Jno. Rountree

MEMORANDUM OF MY PERSONAL REASONS
FOR THE PASSAGE OF THE SUFFRAGE AMENDMENT
TO THE CONSTITUTION (GRANDFATHER CLAUSE.)

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There has been a great deal of misconception about this law. It is true that the negro vote of 1895 and 1897 was the occasion of the passage of this act, but not the official cause, ~~in a sense which~~ will be explained later.

In 1894 the Democratic Party nominated Thomas W. Strange and H. McClammy for the lower house of the Legislature, and we people who took ~~deep~~ interest in such matters were very anxious to elect these two men. The Republicans put up candidates against them, G. Z. French being one of ~~them~~. There was not much life in the campaign, and it looked like the Republicans would allow the Democrats to carry the election. About noon I was across the railroad at the main negro precinct in the First Ward, and the negroes were voting for McClammy and Strange. ~~About that time~~, word came that Judge Russell said to vote for McClammy and G. Z. French. They were standing in queue, and instantly the whole ~~business~~ voted as Russell had dictated, and McClammy and French were elected. I was deeply impressed with the fact that those negroes ~~emphasized~~

no choice at all. They were voted precisely as automata. It was the most flagrant case of that sort that I ever saw, and justified all that has been said on the subject of the absolute control by the leaders of the negro vote. You know the kind of legislation of '95 and '97. It was bad, and the chief reason for my accepting the nomination in '98 to the Legislature was to see if I could do something to prevent a recurrence of such a condition by a change in the suffrage law. I made as exhaustive a study of this subject as I possibly could. Of course, there was a perfectly easy way of solving the problem, and that was by an educational and property qualification, but our people certainly would not stand for that, and we could not have carried such a proposition, and, therefore, it was necessarily ruled out, ~~although it was decidedly the best proposition that could have been submitted.~~ There ~~were two~~ was left, then, so far as we could see, only ~~an educational~~ a qualification founded upon intelligence, and this was divisible into two kinds:

(a) The Mississippi plan, which professed to make the ability to read any section of the Constitution, or to understand it when read, a qualification for voting.

(b) The Louisiana plan, which had as a basis the Grandfather Clause.

The Mississippi plan, as I construed it, was perfectly valid on its face, but was, in my judgment, a fraudulent scheme, because it made

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the judges of election practically the sole judges of the qualifications of a voter, giving them almost arbitrary power, so that any one could vote that the judges of election wanted to vote, and no one else. That remitted me to a study of the Louisiana plan.

A study of this matter necessitated my looking into the question pretty thoroughly, and several obvious things which are overlooked by people who talk about this matter, and even the Supreme Court in the case from Oklahoma, were apparent:

1: An examination of the New York papers at that time and the immigration statistics showed that ignorant foreigners, chiefly from the Southeast of Europe, were pouring into our country at the rate of a million a year.

2: In North Carolina, up to 1835, free negroes were entitled to vote, and my recollection, without being able to refer to books, is that a good many voted in Cumberland, a great many in Chowan County, and in Halifax. My impression is that I noticed that in three or four counties at least four hundred free negroes voted.

Now, the first thing that occurred to me was that it was right and proper for the State to lay down a qualification for voting; that voting was not a right but a privilege, and should be exercised only by qualified people, and I was anxious to have a law that was honest, and to have qualifications which seemed to me to be fair, proper, and easily attainable by a voter who really wanted to vote and was willing to make

the effort to qualify himself.

As I said above, we could not possibly carry the property qualification, which, in my judgment, would be, perhaps, the fairest, but we ought to have, and could have, a qualification of intelligence. It did not seem to me that the qualification should necessarily be literary, but it should be one of intelligence. Of course, the literary test was one, and perhaps the best test of intelligence, but it was not the sole test, and, so, I made up my mind that we should have this intelligence test and that it should be absolute and unqualified as soon as possible.

(I ought to have said that men who are acquainted with politics of North Carolina also informed me that we could not possibly carry an intelligence test without making some provision for those people who had been in the habit of voting for a century.) In thinking this over, two things occurred to me: that the law, as finally adopted, if adopted, would exclude all those immigrants that were coming into our country until they had qualified themselves, and would exclude a large number of ignorant and stupid negroes until they had qualified themselves. But everyone could, if they felt disposed, qualify themselves. So, the law could not be held to be a discrimination against the negroes as such, because, under

it, the descendants of the ~~very~~ negroes who had been voting previous to 1865, could have voted without the ~~intelligence~~ qualification, and it was not a discrimination against previous condition of servitude or color, because it would equally exclude the immigrants to which I have referred.

But the real purpose of the act was to have a suffrage qualification of intelligence. Of course, as said above, the obvious test of intelligence was reading and writing ~~the Constitution~~, and it was the desire of the Committee, of which I was Chairman, to get that simple qualification of reading and writing to be the law of North Carolina as quickly as possible, but, in order to get the electorate to vote that change of the Constitution, it was absolutely necessary to make an exception in favor of those who, and whose ancestors, had been voting for many, many years in North Carolina. That exception was known as the Grandfather Clause, and was adopted simply as a bridge to get over from the present status of unlimited adult male suffrage to a suffrage qualified by the ability to read and write.

Now, I hesitated a long time before I would give my assent to that exception (Grandfather Clause.) But I happened to meet Judge Ferguson on the train while I was studying the question, before the Legisla-

ture met, and I got to telling him about my troubles. He told me that he knew of many of ~~our~~ good citizens in the ~~county~~ State, who had been voting for many years, but who could neither read nor write, and that those people could tell you who they voted for ~~for~~ at every election for many elections previously, and what issue the election turned upon. This opened my eyes, and I began to make investigations, and I became satisfied that there were plenty of our people in the mountain sections, and even in other sections, who could not read and write, and who were just as qualified to vote as the present President of the United States. I then commenced to study the subject more broadly, and got hold of the great oration made by James Russell Lowell while Minister to Great Britain on "Democracy," and, while I have not read it for many years, I am satisfied that he lays it down that self-government is not a right to be conferred upon every person, without regard to their previous habits, but that, like everything else worth having, it is necessarily to be acquired by the habit of self-government. Then, I got to thinking about the French Republic, and I thought it a failure. mistaken there! In looking into ~~xxx~~ writers on the general subject of republican government, such as Mill, I found that my opinion was confirmed by ~~two~~ them so I made up my mind that the suffrage law, as we subsequently

adopted it, was reasonable, fair, and not contrary to the Fifteenth Amendment.

When the Legislature met, Frank Winston immediately introduced a bill, which was the Louisiana law. Judge Connor appointed a committee, and I was the Chairman, and did all the work, but consulted with Craig, Allen, Justice, and Connor, Speaker of the House, and others in the House, and with Glenn and Frank Osborne in the Senate, and Governor Aycock outside. The Committee worked on this bill for over a month. I had it printed two or three times, and practically wrote every word of it. My purpose, and the purpose of the Committee, was to have an absolute educational test as soon as possible. Hence, we provided that all persons who wanted to take advantage of the Grandfather Clause would have to register within four years. That was subsequently extended, I believe, to six years, against my protest. There has been a great deal of criticism of this law, but I have never seen an answer to the positions assumed above.

The Oklahoma law, which was declared invalid by the Supreme Court of the United States, is fraudulent on its face. It professes to require an educational qualification, but makes an exception in favor of those who, or whose ancestors, voted previously to '65, and that exception

So the educational test applies almost entirely to negroes

is to remain permanently in the law, whereas, in our law, a man who cannot

read and write, and who has not registered under the Grandfather Clause,

before it expires by limitation

cannot register under the Grandfather Clause, I don't care how white he is,

or how long his ancestors have been in this country and how many times they

voted. That is the difference between the two.

I am giving you this information. I do not know whether you

want it, or not. but I did want people to think

we were fools or criminals in passing

that law.