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Disenfranchisement: Voter Suppression in Alabama 1865-1965

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DISENFRANCHISEMENT
VOTER SUPPRESSION IN ALABAMA 1865-1965

by

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A THESIS

Submitted to the graduate faculty of the University of Alabama at Birmingham,
in partial fulfillment of the requirements for the degree of
Master of Arts

BIRMINGHAM, ALABAMA

2023

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2023

DISENFRANCHISEMENT: VOTER SUPPRESSION IN ALABAMA 1865-1965

HAYDEN C. BATT

HISTORY

ABSTRACT

After the Civil War, Alabama responded negatively to the abolition of slavery and the passage of the Reconstruction Amendments. This is especially true of the 15th Amendment, which promised suffrage regardless of race or skin color. Alabamians used multiple methods to diminish the presence of African American voting, building the foundations for a white power structure and a segregated society. This thesis takes a broad scope, from 1865-1965, to analyze the methods of voter suppression, how these changed over time, and the ideological backing of voter suppression. Organized violence was the first method used to keep black men from the polls in the 19th century. However, due to backlash from the federal government and the instability of violent measures, the state introduced legal restrictions on voting. This became the norm after Alabama ratified a new state constitution in 1901. While these measures targeted African Americans, others suffered. Many less affluent whites also lost their access to the franchise, and so did women after the passage of the 19th Amendment. While methods of oppression often changed, the ideological backing remained consistent. The fear of losing power kept Alabama and many of its leaders from allowing all citizens to exercise their right to vote equally for almost a century.

Keywords: voting, voter suppression, Alabama history, civil right

TABLE OF CONTENTS

ABSTRACT	iii
INTRODUCTION	1
CHAPTER 1: POLITICAL TERROR IN RECONSTRUCTION ERA ALABAMA	2
CHAPTER 2: THE TRANSITION TO “LEGAL” DISENFRANCHISEMENT	11
CHAPTER 3: INTO THE 1920S	24
CHAPTER 4: THE ONE-PARTY SYSTEM BEGINS TO BREAK	31
CHAPTER 5: THE CIVIL RIGHTS MOVEMENT AND THE DISMANTLING OF VOTING RESTRICTIONS.....	36
CONCLUSION	41
LIST OF REFERENCES	45

INTRODUCTION

The right to vote is the defining feature of a democratic system, but Americans have long contested voting rights. In this regard, Alabama has been one of the more oppressive states in American History. After the Civil War, the state reacted to the passage of the 15th Amendment, which outlawed discriminating against voters based on their race, color, or condition of previous servitude, with a violent campaign to mitigate the presence of a black electorate. Shortly after its founding in Tennessee, citizens of Alabama formed chapters of the Ku Klux Klan and began a reign of terror. After crackdowns from the federal government, the state passed numerous laws and a new Constitution to reduce the black electorate through the law. While this was a much more successful endeavor than organized violence, whippings, killings, and lynchings still occurred semi-regularly. Violence and legislation proved highly effective at suppressing the vote.

This study seeks to identify the measures taken and examine the continuity and changes made to them, meanwhile analyzing the political and social climate from the period of 1865, the end of the Civil War, until 1965, when the Voting Rights Act was passed. In this hundred-year period, violence was rampant, and the state constructed a white power structure resembling that of Antebellum Alabama by consolidating power into a single political party and removing a significant portion of its electorate.

CHAPTER 1

POLITICAL TERROR IN RECONSTRUCTION ERA ALABAMA

The structural foundations of Antebellum Southern society relied on a strict racial order. The end of the Civil War brought rapid change to the society, politics, and economics of the South. Universal male suffrage became a hotly debated topic almost immediately after Appomattox. On July 27, 1865, only months after the war ended, *The Montgomery Advertiser* published an article about a meeting of prominent figures in Boston who were discussing black voting, a concept that the article demonized. The article claimed that all questions of African American advancement should be left up to the individual states. Those who pushed for a federal suffrage law bore what the article called an "encroaching and tyrannical disposition."¹ This article embodies two aspects of white Southern society in the immediate aftermath of the war. First, from early on, there was an obsession with state's rights and the idea that those rights should trump federal power. This obsession was accompanied by a Southern tendency to play the victim after the Civil War. The "tyrannical disposition" of the North threatened the racial order. Second, the article made clear that despite the abolition of slavery, many white Southerners retained their beliefs that society and civilization should be for whites only. The refusal to support black enfranchisement—what another newspaper article in August called a "grave and delicate question"—illustrated that the white South opposed any sort of African American civic participation. These two foundational beliefs of white Southern ideology would soon appear in a more militant form.

¹ "Progress of the Agitation," *The Montgomery Advertiser*, July 27, 1865.

While it is impossible to say precisely when the Ku Klux Klan reached Alabama, it likely happened around 1867, soon after the Klan had moved from its origins as a secret society modeled on college fraternities to a more militant vigilante group.² Pulaski, Tennessee, the birthplace of the Klan, is only about twenty miles from Alabama's border town of Ardmore. Notably, the economic pressures felt in the post-Civil War South were especially intense in Northern Alabama. Property losses (including the loss of enslaved people), insect infestations leading to crop failure, and a lack of labor due to the abolition of slavery, meant that many Alabama farmers struggled to profit from their fields in 1865 and 1866. Economic loss hit the northern portion of the state especially hard, and with the failure of both cotton and corn, debt and hunger became real threats.³ Given the dire situation, it is unsurprising that by the end of 1867, both the Klan and the lesser-known Knights of the White Camelia initiated terror campaigns in the state. The two organizations (and many other night-riding vigilante groups) were often confused for each other, and it is also entirely possible that the groups interacted or even merged.⁴

While the nature and activities of white supremacist organizations were neither organized nor specific, the goal was the same. Historian Eric Foner describes the Klan as having political motivation, but only in the broadest sense. The goal was to destroy the Republican Party's influence, redeem the South, and restore the region to its previous

² Allen Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (Baton Rouge: Louisiana State University Press, 1995), 4-5, 81

³ The History of Agriculture in Alabama: A Historic Context. Alabama Historical Commission, 18-19 <https://ahc.alabama.gov/architecturalprogramsPDFs/History%20of%20Agriculture%20in%20Alabama.pdf>.

⁴ Trelease, *White Terror*, 81. Due to the confusion and secrecy, this paper will generally focus on the activities of the KKK. Not only because it was the largest and most active, but also because, according to Trelease, it was generally the more violent of the groups. The Knights of White Camelia is thought to have members of a higher social class (82). While it is possible the Camelias were of a higher social order, it does not necessarily mean a lack of connection. Multiple sources mention that wealthy or "prominent" democrats were affiliated with the Klan and would even supply horses for their nighttime raids.

racial state. However, they had no specific means to achieve that goal other than through the threat of violence.⁵ Because it is nearly impossible to tell the identities of every person who donned a white hood, the identities of the members and their roles are a mystery.

By 1868, these organizations were using white violence to suppress the black vote. *White Terror* describes the Klan's growth in 1868 as "unchecked," and lists the group's numerous atrocities. Even in the instances where Trelease mentions the presence of federal troops in Alabama, policing the Klan was impossible for two reasons. First, there was little to no cooperation between the federal troops and local law enforcement in curbing the wave of violence. Second, police, officials, and the public would have either been sympathetic with the Klan or too scared to speak out against it, so the terror continued even with a federal police presence. Either way the Klan remained active - at least in some parts of the state- almost nightly.⁶ Nonetheless, Alabama was readmitted to the Union in 1868 and thus would be entitled to participate that year's presidential election. Unsurprisingly, newspapers in the state pushed for the Democratic Party because they feared the domination of Northern "radicals" and "barbarian negroes."⁷ The Klan remained active in the state during the election season of 1868. Once again, most Klan violence occurred in the northern portion of the state, although the rest of Alabama also had its fair share. The Klan broke up Republican rallies in Tuscaloosa, murdered a black man who was president of a local Republican club in Sumter County, and

⁵ Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper and Row, (1988), 425-26

⁶ Trelease, *White Terror*, 87-88.

⁷ *The Montgomery Advertiser*, Nov 3, 1868.

blockaded roads leading into Huntsville to prevent black men from registering to vote.⁸

Despite its efforts, the Klan ultimately failed to sway the election towards the Democratic candidate, and the state cast its electoral votes for Ulysses S. Grant.

While the Klan attempted to suppress the black vote in Alabama, African Americans resisted and were prepared to protect their newly won rights. In multiple cases, black men attempting to register to vote carried firearms with them to fend off any attempt to block them. Shortly before election day, thirty black men in Huntsville went to register with muskets at their side, led by a man with a drawn sword.⁹ Even after the election, the Klan's attempts to use violence to scare the black community into submission were met with resistance. On November 11, Talladega's *Alabama Reporter* published an article about a shootout between the Klan and a Republican group ten days earlier. On the night of November 1, the Huntsville Klan appeared at the local courthouse and encircled a Republican meeting. Most of the men inside were freedmen, although there were also a few white Republicans. Upon seeing the Klan, twenty armed men charged out of the courthouse and shot at the Klan. The newspaper framed the shooting as "wanton and unprovoked."¹⁰ The incident made international headlines. On November 6, the *Ottawa Daily Citizen* reported that 300 Huntsville Klansmen were "parading about...while a Republican mass meeting was in progress." The paper also noted that about fifty gunshots were traded. In the incident, two black men and a judge were killed, and many others were wounded.¹¹ It seems clear that the men inside the courthouse likely feared for their lives. The mere fact that they were armed suggests that they knew Klan

⁸ Trelease, *White Terror*, 120-122

⁹ "Near Having a Fuss," *The Weekly Advertiser*, Nov 3, 1868.

¹⁰ "Armed Negroes Fire Upon Unoffending Citizens," *Alabama Reporter*, November 11, 1868

¹¹ *Ottawa Daily Citizen*, November 6, 1868

violence was a potentiality that night. In its coverage of the incident, the Talladega newspaper omitted the fact that there were about three hundred Klansmen at the courthouse. But African Americans understood that they would confront white violence when attempting to exercise their rights. It became an increasingly common practice for black men to carry some weapon on their person, be it to the voter lines or just on daily business.¹²

These Klan attacks throughout 1868 suggest that white violence was the primary way that black disfranchisement was secured during the early years of Reconstruction. Newspapers could cry out against Northern aggression all they liked, but since the Republican Party held control over state politics, only armed resistance was a feasible method for white Southern Democrats. In this way, the Klan appears more as an extension of the Confederacy than as a separate entity. It is well known that the Klan was founded by Confederate veterans and at one point was headed by former Confederate General Nathan Bedford Forrest. However, the connection goes beyond just membership. The ideology present within the Confederacy—that is, the belief that the North was an oppressive faction actively trying to destroy the Southern way of life—was reinvented in the Klan and used to justify its actions. The Confederates separated themselves from the Union and waged war; the Klan separated themselves from the Union's ideology of freedom for all and waged war upon that.

Even though Alabama voted Republican in 1868, the reign of terror did not stop. It continued, especially in the western and northern portions of the state. The Klan continued to kill freedmen, break up voter lines, and disrupt Republican meetings.

¹² “The Murder of Burke and the Enforcement of the Fifteenth Amendment,” *Southern Republican*, August 31, 1870; Trelease, *White Terror*, 120-21.

Congress introduced crucial legislation to curb attempts at black disenfranchisement. The first was the Fifteenth Amendment, passed in 1869 and ratified in February 1870, which states that the right to vote cannot be denied on the grounds of race, color, or previous conditions of servitude.¹³ The amendment's power was strengthened by the first Enforcement Act, passed by Congress in that year's session. Section 6 of this legislation stands out as a clear attempt to curb the Klan's resistance to black suffrage:

“And be it further enacted, That if two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the constitution or laws of the United States... shall be held guilty of felony...and be disabled from holding, any office or place of honor, profit, or trust created by the Constitution or laws of the United States.”¹⁴

The explicit mention of disguise is a direct jab at the hooded Klansmen who roamed in groups, but the law also threatened to bar members of the Klan from certain positions in government. This was likely less relevant to the lower classes within white southern society, who would have been the more active night riders, but that threat would have meant more to upper class, elite men who aided or participated in Klan activities. The section was aimed in particular at the higher ranks of southern society—those educated, wealthy, powerful, or famous enough to pursue an office and win an election.

There was another serious deterrent contained within the Enforcement Act. Section 8 of that Act assured that those who violated it would face trial in federal court. In the climate of 1870, a Southern state court would have been far less risky than a

¹³ U.S. Constitution. Amend. XIV, §1.

¹⁴ An Act to Enforce the Rights of Citizens of the United States to Vote in the Several States of this Union, and for Other Purposes (Enforcement Act), 41st Congress, Ch 114., §6 (1870).

federal one. This law's federal enforcement, trial, and punishment would have particular effects in Alabama. In 1868, Alabama passed a new state constitution that stated that being convicted of certain crimes could be grounds for losing the right to vote. Article VII of the constitution stated that men convicted of a crime and imprisoned within a penitentiary lose their right to register, vote, or hold office.¹⁵ In other words, if one was found guilty of disfranchising another, they could lose their own right to vote. This was one of several bills passed by Congress during this period to strengthen federal control over the South.

In August of 1870, about three months after the first Enforcement Act was signed by President Grant, a group of politically motivated Democrats assassinated Richard Burke. Burke was an African American Republican state representative for Sumter County, and his murder was part of a wave of violence that targeted black Republican officials across the South who were desperately trying to keep the Republican Party afloat.¹⁶ While the killers notably did not wear any disguise or Klan attire, people still accused them of the murder.¹⁷ The murder of Burke provides a powerful example of the lengths the militant wing of the southern Democrats would go to preserve their power over black people in the state. Assassinating a representative was both a removal of a black man from power and a message to others who would dare try to fill his seat.

The effectiveness of the Enforcement Acts is still debated. Eric Foner's *Reconstruction* contends that enforcement succeeded because it effectively restored order in the South, helped the Southern Republicans, and helped African Americans exercise

¹⁵ Al. Constitution of 1868, art. VII, §3

¹⁶ Foner, *Reconstruction*, 426

¹⁷ Trelease, *White Terror*, 252.

more political freedom. The book also mentions, however, that the amount of Klansmen convicted is meager compared to the actual number of crimes committed.¹⁸ Needless to say, many southern Democrats opposed the enforcement acts and the Klan trials that came along with them. Even though the acts did fail to bring many Klansmen to justice, they did at least quell violence enough for the presidential election of 1872 to be far more peaceful than the last. While outbursts of violence still appeared, overt Klan attacks declined in Alabama by the end of 1871.¹⁹

But the decline of the Klan did not mean that violent voter suppression ceased in Alabama. Instead, it was taken up by mob violence and other organizations. Furthermore, even though attackers did not identify with the Klan, their motives for suppressing the black vote remained the same. Most notable of these post-Klan attacks was in Eufaula, a black belt town in Barbour County.²⁰ On November 3, 1874, election day, a mob of white democrats attacked a polling place where large numbers of black men came to vote. As a sign of good faith, the men who came to vote were unarmed, but they were attacked anyway. The mob opened fire into the crowd, killing seven black men and wounding about seventy.²¹ Later that day, a mob attacked another poll in the nearby town of Spring Hill, burning the ballot box and murdering the son of a Republican candidate. According to the Equal Justice Initiative, this had a lasting impact on the county. In the following election of 1876, only ten black votes were cast.²² Even though Rutherford B. Hayes won

¹⁸ Foner, *Reconstruction*, 458-59

¹⁹ Trelease, *White Terror*, 410

²⁰ Some sources pin this attack on the White League, another militant wing of the Democratic party in the South. Others simply refer to the attackers as a "white mob". Since the connection between the attack and the White League is unconfirmed, the attack will be referred to as mob violence. Although, it is entirely possible the White League, its members, or former members of the KKK carried out the attack

²¹ Foner, *Reconstruction*, 552-53

²² Equal Justice Initiative, "Reconstruction in America: Racial Violence after the Civil War, 1865-1876" (2020).

the next presidential election in 1876 via a compromise in Congress, Alabama had effectively returned to a Democratic state and cast its electoral votes for Samuel Tilden that year. The same was true for other states in the South. Even though a few southern states swung Republican in 1876, by 1880, the Solid South came into its own.

By 1876, voter suppression bore fruit for the Democratic Party in Alabama. Looking at the Congressional elections from 1868 to 1876, it is clear that Alabama's power dynamics shifted. In 1868, Democrats won two of Alabama's six districts, but by 1876, all six had swung Democrat. The Republican party was in steep decline in part because of the loss of the black vote. But the loss of white Republican support cannot be understated. They too were targets of violence, and their allegiance to the Republican party became challenging in the face of it. It has also been suggested that many white Republicans wanted to distance themselves from Radical Republicanism. Not only would it be safer to swing Democrats, but Democratic newspapers like the *Montgomery Advertiser* campaigned heavily to try and swing more voters into their fold. It also did not hurt that there was a racial divide in the GOP, with blacks and whites often disagreeing on civil rights policy.²³ With Southern Democrats consolidating their power in government and the end of the radical Reconstruction, a transition to voter suppression via state legislation became feasible. Disfranchisement transitioned into more than just a removal of the right to vote; it became a removal of African Americans from the political system and extended into other civil liberties.

²³ Pollard, Freeman Wallace, *The Transition of Political Culture in Alabama: 1865-1978* (PhD diss., University of Indiana, 1981)

CHAPTER 2

THE TRANSITION TO “LEGAL” DISENFRANCHISEMENT

Voter suppression took on unique features in the years after Reconstruction. With the KKK losing most of its grip on the state, organized violence was exchanged for a legal approach. This effort culminated in the 1901 Alabama constitution, which effectively disenfranchised most black voters in the state until the Voting Rights Act of 1965. Much of the push toward African American disenfranchisement on the state level was pushed by John Tyler Morgan, a US Senator from Alabama. His political career sheds light on the 1901 Constitution and the subsequent statewide disenfranchisement of black men.

National discussions of political and racial equality receded after Reconstruction, as national politics instead focused on the economic challenges of the Gilded Age.²⁴ This is not to say however, that the issue of the black vote disappeared. It was a popular topic for discussion during election years, such as in the presidential election of 1880. With the Republican victory in the election, the *Montgomery Advertiser* published multiple articles on the topic. A column that appeared on November 23, 1880 titled “Northern and Southern Views of the Race Question: A Chicago Correspondent Learns Some Plain truths from Representative Alabamians” details a newspaper correspondent from Chicago on his evening out in Montgomery with a few upper-class white southerners. The men from Montgomery openly admit to him that they attempt to “neutralize the negro vote.”

²⁴ Thomas Adams Upchurch, “John Tyler Morgan and the Genesis of Jim Crow Ideology, 1889-1991,” *The Alabama Review* 57, no. 2 (2004): 110-131

They also admit that one can buy a black vote for only a dollar a piece, and that “Thousands of negro votes have been bought in this State, and everybody here knows it.”²⁵ From the contemporary perspective, an open admission of voter fraud seems counter intuitive, especially since this article about Democrats rigging elections was posted in arguably the most powerful and widely read newspaper in the state. But, the *Montgomery Advertiser*’s tone was boastful, and the article’s title implied that black disenfranchisement was a simple truth to life in the South.

This simple truth reveals more than the fact that a vote could be bought. It strengthens the idea that denying voting rights to African Americans through terror and intimidation had taken a backseat as a core tactic of leading white Democrats. Instead, they were continually searching for new methods of denying Black Alabamians their voting rights. It also suggests that despite the extreme violence that existed only a few years prior, there were still enough black voters to worry white Democrats enough to attempt to buy the black vote.

The issue of suffrage gained traction once again at the end of the 1880s. This was when Alabama Senator John Tyler Morgan wrote an article detailing a new plan for dealing with the “issue” of black voting rights. Morgan was an advocate for making literacy tests a prerequisite for being able to vote. The idea gained wide acceptance, even courting some Republican senators, such as Albion Tourgée.²⁶ As a method to disenfranchise black citizens, the literacy test was *technically* legal even within the grounds of the fifteenth amendment, which only prevented the revoking of suffrage based

²⁵ “Northern and Southern Views of the Race Question: A Chicago Correspondent Learns Some Plain Truths from Representative Alabamians,” *The Montgomery Advertiser*, November 23, 1880.

²⁶ Upchurch, “John Tyler Morgan,” 114-115.

on skin color, race, and previous condition of servitude.²⁷ The literacy test would instead revoke the suffrage rights of anyone who could not pass, regardless of race. On a practical level, this meant that even if the tests unfairly targeted African Americans or could be bypassed somehow by poor, illiterate whites, the test was technically legal. The literacy test was not the only method of circumventing the Fifteenth Amendment. Poll taxes, grandfather clauses, white primaries, and felon disenfranchisement were also “legal” methods of voter suppression that became popular during the birth of the Jim Crow Era.

Inspired by Morgan’s rhetoric, Mississippi implemented a literacy restriction in 1890 when they passed a new state constitution in 1890. Article 12, section 244 mandated that every prospective voter either be able to read a section of the constitution or be able to interpret an article read to him.²⁸ The new constitution also instituted a poll tax and segregated schools.²⁹ These provisions within the new state constitution proved extremely effective at disenfranchising black voters in Mississippi. The implementation of the new constitution effectively revoked the franchise for about 90% of black voters. At the same time however, about 50% of the white vote was lost.³⁰ Though Mississippi was the first state to challenge the federal government on voting rights in this way, other southern states would soon follow.

Even though their own new constitution was not completed until 1901, Alabama legislators were keen to follow in Mississippi’s footsteps as soon as possible. Some

²⁷ U.S. Constitution. Amend. XIV, §1

²⁸ Constitution of Mississippi 1890. Art XII, §244

²⁹ Constitution of Mississippi 1890. Schools were segregated under Article VIII, §207, poll taxes in multiple sections: Article VIII, §206 and Article XII, §243.

³⁰ Upchurch, “John Tyler Morgan”

Bourbon Democrats called for a constitutional convention as early as 1890, but the party was hesitant to make a move out of fear of disenfranchising poor and illiterate whites (which happened in Mississippi) and creating a rift in the party. They tried again in 1892, but this attempt also failed to gain traction.³¹ But in 1892, an exceptionally close gubernatorial election was enough for the Bourbons to reconsider these decisions. Historian William Warren Rogers contended that in this race, “Election abuses took place on a scale not seen since Reconstruction-” and that “the Democrats had upheld white supremacy by stealing the votes of African Americans in the Black Belt.”³² Even with an unprecedented amount of collusion, fraud, ballot box stuffing, and corruption, the Democratic candidate Thomas Jones only won by about 11,000 votes. It is also important to note that the other candidate, Reuben Kolb, represented a coalition between the other major factions of the state: the Jeffersonian Democrats, the Populists, and the Republicans. With this close of a margin in a clearly fraudulent election, it was clear to the Bourbon Democrats that a law would have to be passed to disenfranchise voters. Such a law would be introduced the following year.

The response to the close call in the elections of 1892 and 1894 was Sayre’s law. The provisions within are numerous, but the bill’s creator intended to make voting more difficult for the black voters. Of the provisions, perhaps the most powerful was the change to how election day was handled. Voters were to go into a private booth, and if they had to request aid, an election official would have to go into the secluded room with them. Since many voters were still illiterate or only partially literate, then the voter would

³¹ William Warren Rogers, *The One-Gallused Rebellion: Agrarianism in Alabama, 1865-1896* (Baton Rouge: Louisiana State University Press), 237

³² *Encyclopedia of Alabama*, The Election of 1892, last modified March 27, 2023
<https://encyclopediaofalabama.org/article/governors-election-of-1892/>

have no way of knowing if the official was respecting their choices on the ballots. The ballot slip itself became more complicated as well. In contrast to the modern ballots in Alabama, which have the candidates' parties and prospective position listed, the ballots under this law sorted candidates alphabetically by name *only*.³³ There were other hurdles. Election officials were directly appointed by a governor and had full access to voting registration lists. Nobody except for election officials were allowed closer than fifty feet of the poll. This bill made it harder to vote, while allowing for officials to engage in corruption and fraud that could be hard to detect.³⁴ The new law's intent was undeniable, and its effectiveness was noticeable. In the gubernatorial election of 1894, the Democratic candidate won by a much wider margin of about 27,000 votes. Unfortunately, out of a fear that black voters could be manipulated or have their votes subjected to fraud, the opponents of the Democrats also tried to keep black voters from registering in the Black Belt where Democratic power and corruption were at their strongest. As a result, registration numbers dropped. Even political allies believed that the black vote would only hurt their chances, and that the white voters would have to "settle the manner between themselves."³⁵

The stereotyping of the nineteenth century confined black voters to the Republican party, but there were still cases of black Democrats facing oppression at the hands of Republicans. On July 18, 1894, an African American man named Jack Brownlee was attacked at his home in Anniston a few months before the gubernatorial election. An article in *The Montgomery Advertiser* reported that thirty to forty masked men showed up

³³ Rogers, *One-Gallused Rebellion*, 239-40

³⁴ Rogers, *One-Gallused Rebellion*, 239-40

³⁵ Rogers, *One-Gallused Rebellion*, 281-2

at his home, accused him of organizing democratic clubs and getting a white man arrested, and then proceeded to beat and lash him. He was then warned that if he did not leave town, he would be hung. Brownlee suspected that his attackers were local political advocates for Reuben Kolb.³⁶ The threat of lynching this man makes one realize that the Bourbon Democrats did not have a monopoly on racial hatred. In this case, it was their opposition who resorted to old method of physical intimidation for political gain.

Of course, what happened to John Brownlee was not the only instance of violence (real or threatened) in this decade. In 1921, The Tuskegee Institute prepared a record of lynchings in Alabama between 1871 and 1920. The decade of the 1890s was especially brutal. There were 117 lynchings in the state from 1890 to 1899, with a peak of 17 lynchings in 1893.³⁷ The record also provides small details on the victims, such as names (if they were known), the crime they were accused of, and the location of the lynching. Out of the hundreds of alleged crimes on this list, murder and rape were by far the most common. But there were also instances of more politically aligned allegations, such as “testifying against whites,” and “political activity.” These two examples show a return to form in Alabama. Even if there were only two cases of politically motivated hate crimes, it is evident that even after the Klan receded in the decades following the enforcement act, white people were still willing to resort to extralegal violence. The other lynch cases show this as well. Even if the men had committed the crimes they were accused of, they met their fate outside the confines of American law. Worst of all, those participating in

³⁶ “A Negro Organizer of the Oates Clubs is Brutally Beaten,” *The Montgomery Advertiser*, July 19, 1894, 3

³⁷ *Record of Lynchings in Alabama from 1871 to 1920*, compiled for the Alabama Department of Archives and History by the Tuskegee Normal and Industrial Institute. Tuskegee University State Publications, Q12396-Q12414, Alabama Department of Archives and History, Montgomery.

the lynch mobs believed the murders were justified in order to preserve the white power structure.

As the decade of violence continued, Democrats continued to search for methods of disenfranchisement. Black political power, while limited considerably in the black belt and elsewhere by the Sayre bill, was still a threat and moral outrage to white supremacists. It harkened back to Reconstruction, when white Southerners feared black domination over the white population. In addition, within white supremacist ideology, African Americans were perceived as inferior in the political realm. In an 1890 speech, John Tyler Morgan said, “The social and political questions connected with the African race in the United States, all relate to and depend on the essential differences between the negro and the white man, as they have been arranged by the hand of the Creator.”³⁸ Those who embraced this ideology believed that God did not make black men capable of politics or public office. Putting aside any religious or ideological justification, the effectiveness of the Mississippi model showed that a new constitution could be used for wholesale disenfranchisement. At the same time, the Sayre bill consolidated white power. A constitutional convention would further white supremacist goals. In 1901, the Alabama legislature called for a referendum on the drafting of a new constitution. It passed by a vote of 70,000 to 46,000.³⁹

The 1901 Constitution contained many provisions that were similar to those in the Mississippi Constitution. The Constitution’s Article VIII, “Suffrage and Election,” outlines suffrage limitations by law. The poll tax was set at \$1.50 and became a

³⁸John Tyler Morgan, “The Race Question in the United States.” *The Arena* Vol 2 (September 1890), 386

³⁹ Wayne Flynt, “Alabama’s Shame: The Historical Origins of the 1901 Constitution,” *Alabama Law Review* (2001): 72

requirement for registering to vote. While not an exorbitant sum, the tax would still hurt poorer men who wished to vote, especially those who were sharecroppers. Even though cash tenancy became more frequent after 1890, sharecroppers rarely had cash on hand in which to pay their poll tax. The sum of \$1.50 would have been substantial to a sharecropper.⁴⁰

The poll tax also came with a clever disguise that would make protesting the tax appear immoral. This was because per Article XIV, the funds collected from the tax were to be set aside for public school funding. At the same time, the new constitution also made provisions for segregated schools. Black schools received less funding than white ones, so the black population would not have received the benefits of the tax.⁴¹

While poll taxes were detrimental to the extreme poor, the Constitution's literacy requirement was the defining feature of disenfranchisement. Before 1901, illiteracy was not a significant problem for voters. Again, consider the Sayre bill, which maintained that if a voter was illiterate or only partially literate, an election official would be present for the purpose of helping him cast his ballot. Despite the clear corruption of these officials and their abuses of the illiterate voting body, the electorate could still cast a ballot. However, this new provision eliminated this much needed assistance. The Constitution's Section 181 maintained that the only way for someone who is unable to read or write to vote is if "such inability is due solely to physical disability." If the voter was not

⁴⁰ The History of Agriculture in Alabama, 22; Kousser *Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1974): 65.

⁴¹ Thomas Snyder, "120 Years of American Education: A statistical Portrait," (1993). While the department of education's statistics show that enrollment in schooling increased nationally for all races, the amount of funding given to schools during segregation held a large disparity. The value of the property for white schools was greater, and the average amount of money spent on each white child vs each black child was significant. Black teachers were also paid significantly less compared to white teachers.

physically disabled, then they were subject to be tested on their literacy.⁴² At the time, there were 32,000 (out of 232,000) white voting age men and 73,000 (out of 181,000) black voting age men who were illiterate in the state. Thus, this would deal a significant blow to the voting age population.⁴³

Provisions such as the poll tax and literacy test contained an escape route for white voters, however. Even though many white Alabamians were swept up in the constitution's new suffrage restrictions, certain clauses could return them to the voting fold. First, Section 180 entitled veterans from the Civil War, the War of 1812, the Mexican American War, and any war against Native Americans to register to vote. This section also allowed for the veteran's descendants to vote so long as they registered by December of 1902. Finally, Section 181 made voting provisions for those who own either forty acres or have \$300 worth of tax-assessed property. These provisions would serve to widen the racial gap in voting rights.

While the sections on literacy and poll tax requirements were the most overtly oppressive, there were still more. The residency requirements were quite specific, mandating registrants to live in the state for two years, the county for one year, and the precinct for three months.⁴⁴ Naturally this provision slowed down the enfranchisement process for any immigrants or those who moved around the state. Another section disenfranchised those who committed certain crimes. Most of these crimes, such as murder, treason, bribery, or perjury, were easily defined, but others were vague and took aim directly at African Americans. First among these crimes was miscegenation. The

⁴² 1901 Alabama Constitution, §181

⁴³ Flynt, "Alabama's Shame," 73

⁴⁴ 1901 Alabama Constitution, §178

South's fear of interracial sexual or marital relationships became grounds to deprive African Americans of the vote. The section also disenfranchised anyone who was sent to the penitentiary for their crimes, taking the vote away from any felon. Most infamous of all these crimes were those "involving moral turpitude." The section never clarified what constituted moral turpitude, but this vagueness appears intentional. Because the crime was never defined, the county registrars that controlled the voter registration lists had the power to take away a convicted criminal's vote at their discretion.⁴⁵

The constitution's effect on disenfranchising was massive. Soon after ratification, observers began to decry the Alabama Constitution—and others that were similar—for unfairly targeting black voters. A paper from the 1905 edition of *Political Science Quarterly* estimated that 60 percent of black voters in Alabama lost their right to vote.⁴⁶ The removal of a significant number of voters helped the Democratic party consolidate power in the state, part of the turn of the century policy that would make Alabama solidly Democratic.

Alabama's white primary, introduced in 1902, was another mechanism that further blocked black political participation. It is easy to paint Alabama's political system as purely dominated by white Democrats, but there was still opposition to the Democratic party. Even as Black Belt Democrats corrupted black votes in the gubernatorial elections of 1892 and 1894, these elections were still fairly close. There was also opposition to the 1901 referendum for a constitutional convention. In order to retain control, the Democrats

⁴⁵ Southern Poverty Law Center (Henceforth SPLC), "Alive and Well: Voter Suppression and Election Mismanagement in Alabama," (2020). Felon Disenfranchisement has since become problematic, especially after the Voting Rights Act of 1965. Lack of voting education provided for felons has led to many being able to reclaim their suffrage, but not knowing about it.

⁴⁶ Caffey, Francis G. *Suffrage Limitations in the South*. *Political Science Quarterly*, Vol 20. No 1. (March 1905): 58-59.

introduced the white primary. With a sufficient hold on the state and the removal of much of the opposition's voting base, the white primary greatly reduced Republican and Populist power. In *Shaping of Southern Politics*, J. Morgan Kousser discusses the white primary's effect on the South as a whole, and maintains that,

The disenfranchisement of a large proportion of opposition stalwarts in most states, however, greatly increased the number of Democratic turncoats necessary for a Republican or Populist triumph. With this much leeway, the primary, which pledged to defeat candidates not to run in the general election, was sufficient to preserve Democratic hegemony except in the most extreme circumstances. It was the final step in transforming the Southern polity, but it required that the electorate be reduced before it could become a workable solution.⁴⁷

Not only was the primary a final step in the creation of a one-party system in Alabama, but also was adopted in other states that followed Mississippi's constitutional model. Kousser also observes that with the exception of Georgia, no seceding state passed any more disenfranchising laws after they instituted a white primary. However, he also claims that the primaries had little effect on black voting.⁴⁸ The second claim may seem confusing, but the reality is that while it did not affect black voting *directly*, it did help to maintain their exclusion from politics. Any black man who could vote had no say in the Democratic primary. If they voted for the opposition, that opposition had no chance of winning. It also affected their chances at running for candidacy. In the party of white Southerners who believed there was no place for a black man in politics, who would vote for one? Even if their voting rights were unaffected by the white primary, black power was still diminished. With the primaries and the new constitutions, the Solid South was truly born.

⁴⁷ Kousser, *Shaping of Southern Politics*, 78

⁴⁸ Kousser, *Shaping of Southern Politics*, 82

While disenfranchisement became formalized in law, segregation was becoming the status quo of the South. Historian Glenn Feldman wrote that “Disfranchisement in Alabama was the political expression of a larger contemporaneous movement that undertook to ‘whiten’ life in the state...”⁴⁹ One can see this from the general rhetoric of southerners who pushed for disenfranchisement. The removal of the black vote and black elected officials whitened the political climate after Reconstruction. The statement from Feldman rings true, as more and more of public life became segregated. Segregationists divided schools, public transport, healthcare, and neighborhoods on racial lines. They separated society itself. Much like disenfranchisement, this was *technically* legal at the time. The Supreme Court’s decision in *Plessy v Ferguson* (1896) established the oft-referenced “separate but equal” doctrine that came to define Southern life during the Jim Crow era.⁵⁰

While segregation and disenfranchisement are unique for their contextual legality, violence, which was critical to maintaining racial lines during Reconstruction, developed in this period as well. At the turn of the century, lynching still existed, but far less than during the years 1880 to 1889. While lynching has since become associated with white-on-black, racially motivated violence, before 1900 the practice was also used against whites. Despite the decline in lynchings however, lynch mobs exclusively targeted Black people after 1900. It was by then a “blunt instrument designed to hold back black aspirations, both economic and political.”⁵¹ Thus, the use of extralegal violence became a method for maintaining the color barrier created by segregation and disenfranchisement,

⁴⁹ Glenn Feldman *The Disfranchisement Myth: Poor Whites and Suffrage Restriction in Alabama*, (Athens: University of Georgia Press, 2004): 155

⁵⁰ *Plessy v Ferguson*, 163 U.S. 537 (1896)

⁵¹ Feldman, *The Disfranchisement Myth*, 157

as opposed to during the Reconstruction era, when violence, usually at the hands of the KKK, was used as an attempt to create one.

CHAPTER 3 INTO THE 1920'S

The solidifying of voting restrictions also had a proactive, if unintentional, effect on women's suffrage. Although the 1901 convention struck down provisions that would allow women to vote, thoughts on women's suffrage varied widely. Some delegates, such as Mr. Williams from Barbour County were "...against their voting to the end."⁵² Other delegates were more open but had a key problem with one aspect of women's suffrage: the possibility of black women voting. One delegate, Mr. Coleman, pointed out that white women could not be given suffrage without enfranchising black women as well.⁵³ Another delegate made a similar argument, expressing worry that the irresponsible and unintelligent would try to take the vote, "...especially the colored."⁵⁴ The convention chose not to take a chance and struck women's suffrage from the 1901 Constitution.

Even though Alabama women did not gain suffrage in 1901, the fight continued. At the federal level, the National American Woman Suffrage Association and other organizations continued to lobby for legislative action. In Alabama, small pro-suffrage groups started forming in 1910, and then merged to form the Alabama Equal Suffrage Association (AESA) in 1912.⁵⁵ The AESA even managed to get a bill introduced in the state legislature in 1915, but it died the same year. The rhetoric of the

⁵² Proceedings of the Alabama Constitutional Convention, 1901 (Vol. II, 1419), May 21, 1901-September 3, 1901, open source, Internet Archive.

⁵³ Proceedings of the Alabama Constitutional Convention, 1901 (Vol. II, 2392), May 21, 1901-September 3, 1901, open source, Internet Archive.

⁵⁴ Proceedings of the Alabama Constitutional Convention, 1901 (Vol. III, 3834), May 21, 1901-September 3, 1901, open source, Internet Archive.

⁵⁵ Valerie Pope Burnes, "Will Alabama Women Vote? The Women's Suffrage Movement in Alabama from 1890-1920," *The Alabama Review* 73 no. 1 (2022): 35-36

time warned of the possibility of “negro female supremacy.”⁵⁶ But the same pamphlet also raised questions about women’s civic participation as a whole. It argued that women would be burdened by things such as jury duty and be thrust into the “turmoil of politics.”⁵⁷ To use their own words, “Will it [women’s suffrage] not put a sword in the hands of the immodest and of those who would tear down the traditions of the South?”⁵⁸ To these men, who successfully blocked the suffrage bill in 1915, extending the franchise to anyone other than educated white men meant the destruction of the southern way of life.

Alabama was forced to open the polls to women with the ratification of the Nineteenth Amendment in 1920. But the 1901 Constitution formed a roadblock against women who hoped to vote. There were still the hurdles of poll taxes, literacy tests, and voter registration to get over before one could cast a ballot. Again, the estimated decrease in the average vote for congressman per *Suffrage Limitations in the South* was at least 60% from 1901 to 1902.⁵⁹ The effects of the disenfranchising constitution on women were detrimental, especially when it came to the poll tax. Much as the poll tax disenfranchised white men, the tax hit poor women the hardest. Families who could not afford to pay their tax before the Nineteenth Amendment would certainly not be able to afford a second payment of the tax for a woman voter, and the families who could barely swing the cash to pay the tax for the husband would also struggle to pay for the woman of the household. An article in the *Journal of Southern History* discusses at

⁵⁶ “A Protest Against Woman’s Suffrage,” 1915, Houston Sheehan Woman’s Anti-Ratification League Scrapbook, Q117571-Q117578, Alabama Department of Archive and History: 4-5.

⁵⁷ “A Protest Against Woman’s Suffrage,” 4-5

⁵⁸ “A Protest Against Woman’s Suffrage,” 6

⁵⁹ Francis G. Caffey, “*Suffrage Limitations in the South*,” 59

length the effects of the tax on white southern women and shows that those negative effects sparked local movements for the abolition of the poll tax for all. As the United States entered the Great Depression in the late 1920s, the effects became even more drastic, since it “exacerbated women’s already high levels of financial vulnerability due to dependency, family responsibilities, job discrimination, low pay, and the tendency to outlive their husbands.”⁶⁰

It is important to note that many of the early studies mentioned in this period tend to focus on white married women, but the effects on black women must be considered as well. Unfortunately, broad statistics on voting that consider both race and gender were not taken by the US Census Bureau until 1966, and even then, the numbers do not consider the states individually, instead focusing on regions. Thus, specific data on black women voters during this period is almost non-existent. In Alabama, only one edition of *The Gadsden Times* could be found that mentioned black female voting during the Election of 1920. It claimed that in Blount County, “no negro women applied to vote so far as is known in any of the polling places in the district.” But the same headline also reported that a ballot box in a neighboring county had been stolen.⁶¹ This is quite the juxtaposition, but it would hardly be out of character for Alabama in the early twentieth century for a ballot box to be stolen to sway an election out of a fear of black voters. Compounded by both their status as women in the heavily patriarchal South and as

⁶⁰ Sarah Wilkerson-Freeman, “The Second Battle for Woman Suffrage: Alabama White Women, the Poll Tax, and V.O. Key’s Master Narrative of Southern Politics,” *The Journal of Southern History* 68 no. 2 (2002): 7.

⁶¹ “Blount County Ballots are Missing on Eve of Election Believed Stolen from Boxes,” *The Gadsden Times*, November 2, 1920.

African Americans in the Jim Crow era, black women likely faced the most difficult hurdles to expressing their right to the franchise.

As Alabama moved into the 1920s, the KKK once again found footing in the state thanks partly to World War I. The xenophobia, fear of communism, and a surge of patriotism boosted Klan membership in the state. The newly revived Klan also retained the willingness, if not eagerness, to resort to violence to maintain the white supremacist order.⁶² While the Klan of the 1920s retained many of the values and ideology of the original, it would be inaccurate to call it the same. For one, the Klan of the early 1920s was much more open and active within the community. No longer were the Klansmen solely a band of masked night riders tormenting the small-town courthouses of Reconstruction Alabama. They held parades and cookouts, published newspapers, openly had Klansmen in local government positions, advocated for public education, and generally tried to participate in and aid white civic society.⁶³ The public face of the KKK, heralded as an organization dedicated to preserving white society, was often popular and looked at as a positive force by communities. Nevertheless, it was still the Klan. Violence was its most powerful tool, and the rebirth of the KKK returned Alabama to a state of chaos not seen since Reconstruction. Vigilante violence carried out by the Klan became such a problem that even powerful white elites began to cry out in favor of its destruction.

Perhaps one of the most intriguing documents to explain how the South reacted to the new terror of the Klan is a letter to Governor Bibb Graves in 1927. The author, John

⁶²Glen Feldman, *Politics, Society, and the Klan in Alabama 1915-1949* (Tuscaloosa: University of Alabama, 1999): 15-20; For attacks on women, see page 98-100

⁶³ Feldman, *Politics, Society, and the Klan*, 21-31

H. Bankhead II, was an attorney and future US senator. Bankhead, whose father was also a senator, met the criteria of a southern elite, yet publicly spoke out against the Klan in this letter and called for the organization's dissolution. He believed that the masked riders were now a threat to the rule of law due to their violent outbursts and sympathizers or members in government positions.⁶⁴ Governor Graves himself had ties to the Klan, according to Bankhead, and in his dual position of Klansmen and governor, he should be the one to dissolve the organization and keep it from corrupting Alabama politics. Even though Bankhead and other powerful whites may have agreed with the Klan's ideology of maintaining the power structure of the South, he believed there was no longer a need for violence. They had long solidified power via legislation. He continues with a discussion on the rule of law and how the leaders of the Klan were conspiring against and violating the laws of the state. But in the same letter, Bankhead praises the first Klan for helping to establish white supremacy in the state. The letter provokes two thoughts about southern society. First, while people sympathized with the motives and ideologies of the KKK, some began to believe that the organization no longer had a reason to exist in the state, and many despised its presence and methods of intimidation. The second conclusion is that in Jim Crow Alabama, the rule of law and white supremacy could coexist. This is by no means a novel idea. However, this concept is necessary to understand this society and why so many of the advances of the Civil Rights Movement depended on federal

⁶⁴ "Bankhead's Letter Puts Klan Issue up to Graves," *The Birmingham News*, October 27, 1927. To call this letter "public" is an understatement. The full text was published in full in *The Birmingham News* and reporters discussed the letter in *The Montgomery Advertiser*. *The Montgomery Advertiser*, frequently used as a source thus far, had long been filled with white supremacist rhetoric and idolized the Klan during Reconstruction. For the paper to pick up the story and not denounce Bankhead as a traitor of Southern heritage only furthers the point that the Klan was becoming more of a fringe vigilante group rather than the heroic preservers of Southern rule. In addition to these two large newspapers, the story was picked up by other, albeit smaller, newspapers in the state, and larger papers in the country such as the *Chicago Tribune*.

legislation to dismantle the systems of oppression. If white Democrats created this system through state law, the best chance for dismantling the system would have to come from federal law that would supersede it.

Another reason that white Alabamians turned against the Klan was the negative attention it brought to the state. The *Chicago Tribune* and New York's *Daily Tribune* both ran stories on Klan activity, especially around a flogging case in which the Attorney General, Charles McCall, prosecuted Klan members. The national negative attention was worrisome for the state. In Bankhead's letter, he expresses concern over how Klan activity had "...so marred the good repute of Alabama."⁶⁵ As someone who admired the first Klan's help in establishing white supremacy, he would have been familiar with the federal government's attempt to curb them with the Enforcement Acts. Here, he feared that the high-profile activity would surely bring unwanted attention.

The Klan in Alabama began its decline in the late 1920s, much as it did throughout the country. There are a few important features of this decline. First, the Southern elites were critical in dismantling the organization. Feldman notes that the Klan's revival in the 1920s was fueled by the Big Mules (industrial elite) and the Black Belt elite.⁶⁶ The men who had once been demagogues of Klan ideology had split with the masses of Klan sympathizers over the organization's existence. Second, even though Alabama was a one-party state, this rift between the elite and the common folk of Alabama would return in the 1960s, as the Big Mules came to see segregated society as undermining their own business interests. Third, even though the Klan declined substantially, it did not disappear. Klansmen still carried out white violence into the

⁶⁵ "Bankhead's Letter Puts Klan Issue up to Graves."

⁶⁶ Feldman, *Politics, Society, and the Klan*, 325

1960s, attacking both black and white folk across the state for their supposed crimes against white society.

CHAPTER 4

THE ONE-PARTY SYSTEM BEGINS TO BREAK

The Civil Rights Movement is generally considered to start in the 1950s, but the struggles against oppression in Alabama went back far earlier and picked up steam in the 1930s. In 1932 Franklin Delano Roosevelt, a Democrat, won the presidency with the help of the Solid South. Much to the South's surprise, however, he began to break away from the racialized politics that defined the Southern wing of the Democratic party. While never trying to dismantle Jim Crow directly, his policies were a catalyst for change. He spoke out against poll taxes, his Supreme Court abolished white primaries in *Smith v Allwright* (1944), and he established the Fair Employment Practices Committee in 1941, a decision which "made civil rights a national issue for the first time...."⁶⁷ Despite his progressive actions, FDR was still a politician and would not always support civil rights measures even if he claimed to personally believe in them. For example, FDR condemned lynching but failed to support antilynching bills that remained stuck in the House.⁶⁸

The 1930s were also an important decade in the history of the poll tax. After the 20th Amendment was ratified, Southern activists began calling for an abolition of the tax on the grounds that it unfairly disenfranchised women. In 1920, North Carolina became the first state in the South to abolish its poll tax thanks to female voters pushing through

⁶⁷ Rebecca Miller Davis, "Dixiecrats, Dissenting Delegates, and the Dying Democratic Party." in *Nation Within a Nation* ed. Glen Feldman (Gainesville, University of Florida Press, 2014): 123-124

⁶⁸ Lauren Rebecca Sklaroff, *Black Culture and the New Deal: the Quest for Civil Rights in the Roosevelt Era* (Chapel Hill: University of North Carolina Press, 2019): 26-27

a referendum.⁶⁹ Alabama, too, had a women's movement against the poll tax in the 1930s. However, they faced obstruction by the state legislature. Despite the lack of success in Alabama, Southern Women introduced several anti-poll tax bills in the House of Representatives.⁷⁰ FDR's lack of campaigning undermined efforts in Alabama, and the poll tax would remain in place until the ratification of the 24th Amendment in 1964. But the pressure put on the federal and state government shows a fracture within the South that took shape after 1901.

The Supreme Court's 1944 decision in *Smith v Allwright* represented a more significant political response than the efforts to remove the poll tax. The *Smith* ruling of 1944, which declared white primaries unconstitutional, created another crack in the foundation of white supremacy.⁷¹ The white primary had long been integral to keeping the one-party system afloat; its collapse left the state legislature scrambling to introduce a new law. The Boswell Amendment, enacted in 1946, was the result. The Amendment revised section 181 of the 1901 Constitution, and it added a provision that instead of being able to read and write an article of the US Constitution (the basis which made a literacy test constitutional), an eligible voter would have to be able to read, write, understand, and explain any article of the Constitution.⁷² The amendment empowered election officials to gatekeep the franchise based on their own notions of who could

⁶⁹ Sarah Wilkerson-Freeman, "The Second Battle for Woman Suffrage," 339

⁷⁰ Sarah Wilkerson-Freeman, "The Second Battle for Woman Suffrage," 334-348

⁷¹ *Smith V Allwright*, 321 U.S. 649 (1944). See also *Grovey v Townsend* 295 U.S. 45 (1935). *Grovey* is a previous Supreme Court case from 1935 that claimed the discrimination of the primary was constitutional and did not violate the 14th and 15th Amendments.

⁷² Alabama legislative Acts, 1945, May 1945, open source, Internet Archive. There was another change in the Amendment as well that took away section 182's original property qualification and exchanged it for a clause requiring stable employment for 12 months

"understand or explain" the Constitutional article. The Amendment gave election officials an unprecedented and easily abusive power at their fingertips.

The Amendment passed, but not without opposition. Some Democratic politicians, such as soon-to-be governor Jim Folsom and Senator Lister Hill, opposed the Amendment.⁷³ A letter from a women's organization called the amendment "dangerous and undemocratic" and a "pernicious thing."⁷⁴ Once again, the female citizens of Alabama saw these provisions as a threat to their suffrage and moved against the Democratic Party. Both this protest and the campaign against the poll tax suggest that the Democratic elite began struggling to justify Black disenfranchisement for the maintenance of white power.

There was also black opposition to the Boswell amendment's passing. The National Association for the Advancement of Colored People (NAACP) made its presence and intentions known quickly, much to the anger of those still clinging to the idea of a white-only electorate. In 1949, the organization won a test case in *Davis vs Schnell* (1949). The US District Court ruled the Amendment unconstitutional, citing both *Smith v Allwright* and a newspaper with a headline reading "WARNING IS SOUNDED: BLACKS WILL TAKE OVER IF AMENDMENT LOSES"⁷⁵ While this was a victory for black voting rights, another restrictive amendment was soon introduced. Despite a new amendment's passage, black voting still increased dramatically, especially when compared to the 1901 figures. Thanks to the courts' decisions in *Smith* and *Davis* and the

⁷³ Money, Men, and the Boswell Amendment, Boswell Amendment, Voter Registration, and Black Disenfranchisement in Alabama. Papers of the NAACP, Part 04: Voting Rights Campaign, 1916-1950. ProQuest History Vault.

⁷⁴ Form Letter from Juliette Morgan, Secretary of the Women's Division of Citizens' Committee Against Amendment 4, to Albertine Campbell, 1946, Albertine Moore Campbell Papers, Q116987, Alabama Department of Archives and History

⁷⁵ *Davis Vs Schnell*, 81 F. Supp 872 (S.D. Ala 1949).

work of civil rights organizations, black registration reached upwards of 25,000 voters by 1952 compared to the approximately 3,000 registered in 1903.⁷⁶

The responses to these defining court cases display a transformation in Southern politics over the 1940s. The one-party system that had defined the state since the 1901 Constitution's ratification and the beginning of the white primary finally began to crumble. Democrat leaders like Folsom and some of the state's population started to break away from ultra-racially motivated politics; instead, they saw the one-sided nature of Alabama politics as blocking any real opportunity for change. Folsom, for instance, wanted social reform against the consolidated power of the Black Belt, tax reform, and an end to the measures put in place against black voting because they adversely affected too many of the white folk of the state.⁷⁷

Sadly, the 1940s also witnessed an overwhelmingly negative backlash to the decade's civil rights victories. The Klan returned and terrorized both the state's urban and rural areas. While many white voters turned over a new leaf in supporting politicians like Folsom, even more thought that federal intervention into the state's racial problems via presidential and judicial powers was too much of a breach of states' rights. Because of this, for the first time since Reconstruction, Alabama did not vote for a presidential candidate from the Democratic Party in 1948. This has since become labeled the Dixiecrat revolt, in which Alabama, Mississippi, Louisiana, and South Carolina's

⁷⁶Joseph Brittain, "The Return of the Negro to Alabama Politics 1930-1954," *Negro History Bulletin* 22, no. 8 (1959): 198; Feldman, *The Disfranchisement Myth*, 136

⁷⁷ Jack Bass and Walter De Vries, *The Transformation of Southern Politics: Social Change and Political Consequences Since 1945* (New York: Basic Books 1977): 60-61

electoral votes went to third-party candidate Strom Thurmond for president. Despite the southern defection, Harry Truman still won the election without them.⁷⁸

⁷⁸ The South was also generally upset with Truman's decision to continue the FEPC and desegregating the military, which only hurt the ties to the Democratic party long held in the state. After the Dixiecrat revolt in 1948, Alabama would only pledge all its electoral votes for a Democratic candidate two more times: in 1952 where they voted for Adlai Stephenson and in 1976 for Jimmy Carter. The rest of the elections the state either went Republican, went for a third-party candidate, or had a split electorate between the Democratic party member and a third-party candidate. At the time of writing in 2023, this stands true.

CHAPTER 5

THE CIVIL RIGHTS MOVEMENT AND DISMANTLING OPPRESSION

In the mid 1950s Alabama was at the center as Civil Rights organizations chose to focus on the state's history of white oppression. Martin Luther King Jr. once called Birmingham, Alabama, "the most thoroughly segregated city in the United States."⁷⁹ It was the perfect target to make race the generation's defining issue, for Alabama had become a stronghold of racial prejudice. Even as racial liberalism spread during the post-WWII era, many white Alabamians still thoroughly opposed integration and black voting. Ironically, most of this opposition came from poor whites with limited access to the franchise. They were receptive to demagogues who stoked the flames through race-baiting and red-baiting.⁸⁰

Public opinion was still divided. The Klan still carried out attacks on those whom they perceived as a threat to the power structure. Although the Klan had largely lost its influence in high society, some members of middle- and upper-class society still dedicated their time to preserving segregation. According to a publication from Stanford University, hardline segregationists formed White Citizens Councils in response to the *Brown* ruling in 1954. The mayor of Montgomery explained the *raison d'être* of the councils: "I think every right thinking white person in Montgomery, Alabama and the

⁷⁹ King Jr., Martin Luther. "Letter from a Birmingham Jail."

https://www.africa.upenn.edu/Articles_Gen/Letter_Birmingham.html

⁸⁰ Red-baiting had become a common tactic as the Cold War escalated. Racial liberals were often labeled radicals or communists to provoke an emotional response that played on the Cold War Period's anti-communist attitudes. Among the men who did this were notable politicians in Alabama: George Wallace and Bull Connor. For more on red-baiting, see George Lewis *The White South and the Red Menace*. Pages 86-87 mention both Connor and Wallace's use of the tactic.

South should do the same. We must make certain that Negroes are not allowed to force their demands on us.”⁸¹ The rhetoric is strikingly similar to the fears of black domination expressed by white Alabamians during Reconstruction.

Violence and intimidation were still among the most common tactics to disenfranchising Black voters. An Student Nonviolent Coordinating Committee (SNCC) report noted that in Selma, Sheriff Jim Clark oversaw a "militia" of 300 men, attended every SNCC meeting while armed, and arrested or beat black people multiple times. In their own words, "Selma is in a state of siege. Everywhere you look you see a state patrolman or members of the special posse brandishing clubs and cattle prods."⁸²

While Alabama’s violent methods drew national attention, there were also nonviolent and more subtle methods for keeping black people away from the polls. In 1963, a couple from Selma led a group of six prospective voters to register in neighboring Wilcox County, only to find that the courthouse had been deliberately closed. Another time, registrants in Selma were kept outside in the cold weather. Over the entire workday, only ten registered to vote.⁸³ Economic intimidation was also common. In the prelude to the 1965 march, many prospective black voters lost their jobs.⁸⁴ In a relatively poor county like Dallas, the threat of job loss was damning prospect. Between the backhanded actions of local officials and the sheriff, the threat of losing one's income, and the dangers

⁸¹ Martin Luther King Jr. Encyclopedia, “White Citizens Council” accessed on July 6, 2023, <https://kinginstitute.stanford.edu/encyclopedia/white-citizens-councils-wcc>.

⁸² “Special Report: Selma, Alabama” September 26, 1963, Student Nonviolent Coordinating Committee Files Papers, Folder 252253-018-1079, ProQuest History Vault, 2. This brings up an excellent point on why local elections became so important for the voting rights campaigns. Since sheriffs are elected directly, a living black electorate could replace violent sheriffs with more racially liberal ones, or at the very least, split the vote enough to keep men like Clark out of office.

⁸³ “Special Report: Selma Alabama,” 8; “The Alabama Struggle” February 9, 1965, Student Nonviolent Coordinating Committee Files Papers, Folder 252253-018-1079, ProQuest History Vault, 1

⁸⁴ “The Alabama Struggle” 1

of violence, Selma exemplifies the many hurdles to voter registration. While Selma was undoubtedly a stronghold of voter suppression, it had a critical weakness that activists effectively exploited. The SNCC files mention that Selma was a prospect for industrial investment. For this reason, the town wanted to retain a positive public image. A key tactic among activists, then, was to draw national attention to racial injustice with the goal of stopping capital investment in the town.⁸⁵

This activist tactic was effective. In the segregationist stronghold of Birmingham, there was another important development: a Big Mule desertion from the segregationist platform. Sidney Smyer, for example, also saw racial violence as threatening business development. He made the unprecedented move of meeting with like-minded Mules and civil rights leaders. He met with Fred Shuttlesworth on multiple occasions, trying to negotiate an end to segregation within local businesses.⁸⁶ Smyer's attempt to mitigate the damage that protests could do to Alabama business showed that he grasped that segregation was a liability. While dismantling the oppression was a legally challenge, changing people's minds about issues of race was even harder. When Smyer, a former Dixiecrat, broke away from the hardliners, it illustrated how maintaining a white supremacist polity was becoming less of a priority to at least some white Alabamians.

The Selma campaign holds a special place in the civil rights movement both for its power and its brutal display of oppression. The campaign culminated in a march from Selma to Montgomery. Before exiting Selma, the unarmed marchers were beaten and teargassed by state troopers and Sherriff Clark's men on Edmund Pettus Bridge. Now

⁸⁵ "Selma, Alabama" March 1965 Student Nonviolent Coordinating Committee Files Papers, Folder 252253-018-1079, ProQuest History Vault, 1

⁸⁶ Glenn Eskew, *But for Birmingham* (Chapel Hill: University of North Carolina Press: 1997): 170-71. For meetings with Civil Rights Leaders, see pages 306-307

called Bloody Sunday, this incident was covered heavily by the media.⁸⁷ A week later, President Lyndon B. Johnson gave a speech to a joint session of Congress on the civil rights struggle.

In this speech Johnson expressed that “There is no Negro problem. There is no Southern problem. There is no Northern problem. There is only an American problem...we are met here as Americans to solve that problem.” He then goes on to say he will soon be introducing a bill to Congress with the express intention of removing the restrictions to voting.⁸⁸ His nationalizing of the issue served a purpose, and he signed the Voting Rights Act of 1965 into law later that year. The act both reinforced federal power into the voting process and outlawed literacy tests, removing the arbitrary power of election officials in Alabama. The previous year, the 24th Amendment outlawed the poll tax, but Alabama kept the tax until 1966. The Supreme Court upheld the validity of the 24th Amendment, and indeed the Voting Rights Act's provisions against discrimination, in *Harper v Virginia Board of Elections* (1966).⁸⁹

With the passage of the VRA and the ratification of the 24th Amendment, the systems of restricting the franchise in Alabama finally dissipated, and the size of the voting base began to rise. The shift was dramatic for both the black and white voting bases. Before the act was passed, 19.3 percent of black voting age people and 69.2 percent of white voting age people registered to vote. By 1967, these numbers increased to 51.6 and 89.6 percent, respectively. In 1970, the numbers grew again to 69.7 and 82.5.

⁸⁷ Brian K. Landsberg, “Sumter County, Alabama and the Origins of the Voting Rights Act,” *Alabama Law Review* 54, no. 3 (2003): 950

⁸⁸ Johnson, Lyndon B. “The American Promise” March 15, 1965.

⁸⁹ “Elimination of the Poll Tax ends Long Struggle in American History,” *The Selma Times-Journal* March 25, 1966.; *Harper v Virginia Bd. of Elections*, 383 U.S. 663 (1966).

percent.⁹⁰ The increases in black voting were by far more dramatic, but the increase in the white vote is also significant. The gap in voting had finally diminished in Alabama and in the rest of the South, as well.

⁹⁰ Bernard Grofman, Lisa Handley, and Richard G. Niemi, *Minority Representation and the Quest for Voting Equality* (Cambridge, Cambridge University Press, 1992): 22-24

CONCLUSION

The passage of the Voting Rights Act of 1965 did not end the struggles for the franchise. Several contemporary factors still keep people from expressing their will politically. Felon disenfranchisement is common in the United States and is still a provision in Alabama. In Alabama, there is a pathway for those who have served their sentence to get their voting rights restored, so long as they jump through a series of metaphorical hoops. According to the Southern Poverty Law Center, the application is so complex that it often requires outside help from someone well versed in state law. On top of this, Alabama has no system of notifying people who can apply to restore their right to vote.⁹¹ Regardless of one's opinions on whether or not convicted felons should vote, the lack of transparency is troubling given Alabama's history of suppressing the franchise. Gerrymandering is another condition that undermines voting rights. Jim Folsom believed that malapportionment was a problem as early as the 1940s, since the state legislature had not been reapportioned since 1946.⁹² Although this may soon change based on the recent Supreme Court opinion in *Allen v Milligan* (2023), that is yet to be seen.

This study sheds light on the history of voter suppression in Alabama in a number of ways. First, methods of voter suppression were never completely static. Organized violence came first and was arguably the most radical. This violence receded over time as the South calmed, but it never disappeared entirely. Second, after its peak during Reconstruction, violence became more of a maintenance feature after the transition to

⁹¹ SPLC, "Alive and Well: Voter Suppression and Election Mismanagement in Alabama."

⁹² Jack Bass and Walter De Vries, *The Transformation of Southern Politics*, 60.

legal disenfranchisement that followed the ratification of the state constitution in 1901. Violence came in waves, often in response to racial progress or when someone stepped outside of the alleged “morality” of the white power structure. Third, the process of both creating and dismantling voting restriction was a legal one directed by social forces. The Southern backlash against the Reconstruction Amendments led to provisions like Sayre’s law and the 1901 Constitution. Activists created social movements—like the women’s movement against poll taxes and the Boswell Amendment or the civil rights movement—to protest laws. Most victories came from federal legislation and the U.S. Supreme Court. While the legality of the provisions within documents like Alabama’s 1901 Constitution may appear bogus, one must consider the context of their creation. Until they were made illegal, the laws stood. Fourth, while the oppressive measures targeted African Americans, other groups were impacted. The state’s disenfranchisement provisions also hurt less affluent whites, and later on, women. Fifth, the ideology that backed oppression was consistent: a fear of losing power.

Finally, this study shows the enduring power of states’ rights rhetoric. The nature of federalism in America allows for the states and federal government to share power. States’ Rights extremists often claimed that they acted out of a fear of domination by radicals and black voters. The irony in this is that while Alabamians proclaimed to fear these things, the state expressed more police power for the purpose of domination than the federal government in the case of black suffrage.

The ideology used by white supremacist organizations and other radical conservatives have a surprisingly long reach forward in time. In contemporary America, the concept of Replacement Theory— also known as The Great Replacement—has a reach on the

American Right. In the April 28, 1868, issue of *The Independent Monitor*, a Tuscaloosa Newspaper sympathetic to the Klan, an editor verbally assaulted the Loyal Leagues (probably the Union League) and accused these leagues of trying to reduce the whites of the South into a “political vassalage.”⁹³ While this is not the first mention of an electorate taking over a democratic country, the fear existed in during Reconstruction within Alabama, and is now seeping into the state once again. While the 21st century’s replacement theory generally accuses immigrants of stealing political power, it builds on Alabama’s Reconstruction-era rhetoric. Furthermore, right-wing allegations that the 2020 election was stolen are part of this history. Although that allegation was never substantiated, conservatives reached a breaking point over the perceived death of their self-determination. The January 6, 2021 attack on the U.S. Capitol Building shows how far many were willing to go to protect themselves from what they saw as an overbearing government led by incoming president Joe Biden. Consider the ideology of one of the militant groups present, Oath Keepers. They frame themselves as everyday defenders of encroaching government power and resist the federal government itself.⁹⁴ They find themselves at odds with the status quo of 21st century egalitarianism, but right at home within the rhetoric of the Reconstruction Era Klan. The point of mentioning the January 6th insurrection and Replacement Theory is simple: the American political landscape is reaching another peak of volatility, and the rhetoric preached by some political groups echo those from the past. While the past may not provide immediate answers, it makes clear that the contentions over voting rights have been a consistent theme in US history.

⁹³ *The Independent Monitor April 28, 1868*

⁹⁴ Matthew Kriner and John Lewis, “Oath Keepers and their Role in the January 6 Insurrection,” *CTC Sentinel* Vol. 14, Issue 10, December 2021: 1.

While some may think that time will heal old wounds from the past, the words of Martin Luther King Jr. say otherwise—“Human progress never rolls in on the wheels of inevitability.”⁹⁵

⁹⁵ Martin Luther King Jr. *Letter from a Birmingham Jail*.

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