A Question of Honor: Election Reform and Black Disfranchisement in Arkansas

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In 1891, the legislature of Arkansas adopted a new election law destined to alter profoundly the character of state politics. Hailed by its supporters as a typical progressive reform designed to introduce the Australian voting system, the measure was long so accepted by most interested historians.[1] The bill did contain many praiseworthy features, including provisions for standard, uniform ballots, restrictions on last-minute transfers in the location of polling places, and removal of voting supervision from the hands of local county judges. One section even seemingly outlawed racial discrimination by specifying that Negroes and whites should be admitted alternately to the polls at all precincts where more than one hundred votes had been cast in the last election.[2]

Recent studies,[3] however, have suggested that the act served in concrete practice as an instrument for massive black disfranchisement, and that certain of its key provisions vitiated the principle of universal manhood suffrage. The object of this essay is to study the legislative enactment of the 1891 law in hopes of gaining new insights into its authors' purposes and motivations.

Initial demands for a reform of the election statutes were a direct outgrowth of the disturbed economic and political conditions existing in Arkansas prior to 1891. The world agricultural depression of the eighties had caused a sharp decline in farm prices; by 1888 the price of cotton had dropped to eight and one-half cents a pound, and the last year in which it had been as high as ten cents was 1881.[4] Conditions were made even worse by the oppressive crop lien system, which required that next year's crop be mortgaged in order to obtain supplies at the neighboring store and which exacted exorbitant rates of interest. To the debt-ridden Arkansas farmers, money seemed more and more to be draining away from the

many into the pockets of the few. Moreover, the state's Democratic leadership proved unable or unwilling to give substantial relief. During the election of 1888, large numbers of disaffected agrarians kicked over their traditional Democratic traces and united under the banner of a newly-formed combine called the Union Labor party.[5] The Arkansas Republicans, seeing a chance to overturn Democratic supremacy, also decided to support the Union Labor nominees.

The new party's candidate for governor, Charles M. Norwood, a one-legged Confederate veteran and little-known ex-state senator from Prescott, gave the Democrats their biggest scare in many years by garnering 84,312 votes. This was just 15,001 less than the number polled by the Democratic victor, James P. Eagle, a Lonoke planter and Baptist lay evangelist; indeed, evidence of widespread irregularities suggests that Norwood may actually have carried the election.[6]

The Union Labor men, at any rate, loudly cried foul, and maintained they had proof to uphold their allegations. To his credit, Governor Eagle urged a full investigation of their charges, offering to resign should they be substantiated. The Arkansas legislature proved somewhat less scrupulous. It agreed to initiate hearings only if Norwood and his followers would promise in advance to defray their entire cost. Since this entailed a sum of several thousand dollars, Norwood was forced to ask reluctantly for a withdrawal of his claims. When the legislature passed a bill accepting his withdrawal petition it was vetoed by Governor Eagle, but subsequently readopted by both houses of the Assembly.

Only in one instance did the legislature conduct a formal inquiry into alleged misconduct by Democratic officials. In the Pulaski county state representatives race, burglars had entered the courthouse in Little Rock on the night following the election, breaking open a safe and making away with six ballot boxes from what were conceded to be heavily Republican districts.[7] This sensational incident made the front pages throughout the state and the ensuing public indignation could not be prudently ignored. On February 11, 1889, the Pulaski Democrats were ordered to relinquish their seats in the House,

with their places being taken by Republicans Henry Morehart,[8] E. J. Owens, A. F. Rice, and Green W. Thompson.

By fraudulent means, the Democracy may have survived a crucial election contest, but only at the high cost of tarnishing its vaunted reputation for honesty and integrity and alienating numbers of its own rank-and-file. More embarrassing still, the election scandals came just after the exposure of major defalcations by a recent state treasurer, William E. Woodruff. Ever since the close of Reconstruction, the Arkansas Democrats had crusaded as restorers of honest government; now, their chief *raison d'etre* seemed threatened. Undoubtedly, many party leaders were genuinely perturbed by the unsavory doings on the local level. Aside from the moral issues involved, reform presented itself as a cold matter of political survival. In 1890, the Democratic state convention joined the Republicans and Union Laborites in demanding improvement of Arkansas' election laws,[9] and the call was echoed by Governor Eagle in his address to the legislature in 1891.[10]

There can be no question but that some revision of the statutes was sorely needed. Under the old laws, the appointment of election officers was placed solely in the hands of the county judges, with virtually no restrictions on who could serve. Sometimes, even men who were themselves candidates for office received positions as precinct judges and clerks. In addition, the county sheriffs were responsible for supervising the polling places, and could, when standing for re-election, appoint dozens of deputies to intimidate their opposition.[11] Even if they disapproved, higher party and state officials had no way of bringing such activities to a halt under existing laws.

Almost as soon as the 1891 legislature began its deliberations, two election reform bills were introduced to remedy prevailing conditions. Unfortunately, a full text of these proposals was not recorded in the Assembly journals, though an imperfect synopsis did later appear in *Arkansas Gazette*. The first measure, House Bill No. 41, was the work of Representative A. H. Sevier of Lafayette county.[12] According to the newspaper descriptions it provided, among other things, for

the use of voting booths and official, uniform ballots printed at state expense. Voting was to be strictly secret, with "no persons other than the electors engaged in receiving, preparing or depositing their ballots [to] . . . be permitted within the booths." [13] Six election judges were to be appointed at every polling place, three each from the first and second largest parties in a given county. Presumably either the county judge or designated party representatives would appoint the election officials.

Representative E. E. White of Nevada county introduced the second measure, House Bill No. 48.[14] Reportedly similar to the Sevier bill in many respects, it did "not propose any change in existing laws relating to the appointment of elective officers," [15] but did allow each party to choose its own independent poll watchers. Both the White and Sevier bills were referred to the House Committee on Elections for study and possible revision.[16]

Exactly what transpired in the committee's sessions will probably never be fully known. After conducting two weeks of hearings, the members decided to shelve the original Sevier and White proposals, and instead to introduce a third, substitute measure. Entitled House Bill No. 162,[18] it was destined, with a few minor changes in wording, to become the new state election law.

The bill contained two momentous changes which would radically alter the future politics of Arkansas. One section established an elaborate centralization of the election machinery. The Governor, Auditor, and Secretary of State were to be constituted as a State Board of Election Commissioners,[19] and they in turn would have authority to appoint three election commissioners for each of Arkansas' counties.[20] These county officers would select three judges for every voting precinct, and the precinct judges could appoint two clerks to assist them at the polls. Precinct judges were to be of opposite parties "if competent persons of different politics" could be found.[21]

Equally significant were the sections pertaining to voting by illiterates. While illiteracy in the North was by this time min-

iscule, it remained a real problem in the poverty-stricken, post-bellum South. In Arkansas, 93,090 whites and 116,665 blacks could neither read nor write—approximately 26.6 per cent of the state's total population.[22]

The old law allowed illiterates to ask friends or fellow party members to help prepare their ballots; now, only the precinct judges could mark their tickets. Under the bill's provisions an illiterate was required to apply to two of the precinct judges, who would then order all other electors to vacate the polling place. Afterwards the judges were instructed to prepare the illiterate's ballot as he desired.[23] To further insure secrecy all voters were restrained from leaving the polls with a ballot in their possession, on pain of a twenty-five to one hundred dollar fine and a one to six month imprisonment on the county farm.[24]

Soon after leaving committee, the election bill was brought before the Democratic legislative caucus. Here, after a bitter and acrimonious struggle, its supporters managed to win their party's official cachet of approval. It seems that the vote must have been very close; several observers later noted that had it not been for the decision of the caucus, the bill could never have carried [25]—strongly implying that the large numbers of original Democratic opponents plus the fourteen House Republicans and Union Laborites constituted an actual majority against passage.[26]

Grumblings continued to be heard, despite the caucus's action. For instance, when the election bill came before the House on its third reading, hostile representatives made a serious attempt to postpone its consideration. Though the motion to postpone was successfully tabled by a 46 to 32 vote, it is obvious that many Democrats still shied away from giving the bill their endorsement.[27]

The introduction of several amendments at the time of the third reading also testifies to the many doubts aroused by the election proposals, while illuminating the nature of some of the more fundamental objections. Republican and Union Labor members were especially concerned about securing an adequate minority voice in the election machinery. Representa-

tive John Dunnaway, Union Laborite from Faulkner county, introduced an amendment which would subject county election commissioners to a one hundred dollar fine if they failed to name competent persons of different parties as precinct judges and clerks. An amendment by Representative S. W. Dawson, black Republican of Jefferson county, went even further, conferring on the chairman of the different parties' county central committees the right to name members of the county election boards. These and other like proposals were all defeated, apparently by voice vote.[28] Fairly or not, Democrats insisted that their opponents could not be trusted with appointive powers. They would, it was claimed, use their posts to bring forth irresponsible and spurious accusations, *i.e.* to produce more "Southern outrage" fodder for the Northern Republican grist mills. On both sides of the aisle, there was evident suspicion and mutual distrust.

On February 25th, the election bill came before the House for final consideration. The course of the ensuing debate shows that its purposes could be viewed in two sharply contradictory ways. In the eyes of Republicans and Union Laborites, it was no reform measure at all; rather, the bill presented itself as a patently obvious fraud, a crude scheme designed to give the Democrats total control over the polling places and untrammeled freedom to count out their adversaries.

Typical of this response was the belligerent address of Searcy county representative J. F. Henley. A vituperative, free-swinging young mountain Republican,[29] Henley castigated the bill as "one of the most damnable and infamous that was ever introduced in a Legislature." The measure provided that the Governor of Arkansas and his board should appoint "discreet persons" to conduct the elections. Who would influence the Governor to decide who were discreet persons? The bill had "the impress of hell upon it"; it permitted "murderers and thieves to steal the ballot boxes." No keen intelligence was needed to realize what the Democrats were about—they were conniving to "turn a jack from the bottom of the pack."[30]

Henley's fierce gasconade must have startled the Demo-

crats, yet despite this bristling personal attack several joined him in opposition to the election bill. Generally they were spokesmen for the courthouses and reflected the resentment of local elites against any projected control from above.

Most illustrative of this group's attitude was the speech of Representative Lee Neal of Crawford county. Neal stated that he "admired the pluck of the gentleman from Searcy" but "could not go much on his judgment." Henley "was still a young man" and undoubtedly would grow wiser as he grew older. His problem was that he knew nothing about the history of his own party. For Neal, the election bill was too much a Republican measure to warrant support. Its centralizing features were in fact remarkably similar to those of the Lodge Force bill,[31] which the Democracy had vigorously assailed in the last canvass. Were the Arkansas Democrats ready to abandon the very principles upon which they had just won office?

The sponsors of course replied that their measure embodied the spirit and best interests of the Democracy. Its purpose was to prevent, not perpetrate, fraud. Continuing election irregularities had seriously undermined the party's standing at the polls, and the rank-and-file had demanded reform at the last state convention. The bill under consideration was designed to achieve just that. Furthermore, it had won the approval of the Democratic caucus; anyone who favored honest government would vote for its enactment.[32] Obviously, the crux of the debate centered around the issues of true intent and motive. As the nineteenth century would have phrased it, what was involved at heart was a question of honor.

When the roll was called most Democrats fell into line, the bill easily carrying by a count of 64 to 25. Only nine Democratic members chose to defy their party and vote against passage.[33]

Even so, party chieftains seem to have been unusually concerned over the potentially divisive effects of the election proposal. With what seems undue haste, the bill was brought before the Senate on February 27—only two days after the House had completed its action. In addition, it was arranged to have most proponents boycott the senatorial debates, re-

turning only in time for the final balloting. Antagonists were therefore obliged to speak before a nearly empty chamber—their addresses having, as one reporter observed, "no more effect than the orations of Demosthenes when he spoke against the waves." [34] Discouraged, they nevertheless spent several hours elaborating various criticisms of the projected law.

Senator George W. Bell delivered the opening challenge. A Negro Republican from Desha county,[35] he reiterated the familiar comparison with the Lodge Force bill, and in the following address warned against the inherent dangers of any system that denied minority parties proper representation:

> Mr. President—This bill comes to us so heavily sugar-coated until it appears at first sight harmless. But, however upon closer scrutiny we find, sir, many things against which and upon which I shall stamp my solemn protest. The first section . . . provides that the Governor, Secretary and Auditor of State shall constitute a "State Board of Election Commissioners." Now, let us see whether this section differs materially in principle from the "Force bill," which provided that the Federal Judge should appoint Chief Supervisors of Elections, who in turn would appoint the Judges from the various political parties. It was against this centralization of power that Senators Gray of Delaware, Barbour of Virginia and Voorhees of Indiana hurled such thunderbolts, that the American Congress hesitated, and finally dropped the measure. Will the Democrats of Arkansas who lauded so justly these great apostles of their faith, now turn their backs upon their teachings? When you thus place the election machinery into the hands of the governor, secretary and auditor of State what will prevent them from appointing their satellites as County Commissioners in every county in the State, who in turn, influenced by their political bosses . . . will do their bidding?
>
> It is true that the present State officers are, from all that I know, upright and honest men. But, sir,

> you may not always have an Eagle to soar high above fraud, deceit and partisanism [sic]. We may behold in a day not far distant, some despot who will desire to perpetuate himself in office; then what is in this bill to prevent him from so doing?[36]

Such questions proved embarrassing to the Democrats, for the bill's centralizing features appeared in fact to go against their traditional espousal of restricted government and local autonomy. One reply was to argue that under present legislation all power was concentrated in a single individual, the county judge, whereas the new proposal dispersed authority among several boards and officials.[37] Their basic position, however, was expressed in a response delivered by Senator S. A. Miller to Bell's censures. Miller contended that

> . . . there is enough honesty and intelligence in the Democratic party, and the party of the people to come after her to give us free and fair elections. If the better element of the Democratic party will assert itself, we will have no more trouble in Arkansas over elections, and to that extent the bill is in the nature of an experiment: for myself, I am not afraid of the results. If the State should fall into the hands of the enemies of the people and dishonest men of the Democratic party were put at the head of affairs, of course the law would be a failure and the people would suffer; so would they abuse any law. I do not support the bill as a party measure alone, but as a reform measure, and in the hands of its friends, or any honest party, we can reasonably expect favorable results.[38]

Put succinctly, Miller was saying that the Democratic party could always be relied upon to place men of integrity in charge of the affairs of state, insuring thereby a just execution of the law. Such logic no doubt seemed incontrovertible to many of his Democratic colleagues.

During the course of the Senate debates, reference was also made—for the first time—to the race question. The electoral

practices followed in certain black delta counties had for years rankled the sensibilities of many whites. In the so-called "machine" counties, a number of recognized black leaders customarily selected their party's candidates for office, printed and distributed ballots, and then carted the faithful to the polls on election day. In exchange for their support, Negro tenants and croppers could except to encounter a few friendly black faces when visiting the courthouse, or might be extended a helping hand when in difficulty with the law. The system was strikingly analogous to that found among the urban immigrant groups, but respectable Southern progressives had no more love for this style of politics than their middle-class Yankee counterparts in the North. It gave black community spokesmen real power, which perhaps best explains why whites found it so odious.

However, it is probably true, as the whites constantly charged, that individual black voters who refused to follow their leaders might be subjected to extreme social ostracism or even occasional physical violence.[39] A number of senators voiced the hope that the secret ballot would end spotting and arm-twisting by Negro politicians, thus producing a "free ballot" as well as a fair count.

Few Democratic law-makers, though, were so foolish as to envision any sort of mass conversion by the newly-liberated black voters. Later in the session a Congressional re-districting bill was introduced, and there was great argument over how to apportion the state. Two different approaches were considered: Either to create one Negro Republican and five "safe" Democratic districts, or else to attempt to salvage six Democratic seats. Though the latter course was ultimately chosen, the heated discussions on this issue strongly indicate that wholesale black disfranchisement was not foreseen, and most likely was not the principal reason for enacting the election proposals.[40]

At the conclusion of the Senate debates, the election bill carried overwhelmingly, 25 to 6. Only three Democrats united with the Republican and Union Labor members to vote against passage.[41] Soon after the senators had given their approval, Governor Eagle signed the measure into law.

The new statute was first put to the test on election day, September, 1892—with results far more disastrous than anything the Republicans and agrarians had dreamt of in their worst imaginings. From all over the state came reports that the law had driven tremendous numbers of poor blacks and whites away from the ballot box. For instance, the *Arkansas Gazette* correspondent in Hempstead county wired that "Many negroes from pride failed to vote at all, and others scratched their ticket so badly the Judges had great trouble in deciding for whom they intended to vote." [42] The message from Desha county, where the Democrats won their first victory since the Civil War, stated that "The new election law demoralizes the negro, hence the result. Several negroes were arrested in different parts of the county for violating the election law." [43] For the same reason, Democrats scored upset triumphs in three other delta counties, La Fayette, Monroe, and St. Francis.[44]

Two years later, in 1894, the story was repeated. In Phillips county, "The negroes did not vote, largely because of difficulty in handling the official ticket"; [45] as a consequence, all Republicans were turned out of office for the first time in memory. Likewise, a straight-out Democratic slate carried Jefferson county.[46] Surveying the returns of the fall elections, the editor of the *Arkansas Gazette* noted that "For the first time since the negroes have been allowed to vote there will be no representative of their race in either branch of the Legislature." [47]

Overall, 65,000 fewer persons voted in 1894 than in 1890—an almost one-third drop in elector participation.[48] Republicans and third party men naturally suffered most from this decline, particularly so in the state's six most predominantly Negro counties.[49] In these areas the combined opposition lost almost eight times as many votes as the Democrats,[50] enabling the latter to regain complete ascendance. More than any other single measure, the 1891 election law established one-party rule and white supremacy as the central motif of Arkansas politics for a half century to come.

Here and there the Democrats may have utilized fraud to

attain their successes, as the election bill opponents had prophesied. Usually, however, corruption was simply unnecessary. Though illiterates could legally ask judges to aid in marking their tickets, few cared to expose their ignorance in such an embarrassingly public way—especially when they could never be sure in their own minds that their ballots were honestly cast. Most reacted by boycotting the polls. The following observations of a reporter at Pine Bluff are enlightening:

> In this city it was interesting to note the operation of the new election law. In the first ward and Vangine Township polls crowds of negroes gathered outside the ropes and discussed the situation, and many left for their homes without attempting to vote. There were no ticket peddlers, strikers or heelers visible, and when those who could not read were told to go to the polls and vote the majority of them declined, some being distrustful of the judges and others not caring to expose their inability to make out their tickets unassisted.[51]

Democrats were quick to acknowledge this phenomenon, but insisted their opposition had only themselves to blame. The editor of the *Gazette* declared:

> The Australian system is by the majority regarded with favor, and the election yesterday is pronounced the most quiet and fairest ever held. There was nothing that any fair-minded man could find fault with, and we think that after our people fully understand its workings, and its perfect safeguards against fraud and ballot-box stuffing, it will meet with general favor. One thing was particularly noticeable, the total absence of cut and dried tickets on the streets. The hue and cry made by the opposing element against the system kept many from the polls, but not to the material injury of the Democracy. We are satisfied with the result, and if those of the opposing element saw fit to stay away from the polls and not

> vote—in other words, cut off their nose to spite their face—it was their loss, not ours.[52]

Another Democratic newspaper maintained: "The object of the law was to prevent fraud and intimidation at the polls. This has been done far beyond the expectation of its friends. Not one instance can be brought to show where a single individual, either white or black, went to the polls and did not vote just as he pleased." [53]

There is no good reason to doubt these Democratic claims that the elections were, for the most part, honestly administered. Considering the charges that had been leveled by the opposition, one might expect that the state election board would choose only men of probity to fill the new voting posts. The law, after all, was a rather radical experiment, and its friends were anxious to justify it and ensure its success. Even more persuasive, however, is the fact that the sharply reduced opposition vote must have lessened the temptation to perpetrate fraud. When illiterate Republicans and agrarians no longer exercised the franchise then, quite naturally, there was no further need to count out their ballots.

The first scholars to examine the election laws initiated throughout the South in the 1880s and 1890s were historians of the farmers' revolt and the Populist crusade. As might have been anticipated, the work of these men often reflected the belief held by the third party adherents themselves—that the laws were fraudulent devices, cynically designed to exclude agrarians from election commissions and permit corruption and vote-stealing at the polls. This judgment was enhanced further by later researchers, especially by C. Vann Woodward in his monumental book *Origins of the New South*.[54] Woodward, in fact, argued that the dishonesty engendered in part by these laws was a factor sparking the movement for constitutional revision at the close of the century; by altering their charters, many states hoped to devise more legal and, according to their lights, more legitimate methods of disfranchisement.

This study suggests that another and very different interpretation may be possible. Perhaps the reason a majority of

Southern states, such as Arkansas, never embraced constitutional revision is that they had already achieved both substantial election reform and disfranchisement through peculiar mutations of the Australian voting system.[55]

In any case, an intensive investigation of the Arkansas election statute does not support the traditional view. The law was not originally conceived as an instrument for purloining votes or stuffing ballot boxes. Indeed, precisely the opposite is indicated. The law grew out of a search for order, a sincere attempt to devise some means of disciplining free-wheeling local officials whose irregular practices were staining the Democratic party's reputation and undermining its popular backing. And in a strange and ironic way, the law achieved its purpose. To the Republicans it must have seemed truly demonic; in one deft stroke, the secret ballot had disfranchised the Democracy's opponents and ended blatant corruption. The former consequence had not likely been foreseen, but certainly was cheerfully accepted. Democratic officials could still claim that elections were honestly conducted, and in their own strict and narrow sense they were right.[56]

Of course, the outcome of it all was that both political democracy and racial equality became stunted and gnarled growths, not destined to flower again until the mid-twentieth century. From a modern and egalitarian perspective, all had been lost, save honor.

NOTES

1. For examples, see D. Y. Thomas, *Arkansas and Its People* (4 vol., New York 1930), I, 231-2; James Harris Fain, Political Disfranchisement of the Negro in Arkansas (unpublished M.A. thesis, University of Arkansas, 1961), pp. 39-40.

2. *Acts of Arkansas* (1891), sec. 7, p. 36.

3. John William Graves, "Negro Disfranchisement in Arkansas," *Arkansas Historical Quarterly*, XXVI (Fall, 1967), pp. 199-225.

4. Clifton Paisley, "The Political Wheelers and the Arkansas Election of 1888," *Arkansas Historical Quarterly*, XXV (spring, 1966), p. 9.

5. *Ibid.*, pp. 3-21. Most of the Union Labor recruits belonged to the Agricultural Wheel, a farmer's organization begun in Arkansas in 1882. The Wheel claimed 50,000 members in the state by 1888, and a half million in the South as a whole—at the time of its merger with the

Southern Farmers Alliance, it was actually the larger of the two organizations. The Union Labor party was its political vehicle, and was supported by the Arkansas Republicans in 1888 and 1890. A few local Knights of Labor were also interested in the party.

6. *Ibid.*, pp. 17-18. See also the speech of Powell Clayton, Republican state chairman, published in the Little Rock *Arkansas Gazette*, September 23, 1888 (hereinafter referred to as *Arkansas Gazette*), and the letter of Charles Cunningham, Union Labor state committeeman, in the *New York Press*, September 18, 1888.

7. C. Vann Woodward, *Origins of the New South, 1877-1913* (v. IX, *History of the South*, Baton Rouge, 1951), p. 254.

8. Morehart was a native of Canal Winchester, Ohio, who served with the 114 Ohio Volunteers during the Civil War, doing part of his fighting in Arkansas. In 1881, he returned to the state and homesteaded land in the Mabelvale community southwest of Little Rock. He was this writer's maternal great-grandfather.

9. Fain, *op. cit.*, p. 30.

10. *Arkansas Gazette*, January 14, 1891.

11. *Ibid.*, March 1, 1891.

12. *Arkansas House of Representatives Journal* (1891), p. 86; *Arkansas Gazette*, January 20, 1891; Arkadelphia *Southern Standard*, January 30, 1891.

13. *Arkansas Gazette*, January 20, 1891.

14. *Arkansas House of Representatives Journal* (1891), p. 87; *Arkansas Gazette*, January 21, 1891.

15. *Arkansas Gazette*, January 21, 1891.

16. White and Sevier were both on the Election Committee, White being the Committee chairman. Other members were P. D. Brewer of Sebastian county, Sam. J. Crabtree of White county, H. A. Johnson of Chicot county, A. S. Morgan of Union county, and C. A. Otey of Lee county. All were white Democrats, except Johnson, who was a black Republican from the delta plantation country of eastern Arkansas. *Arkansas House of Representatives Journal* (1891), p. 66.

17. *Arkansas House of Representatives Journal* (1891), p. 184; *Arkansas Gazette*, January 31, 1891; Arkadelphia *Southern Standard*, March 6, 1891. All committee members endorsed the substitute except Representative Johnson, who submitted a minority report contending that present laws were adequate if honestly administered.

18. House bill No. 162 was later re-drafted to eliminate awkward phraseology, and re-introduced by Representative Sevier as House bill No. 240. The two measures were virtually identical, however, in all important respects. Sevier's sponsorship was important. He was a descendent of the Conway-Sevier-Johnson family, the ante-bellum "Dynasty" that had supplied Arkansas with numerous governors, U. S. senators, congressmen, and judges. No doubt sponsorship by a member from such an old and distinguished Democratic family enhanced the

bill's chances of success—as Committee members must of course have realized.

19. *Acts of Arkansas* (1891), sec. 1, p. 33.

20. *Ibid.*

21. *Acts of Arkansas* (1891), sec. 2, p. 35.

22. *Arkansas Gazette,* February 1, 1895, citing the U. S. census of 1890.

23. *Acts of Arkansas* (1891), sec. 34, p. 47. Party emblems were not included on the ballot, so illiterates had no way of preparing tickets on their own behalf. Despite the claims of its sponsors, the bill did not thus fully establish the Australian ballot system.

24. *Acts of Arkansas* (1891), sec. 36, p. 47. Under previous statutes, each party supplied voters with its own ballots. These were usually differentiated from the other party's in size and color, and of course automatically destroyed any possibility of secrecy.

25. *Arkansas Gazette,* February 28, 1891.

26. A Democratic party caucus had been organized for the first time at the opening of the 1891 legislature. During the previous session of the Assembly in 1889, an election bill had been introduced by Senator James P. Clarke of Phillips county. It was similar to the proposal now under consideration, and had been narrowly defeated in the House. Party leaders may well have had this event in mind when they decided to establish the caucus. *Fayetteville Democrat,* March 8, 1889; *Arkansas Gazette,* January 11, February 26, 1891.

27. In addition to the thirty-two votes against tabling, seventeen persons—an unusually large number—were recorded as being absent and not voting. *Arkansas House of Representatives Journal* (1891), pp. 240-1.

28. *Ibid.*

29. The Arkadelphia *Southern Standard* reported that Henley was the only white Republican in the House, but overlooked William A. Carlton from neighboring Newton county. Both Newton and Searcy were remote Ozark mountain counties which remained loyal to the Union during the Civil War, and later became Republican strongholds in the state. The other ten House Republicans, besides Henley and Carlton, were black men from districts in eastern Arkansas. In addition, there were four white Union Labor representatives. Arkadelphia *Southern Standard,* February 20, 1891; *Arkansas Gazette,* January 21, 1891.

30. *Arkansas Gazette,* February 26, 1891; *Arkansas House of Representatives Journal* (1891), 442-3. The adversion to murderers in the speech was probably a reference to the assassins of John M. Clayton, an 1888 Republican congressional candidate who was shot and killed at Plumerville while attempting to collect evidence of election frauds.

31. *Ibid.* The "Force bill" of course referred to the bill of Representative Henry Cabot Lodge of Massachusetts which would have placed Federal supervisors at the Southern polls during Congressional and Presidential elections. Though defeated in Congress in 1890, it had been used

by the Democrats as an issue in the last campaign—with great effect. To many white Southerners, the Force bill evoked painful memories of Reconstruction.

32. *Ibid.*

33. *Ibid.*

34. *Arkansas Gazette,* February 28, 1891.

35. In addition to Bell, there were two white Union Labor senators, F. P. Hill of Woodruff county and J. P. H. Russ of White county. All other members of the Senate were white Democrats. *Arkansas Gazette,* January 21, 1891; Arkadelphia *Southern Standard,* March 6, 1891.

36. *Arkansas Gazette,* February 28, 1891; *Arkansas Senate Journal* (1891), p. 334.

37. See particularly the *Arkansas Gazette* editorial of March 1, 1891; also the letter of the Honorable E. E. White, printed in the *Gazette,* May 7, 1892.

38. *Arkansas Gazette,* February 28, 1891; *Arkansas Senate Journal* (1891), p. 334. Senator Miller, representing Crawford and Franklin counties, was one of the few Democratic proponents who remained on the floor during the debates.

39. *Arkansas Gazette,* September 19, October 5, November 27, 1888.

40. It is not intended here to deny that many whites were already interested in devising some instrument for legal disfranchisement. Indeed, this same session of the legislature submitted a poll tax amendment to the electorate for consideration. However, it is doubted that the election reform law was originally conceived of as a disfranchisement measure *i.e.* that proponents planned to use the law to commit fraud and steal votes.

41. *Arkansas Senate Journal* (1891), p. 334.

42. *Arkansas Gazette,* September 7, 1892.

43. *Ibid.*

44. *Ibid.*

45. *Arkansas Gazette,* September 4, 1894.

46. *Pine Bluff Commercial,* September 7, 1894.

47. *Arkansas Gazette,* September 12, 1894.

48. *Arkansas Secretary of State Biennial Report, 1889-1890* (Little Rock, 1892), pp. 48-50; *Arkansas Secretary of State Biennial Report, 1893-1894* (Little Rock, 1895), pp. 44-6. In 1894, Arkansas' new poll tax went into effect, and accounted for some of the drop in voter participation. However, in the majority of delta counties Negroes were eliminated from office in 1892, before the poll tax had become operative. Contemporary observers generally voiced the belief that the election law was a more important factor in bringing about disfranchisement.

49. Chicot, Crittenden, Desha, Jefferson, Lee and Phillips.

50. *Arkansas Secretary of State Biennial Report, 1889-1890,* pp. 48-50; *Arkansas Secretary of State Biennial Report, 1893-1894,* pp. 44-6.

51. *Pine Bluff Press Eagle,* September 6, 1892.

52. *Arkansas Gazette,* September 9, 1892. This may not be completely

candid—there is limited evidence that some Democratic partisans deliberately played upon the illiterates' fears that judges would not fairly mark their tickets. It is important to remember, however, that such chicanery by no means prove that corruption by judges was actually the case. The author confesses that this is a revision of his view presented in an earlier article. See Graves, *op. cit.*

53. *Grant County News*, n. d., printed in the *Arkansas Gazette*, October 5, 1892.

54. Woodward, *op. cit.*, pp. 52-8, 275, 326-7. Woodward recognized that the election laws discouraged voting by illiterates, but also stressed the fact that they had been conceived and utilized as instruments for direct fraud. This same view is to be found in even the most recent monographs. For examples, see Sheldon Hackney, *From Populism to Progressivism in Alabama* (Princeton, 1969), p. 37; Raymond H. Pulley, *Old Virginia Restored: An Interpretation of the Progressive Impulse, 1870-1930* (Charlottesville, 1968), p. 56.

55. Woodward of course observed that suffrage restriction was a Southside movement and noted, quite correctly, that even those states which did not have constitutional conventions achieved substantial disfranchisement through use of the poll tax and the white primary. *Ibid.*, p. 345.

56. This same paradoxical result was also promoted by use of the poll tax and in some states, by constitutional revision—as Woodward observed. *Ibid.*, p. 348.