

William Gillette, The Right to Vote: Politics and the Passage of the 15th Amendment (1965)

In his Preface Gillette ties the postwar Reconstruction period to the 1960s by emphasizing that the latter is fulfilling the promises of the former.

He mentions the legislation passed by the Reconstruction era in terms of civil rights guarantees and other forms of protection that might be useful for elaboration in a survey style:

In addition to the 13, 14, and 15th amendments there were other enforcement acts passed. The Civil Rights acts of 1866 and 1875--required federal enforcement. The 15th amendment with its enforcement acts of 1870 and 1871. He sees these later acts enforced today by the Hatch Act of 1939 and the Civil Rights acts of 1960 and 1964.

The Knot of Reconstruction/ G makes a nice point that the 14th amendment was really a peace treaty proposed by the radicals on the South. This amendment dictated the terms by which the southern states would be re-admitted back into the Union.

He deals with the compromise involved in the 14th amendment when the Republicans deleted from the House bill the proposal of universal franchise for blacks and whites. The 2nd section of the amendment completed contained the clause that southern disenfranchisement of the blacks would result in the reduction of representation in the lower House (actually, the loss of 15 seats and the equivalent loss of votes in the electoral college). The reason for this incomplete step toward Negro suffrage was once again the fear of having the North defeat an amendment that called for outright enfranchisement of the Negro. In trying to assure that the South would not block the blacks from the vote without paying a penalty and at the same time appease northern opposition to the idea of the franchise for the Negro were the active ingredients for the composition of the 14th amendment. Radicals (Stevens especially) felt this was the best the party could safely accomplish given the Negrophobia in the North.

A modest swing toward Negro suffrage followed the election of 1866 in which Johnson was repudiated. After this the Republicans in Congress moved with some determination on the question of black suffrage.

- 1) A bill was passed enfranchising Negroes in the federal territories
- 2) Congress passed a bill over Johnson's veto granting the black man the right to vote in the District of Columbia

- 3) Congress laid down a condition of statehood for Nebraska that the state must grant the vote to the Negro. This bill passed over a presidential veto. All these measures came within the one month--January 1867. . . .

- 4) The climax of this suffrage drama came with the decision of the new 39th Congress to adopt the First Reconstruction act which provided for mandatory Negro suffrage as a condition for readmitting the southern states into the Union.

Still Republicans were not ready to face up to the resistance in the North to enfranchisement of the Negro. If they needed a reminder of this sections resistance the 1867 election returns made the case strong.

G concludes that the GOP reversals in the North--Midwest especially--in the 1867 elections stemmed largely from their support for the vote for blacks in the early party of 1867.

He concludes that the postwar movement to enfranchise the Negro was neither steady nor progressive nor inevitable. The Republicans were running scared on this issue. The evidence clearly present in the 14th amendment votes in Congress. But the landslide Republican victories of 1866 advanced Negro suffrage in places where victory was assured and retaliation fairly remote, such as Washington, federal territories, and the most daring experiment in the South, where southern white intransigency had forced Congress' hand. Yet the advance was abruptly halted by routs of GOP tickets and suffrage amendments in 1867. Withdrawal took shape in calculated evasion in the platform plank and Grant's candidacy in 1868.

2. Paralysis and Passage/ It is Gillette's separate thesis that the framing of the 15th amendment was especially designed to secure for the party the Northern Negro support. The secondary objective was to keep Negro voters in the south.

This is Gillette's key chapter. He deals with the internal political pressures and the politics of the framing of the 15th amendment.

He concludes that the 15th amendment had a limited objective--first, to enfranchise the northern Negro, and second, to protect the southern Negro against disenfranchisement. It was chiefly the work of moderates in Congress. It offered too little to southern Republicans who wanted greater protection of Negro voting and a mild guarantee of Negro officeholding; it offered even less to the many veteran anti-slavery northern Republicans who sought, in addition to firmer guarantees for southern Negroes, general suffrage reform and even national control of suffrage.

As a moderate accomplishment Gillette sees the amendment as the fruitful outcome of bargaining and jostling in the Republican party. The end product suited moderate tastes and met party needs.

The more radical elements wanted the 15th amendment to provide for guarantees for Negro officeholding. And also write in provisions into Federal law that would abolish residential, religious, property, and literacy tests for the franchise. No question, but that the framers of the amendment were aware of the negative aspects of the provisions. That the Negroes could be denied the vote in the south especially by other factors than race and previous condition of servitude. But they took the negative approach rather than asserting a more affirmative instrument for black suffrage for political reasons. . . and because they were certain that they had assured thru the amendment Negro support for the GOP in the North.

3. The Fight for Ratification/ Implied in the 15th amendment was the recognition among Republicans that the south would in time return into the hands of the native southerners who would run the political shows they desired. Even to the point of disenfranchising the blacks. That the party wanted was the black man in the Republican camp. Republicans were aware that the Democrats, despite their uniform criticism of the Negro and the vote and their Negro-phobia, were after the black vote in the North. The 15th amendment was to fix the Negro to the party of Lincoln in the North. . . .

G argues that the Republican press and the party members accepted the 15th amendment for what it was. There was no misunderstanding about the measure. The primary right to determine suffrage requirements still rested with the states. . . and their power was only limited in that the states could not use racial tests for suffrage qualifications. In other words, the color bar was outlawed. It was generally acknowledged by many Republicans that states could still set literacy tests and property tests for suffrage, providing these were impartial in their object and in their administration. Poll taxes and literary tests would not be outlawed by the 15th amendment.

Generally Republicans were glad that the amendment did not ban property and literacy tests, nor enfranchise Chinese or women, nor guarantee the right of the Negro to hold office. Generally, they were relieved too that Congress had recognized that the object of the 15th could be secured only by amending the Constitution, not simply by passing a law. They were also pleased that the amendment was prohibitive rather than assertive, and that it did not confer suffrage by federal authority. In short, a Republican consensus more conservative in the 37 states than in Congress accepted the 15th because its powers, provisions, and objectives were fairly moderate.

4. Southern Reception/ The amendment was tied to the re-admittance of 4 states into the Union. These southern states (Mississippi, Virginia, Texas, and Georgia) had to accept it to pass the "test" for re-acceptance. But the southern states caused little opposition to the amendment. There the issue of Negro suffrage appeared settled in 1869, for to most southern conservatives Negro suffrage was a necessary evil and to southern Republicans an indispensable need. South realized that the amendment was aimed at the Northern Negro. . . .

Gillette devotes separate chapters to the ratification process in the Border States, the Atlantic states, the Midwest and the New England and Pacific states.

The 15 was defeated in the Pacific coast states (far western states). In the Far West the opponents tied ratification to Chinese vote. . . .

Gillette's Conclusion/ He sees the passage of the amendment resulting from the solidarity of the Republican party (reverse of their divisiveness during the drafting of the measure in Congress); support from the GOP President Grant; the use of the patronage; and the persistence and political maneuvering of certain state Republican leaders. The Democrats were so bankrupt on this issue and so far removed from any reasonable position at all that they proved little in the way of obstructionist.

The glorification of the 15th Amendment. . . Republicans cited the passage of the franchise amendment as the keystone to Reconstruction. With its passage the war was over and the crusade ended. Negroes now, they argued, could protect themselves without the aid of the government. What was indeed a modest beginning struck most Americans as a spectacular ending. The widespread assumption that the amendment was self-executing and thus bound to succeed paved the way for nullification or at least apathy. The ballot was but a tool; upon its use would depend its real value. Federal enforcement could make or break the tool; individual handling and electoral enforcement competition would determine its use.

In a real sense the passage of the 15th amendment was an "elegant bugout" for the GOP in the North.

Shrewd Republicans entertained no illusions about the amendment. After all, it was their pessimism about the reliability of the Negro vote in the South and their doubt about the viability of Reconstruction that had motivated in part the adoption of the amendment. Republican realists expected the South to return to the conservative Bourbons. . . and the Negro to be disenfranchised in the end.

The amendment was not a success in securing the black man's vote in the South. This was the role of the Federal authority to see that it was enforced. But the North tired of the whole issue of the black man in the South. The 15th did succeed its narrow objective--securing the vote for the Negro in the North.

Gillette concludes that the 15th amendment was a work of statesmanship in that those moderates styled it recognized that this was as much as the traffic would bear in the immediate postwar period. With an eye toward the Northern voter.