifteenth and Nineteenth Amendments, there never should have been a need for the Voting Rights Act of 1965. However, as Coretta Scott King once said, "Struggle is a never-ending process. Freedom is never really won; you earn it and win it in every generation." And so we will fight and win.

References

- 15th Amendment. (2009, November 09). Retrieved July 15, 2021, from <https://www.history.com/topics/black-history/fifteenth-amendment>
- Address of the Colored Men's Border State Convention to the People of the United States, Baltimore, August 5-6, 1868. (n.d.). Retrieved July 22, 2021, from <https://omeka.coloredconventions.org/items/show/568>
- Anderson, C. (2019). *One Person, No Vote*. New York, NY: Bloomsbury USA.
- Anderson, C. (2003). *Eyes off the Prize*. New York, NY: Cambridge University Press.
- Berg, M. (2005). *The Ticket to Freedom: The NAACP and the Struggle for Black Political Integration*. Gainesville, FL: University of Florida.
- Bullock, H. A. (Summer 1957). The Expansion of Negro Suffrage in Texas. *Journal of Negro Education* 26, no. 3.
- Cecelski, D. S., & Tyson, T. B. (1998). *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy*. Chapel Hill, NC: University of North Carolina Press.
- Disenfranchisement by Means of the Poll Tax. (1940). *Harvard Law Review* 53, no. 4: 647, fn15.
- Foner, E. (2019). *The Second Founding: How the Civil War and Reconstruction Remade the Constitution*. New York, NY: W.W. Norton et Company.
- Gillette, W., & Schwartz, B. (n.d.). Fifteenth Amendment: Historical Background: Constitution Annotated: Congress.gov: Library of Congress. Retrieved July 21, 2021, from https://constitution.congress.gov/browse/essay/amdt15-1/ALDE_00000634/
- Hine, D. C. (1977). Blacks and the Destruction of the Democratic White Primary, 1935-1944. *Journal of Negro History* 62, no. 1.
- Jordan, D. M. (2011). *FDR, Dewey, and the Election of 1944*. Bloomington, IN: Indiana

University Press.

Keith, L. (2008). *The Colfax Massacre: The Untold Story of Black Power, White Terror, and the Death of Reconstruction*. New York, NY. Oxford University Press.

Kent, A. (2016). The Rebel Soldier Who Became Chief Justice of the United States: The Civil War and Its Legacy for Edward Douglass White of Louisiana. *American Journal of Legal History* vol. 56.

Keyssar, A. *The Right to Vote*. New York, NY. Basic Books.

Litchman, A. (1969). The Federal Assault Against Voting Discrimination in the Deep South, 1957-1967. *Journal of Negro History* 54, no. 4.

Marshall, T. (Summer 1957). The Rise and Collapse of the “White Democratic Primary.” *Journal of Negro Education* 26, no. 3

Memorandum of a Telephone Conversation Between the Secretary of State and the Attorney General (Brownell). (1957). Washington, DC. *Foreign Relations of the United States, 1955-1957, Foreign Economic Policy*.

Newberry v. United States, 256 U.S. 232 (1921).

Nixon v. Herndon, 273 U.S. 536 (1927).

Ortiz, P. (2010, May 14). Ocoee, Florida: Remembering “the Single Bloodiest Day in Modern U.S. Political History.” *Facing South*.

Passage of the Fifteenth Amendment. (n.d.). Retrieved July 21, 2021, from

<https://www.pbs.org/wgbh/americanexperience/features/grant-fifteenth/>

Proceedings of the State Conference of the colored men of Florida, held at Gainesville, February 5, 1884. (n.d.). Retrieved July 23, 2021, from

<https://omeka.coloredconventions.org/items/show/1099>

Sterling, E. (n.d.). Maceo Snipes: A Man Whose Death Inspired the Teenager Who Led the Movement. Georgia Civil Rights Cold Cases.

Stoney, G. C. (1940, January 1). Suffrage in the South—Part I: The Poll Tax. Retrieved July 22, 2021, from <https://socialwelfare.library.vcu.edu/issues/suffrage-south-poll-tax/>

Sullivan, P. (2009). *Lift Every Voice*. New York, NY. New Press.

The End of Reconstruction. (2018, January 27). Retrieved July 22, 2021, from <https://www.nps.gov/vick/learn/historyculture/the-end-of-reconstruction.htm>

The Mississippi Plan Enacted. (2021, May 01). Retrieved July 22, 2021, from <https://aaregistry.org/story/the-mississippi-plan-political-deviance/>

Voting in Mississippi. (n.d.). Retrieved July 12, 2017, from www.law.umaryland.edu/marshall/usccr/documents/cr12v94.pdf

Waldman, M. (2016). *The Fight to Vote*. New York, NY. Simon & Schuster.