

Title: Grandfather Clause

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GRANDFATHER CLAUSE

The grandfather clause was among the legal devices designed by southern legislatures to limit African-American suffrage following Reconstruction. Literacy and property tests were imposed on potential voters, except for those who had been entitled to vote before black enfranchisement as well as their sons and grandsons. The grandfather clause was thus technically an exemption written into laws restricting suffrage but an exemption that allowed virtually all whites to retain the vote and that effectively disfranchised almost all African Americans.

The Mississippi constitution of 1890 represented the first attempt to eliminate black voting, and by World War I almost all the ex-Confederate states had adopted some form of black disfranchisement legislation. These included poll taxes, literacy requirements, property-holding requirements, the white primary, and an array of similar provisions designed to circumvent the Fifteenth Amendment to the U.S. Constitution, which prohibits states from limiting suffrage on the basis of race.

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In 1898 Louisiana introduced the first grandfather clause, which stated that "no male person who was on January 1st 1867 or at any date prior thereto entitled to vote ... and no son or grandson of any such person ... shall be denied the right to register and vote in this state by reason of his failure to possess the educational or property qualifications." Variants of this approach were the fighting grandfather clause, which exempted descendants of veterans, or Mississippi's "understanding" clause, which exempted those who could verbally interpret the state constitution to the satisfaction of white registration officials.

The grandfather clauses' effects were temporary. Only current white voters were exempted, and all new voters had to meet the literacy test. In practice, literacy tests resulted in a substantial reduction in white as well as black voting, since few whites would publicly proclaim their illiteracy to take the exemption. In 1914 the U.S. Supreme Court found grandfather clauses unconstitutional, and the southern states shifted to other forms of disfranchisement legislation.

See also Black Codes ; Jim Crow

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