

"A Mockery in the Name of a Barrier": Literacy Test Debates in the Reconstruction Era Congress, 1864-1869

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ABSTRACT

Between 1864 and 1869, the United States Congress debated an educational requirement for voter registration—a literacy test—as a means of dealing with the millions of new American citizens created by emancipation. These debates offer a critical early perspective on the development of literacy as a racial marker serving official racist agendas. Rhetoric supporting a test relied on the premise that a more literate and educated electorate is an obvious and uncontested cultural good, necessary for the continued health and indeed survival of the nation. When the test was first discussed, its primary advantage was that it offered a way to talk about the inferiority of the newly emancipated Southerners without resorting to racial explanations; thus, freed slaves were dangerous not because they were black but because they were ignorant and uneducated. The 1869 debates about the Fifteenth Amendment, however, reveal a growing awareness of literacy's rhetorical utility and the ways a belief in its inherent "goodness" might be used for ends divorced from the measurement or promotion of literacy: Radical Republicans proposed including a ban on such requirements in the language of the Fifteenth Amendment, certain that Southern whites would use it as a tool of disfranchisement. These debates, in the context of the test's subsequent history as a tool of racist exclusion, demonstrate the rhetorical power and pliability of the idea of literacy within official policy.

KEYWORDS

literacy test; Reconstruction; race; Fifteenth Amendment; suffrage

In the United States Senate chamber, on December 13, 1866, Senator Edgar Cowan, a Republican from Pennsylvania, rose in opposition to the most recent amendment to a suffrage bill in the District of Columbia, in which Connecticut Senator James Dixon proposed that any new voter "shall be able to...read and also write his own name" (USS, "39th Cong., 1st Sess." 84). Cowan imagined a future scenario for his colleagues in which an election board of the dominant party required a demonstration of an ability to write his name and read. A "colored man" coming before them would pass such a test "if he is understood to belong to that party" (101). If he planned to vote for the other party, however,

what kind of a chance would he have? Then the man of the dominant party who desires to carry the election says, "You shall not only write your name and read it, but you must read generally . . . Now, sir, read generally if you please." "Well," says he, "what shall I read?" Read

a section of the *Novum Organum* or some other most difficult and abstruse thing, or a few sections from Okie [sic]. Oken's Physiology would be delightful. (101)

The *Congressional Globe* reports that Cowan's narrative elicited "[Laughter.]" (101).

At question was the meaning of "read" in the amendment's language. Was it only an ability to read his own name, or was it, as another Senator claimed, "reading generally" (101)? If the former, Cowan sneered, "this is no barrier at all; this is a mockery in the name of a barrier; this is an insult to those who expect barriers" (101). If the latter, Cowan offered his example to point out the obvious shortcomings of "reading generally" as an assessment benchmark: "where is the precision, where is it to begin and where is it to end, and who shall determine its limits? I tremble for my sable brother when I reflect that he may be at the mercy of some political board in this respect" (101). Cowan's derision of an intelligence qualification came 24 years before Mississippi added a literacy test as a suffrage qualification during its 1890 Constitutional Convention, some version of which became a standard feature of Southern state constitutions by 1910.

In August 1964, almost 100 years after Cowan produced his hypothetical narrative, Unita Blackwell, a 31-year-old African American and budding civil rights activist, made her first attempt to register to vote at the Issaquena County Courthouse in the Mississippi Delta.¹ Under Mississippi law, Blackwell had to "read and interpret" a section of the Mississippi State Constitution by transcribing and paraphrasing it in writing. The Issaquena County Clerk, Mary Vandevender, chose Section 182 for Blackwell:

The power to tax any corporations and their property shall never be surrendered or abridged by any contract or grant to which the state or any political subdivision thereof may be a party, except that the legislature may grant exemption from taxation in the encouragement of manufactures and other new enterprises of public utility extending for a period of not exceeding five years, the time of such exemptions to commence from the date of charter, if to a corporation; and if to an individual enterprise, then from the commencement of work; but when the legislature grants such exemptions for a period of five years or less, it shall be done by general laws, which shall distinctly enumerate the classes of manufactures and other new enterprises of public utility entitled to such questions, and shall prescribe the mode and manner in which the rights to such exemptions shall be determined. (Qtd. in USCCR 29-30)

Blackwell failed that test, and the next, passing only on her third try, when the county courthouse had become the center of a federal civil rights investigation. That investigation revealed that in the three years prior to Blackwell's attempts, 107 of the 133 whites who applied to register were given one of these three sections from the Mississippi Constitution to transcribe and paraphrase:

Section 8. All persons, resident in this state, citizens of the United States, are hereby declared citizens of the State of Mississippi.

Section 35. The senate shall consist of members chosen every four years by the qualified electors of the several districts.

Section 240. All elections by the people shall be by ballot. (Qtd. in USCCR 48-49)

All of the 133 white applicants passed their literacy requirement. Out of 90 African Americans who

attempted to register between July 1964 and February 1965, nine succeeded, making them the only nine registered African Americans in Issaquena County, where blacks made up 68% of the almost 3,000 residents.

Such a “mockery in the name of a barrier” reflected predictions made by the US Congress in debates occurring between 1864 and 1869, when legislators regularly discussed the literacy test in the context of Reconstruction following Emancipation and the Civil War. I explore these debates in detail in this essay. The test—which both Connecticut and Massachusetts had required since the mid-1850s—first appeared in these debates as a device that might mitigate against the perceived “ignorance” of the recently enslaved Southerners, an ignorance portrayed as a threat to the purity of the ballot-box and the Republic in general. Senator Dixon, and others, defended the educational requirement by arguing that, while an ability to read and write might not be proof enough of intelligence, certainly an *inability* to read and write was, in general, evidence enough that a person was not prepared to vote responsibly and intelligently. But these debates, as Cowan’s narrative suggests, went beyond familiar arguments about the negative consequences of illiteracy and the cultural benefits of literacy. By the time Congress entertained the idea of banning literacy tests completely in the text of the Fifteenth Amendment in 1869, they had fully articulated an understanding of the test as easily manipulable, capable of disfranchising or enfranchising citizens based on race while seeming to do so on the basis of literate ability. And so Cowan sarcastically imagined a script that, a century later, Unita Blackwell and Mary Vandevender actually performed, albeit with a different “most difficult and abstruse” text.

“By the time Congress entertained the idea of banning literacy tests completely in the text of the Fifteenth Amendment in 1869, they had fully articulated an understanding of the test as easily manipulable, capable of disfranchising or enfranchising citizens based on race while seeming to do so on the basis of literate ability.”

These congressional debates, I argue in this essay, offer a critical perspective on the development of literacy as a racial marker serving official racist agendas. I begin by historically contextualizing the debates in relation to one of the dominant challenges in the Reconstruction South, the meaning of citizenship for the recently freed Southerners (and for anyone else in the South, and eventually the nation, with African ancestry). I then offer a rhetoric of the literacy test, as it appears in these debates. A primary aspect of that rhetoric was the incontrovertible goodness of literacy. Speakers relied on the premise that a more literate and educated electorate is an obvious and uncontestable cultural good, necessary for the continued health and indeed survival of the nation. Conversely, arguments against the literacy test can seem to be arguments against that premise. Literacy’s beneficent glow was such that it could distract from one of the other primary features of the rhetoric of the test, the way in which it could reframe discussion away from racial categories. When the test was first discussed, its primary advantage was that it offered a way to talk about the inferiority of the nation’s newest citizens without resorting to racial explanations; by this argument, the freed slaves were dangerous not because they were black but because they were ignorant and uneducated. Literate ability became nearly synonymous with race, useful as a way of describing a population in other than racial terms, making this one of the moments that “literacy has been accepted as White property in crucial contexts that helped

shape the country” (Prendergast 7). The future survival of the literacy test depended upon these rhetorical associations, which scholars and teachers of literacy will recognize as remarkably resilient.

More than outlining these themes, however, these debates finally reveal an awareness of literacy’s rhetorical utility and the ways a belief in its inherent “goodness” might be used for ends divorced from the measurement or promotion of literacy. The means by which a test could do this were precisely identified, as were the motivations of Southern governments for requiring such a qualification. No one doubted Southern whites would attempt to disfranchise African Americans, and the debates demonstrate that Congress knew the literacy test could do it. Given such total transparency, a transparency that lasted for the test’s entire political life, how could the test prove so durable? That durability, I argue, stems in large part from the power of literacy’s associations.

I am not arguing here that these congressional debates fundamentally shaped the national discourse on literacy tests, nor that Congress created new rhetorics surrounding literacy and race. There is significant evidence in the historical record of a fairly robust national conversation about the literacy test during this period, and central rhetorical principles in these debates—such as the determined linkage between literate capacity and racial descriptions—were well-trodden by the mid-nineteenth century and in fact enforced by antebellum laws banning literacy education for slaves. But these debates remain the most comprehensive available discussion of the literacy test in the nineteenth century, at least until 1890. The final wording of the Fifteenth Amendment allowed for exactly the exclusions predicted by supporters of a stronger amendment, and so the Fifteenth Amendment breathed life into a test that, by most indications, was nearly obsolete even in the two states—Connecticut and Massachusetts—where it had been constitutionally mandated just a decade earlier.

Here, I will not chronicle the origins of the literacy test, though some context is necessary. To my knowledge, the earliest appearance in American political discourse of the literacy test as a voting requirement was in the 1842 *A Treatise on the Rights of Suffrage* by Samuel Jones. Jones, a Massachusetts lawyer, recommended an educational qualification as a means of addressing a sudden demographic crisis in American politics, the increase of immigrants (all of them, but particularly the Irish) that was starting to affect society and politics, especially in New England. While proposals for an educational qualification as a means of restricting the immigrant vote appeared in New Jersey and New York Constitutional Conventions in the 1840s, such a qualification first appeared on state constitutions in Massachusetts in 1855 and Connecticut in 1857, both under the leadership of Know-Nothing politicians who rode to power largely on the basis of hysteria about immigrants taking over control of the body politic. By Reconstruction, then, the rhetorical potential of literacy as a means of excluding a threatening Other from the political sphere already had two decades of history in the United States—indeed, in the early twentieth century and even today in discourse about immigration, a lack of literate ability is often represented as one of the threats immigrants pose socially and politically.

SCHOLARSHIP ON THE LITERACY TEST

“Despite its infamy,” John Wertheimer noted in his discussion of the 1959 Supreme Court

decision in *Lassiter v. Northampton Board of Electors*, "the test has been subject to surprisingly little close scholarly scrutiny" (138). In composition and literacy studies, it has been occasionally mentioned as a way of providing context for a related discussion (see, for example, discussions of the literacy test in Kates; Prendergast), but almost no analysis beyond that. In the literacy test's early history, political scientists analyzed it—typically favorably—on occasion (see for example Bromage; Hart), and legal scholars and politicians wrote occasionally about the test during the civil rights movement (see, for example, Avins, "The Fifteenth Amendment"; Ervin). My own interest in the topic emerged when I wrote about the Citizenship Schools founded by the Highlander Folk School in 1957 (Branch) and looked for, and could not find, adequate scholarly sources to contextualize the literacy tests the Citizenship Schools were designed to contest.

Within the field of literacy studies, perhaps the most detailed examination of the literacy tests appears in Edward Stevens' *Literacy, Law, and Social Order*. Stevens focuses particularly on the political and legal history of the tests, highlighting the ways in which federal courts—even as they occasionally struck down obviously discriminatory practices by particular states—supported the constitutional right of states to set their own electoral laws, including an educational qualification. He notes that the central question raised by literacy tests—"at what level did the attribute of literacy need to exist to enable the application of native intelligence to decisions of self-governance?" (84) — was never addressed; that is, no one could define at what point the acquisition of literacy allowed for good citizenship. "Ironically," he notes, "the abuse of the literacy test was made easier by the absence of any well-founded measure of function and competence," an absence he accounts for because "[t]he ideal of a literate, self-governing population often operated at the level of ideology, not the level of function" (85).

The test, that is, reaffirmed a commonplace about the necessity of an educated and literate population to the health of the republic; as Senator Cowan demonstrated also, the fact that there was no clear idea of how literate a person or a population needed to be for that health, and that there was thus no adequate standard for measuring literacy, actually helped the test achieve its purposes —of disfranchisement in particular—more effectively. Stevens finishes his examination with questions he identifies as outside the scope of his study about the relationships "between citizenship rights on the one hand and literacy and education on the other" (87). He asks, "To what extent are these relationships dependent and independent, singular or plural? Can the ideological and the functional be separated? Should they be?" (87-88). In some ways, a version of this question lies at the heart of the congressional debates: the test addresses an ideological problem with a functional solution.

In a brief discussion of the literacy tests, Shirley Brice Heath notes that "[t]hough public use of literacy as a test of character and political participation has been struck down by the courts, the question remains whether or not the attitudes which established these tests remain in other cultural spheres—specifically in English classes and in the educational system at large" (37-38).² Heath's main concern is exploring the question of why we might teach writing at all, and her discussion of the literacy tests appears as an example of cultural attachments to literacy that have been used to answer that question within schools. But the transparency of the attitudes that established the tests indicates an early awareness of the ideological function of literacy to reaffirm notions of racial

difference and separation.

Tabitha Adkins argues that, since the passage of the Voting Rights Act in 1965, “literacy tests came to serve as a trope for discrimination disguised as bureaucracy” (82) in the arguments and decisions of the Supreme Court. In several post-1965 court cases, she notes, justices have invoked the literacy test to represent the discrimination that required particular sanctions in voting districts with such a test. In the recent Supreme Court case declaring Section 5 of the Voting Rights Act unconstitutional, Adkins notes, Justice Stephen Breyer referred to literacy tests as a symptom of “the disease [that] is still there in [Alabama]” (qtd. in Adkins 83). The reversal of Section 5 and the current approaches to limiting enfranchisement—through laws regarding voter identification and reduced registration and polling opportunities—are reminders that the impetus behind the literacy test in American suffrage law still plays a central role in American politics.

There has been more scholarly discussion of the literacy tests put in place to restrict immigration to the United States, especially at the federal level. Jeanne Petit explores Progressive Era literacy testing for immigrants, focused on race as well as “ideologies of manhood, womanhood, and sexuality” as tools for marking immigrants as safe or unsafe for citizenship (11). Constance Theado examines ideologies around literacy and literacy testing for immigrants between 1892 and 1917, arguing that literacy became understood, and continues to be understood, as a marker of what it means to be an American. Tricia Serviss analyzes the literacy testing of immigrants in New York between 1923 and 1946, arguing that by “expanding constructs governing literacy and writing assessment” (226), local assessors resisted the mandates of standardized evaluation directives.³ However, though the test is part of the common knowledge of the civil rights movement, the history, development, and debates about the literacy test as a tool of African-American disfranchisement have been largely overlooked.

Catherine Prendergast, in *Literacy and Racial Justice*, offers the most sustained exploration of the legal concept of literacy and race within the field of composition studies. Her work—focused on the twentieth century and *Brown v. the Topeka Board of Education* and subsequent court decisions in particular—reveals the ways that courts understood literacy as a property of whiteness, extending Cheryl Harris’s discussion about “whiteness as property” (Harris 1714). Her study highlights the ways that legal decisions, especially regarding educational policy, understood African-American literacy as posing a threat to the literacy of white Americans who “have acted as if something has been taken away from them when the goods of literacy are redistributed” (Prendergast 8). The literacy test, especially as it enters the discussion of suffrage law after the Emancipation Proclamation, trucked on literacy as a property of whiteness, part of a slate of properties—including of course almost all the physical property—that distinguished whites from African Americans for decades following the Civil War. Prendergast’s study demonstrates the social and legal power of that association, arguing that major twentieth-century Supreme Court cases dealing with racial justice, including but especially following *Brown v. Board of Education*, were predicated on something like a fear of the racial redistribution of literacy.

Close attention to the actual test, however, provides a critical perspective on the history of official literacy policy in the United States. From its beginning, advocates for an educational qualification for

voting relied on beliefs about literacy's connection to productive citizenship that typically covered baser political motivations focused on disfranchising populations likely to vote for a different party. This tension—between a belief in the inherent goodness of literacy and its actual functions in particular contexts—appears regularly in official educational and social discourses and has been a primary focus of my earlier scholarship. That this test was used consequentially for three-quarters of a century to disfranchise a significant population of Americans—in many cases the majorities of particular Southern states—means that leveraging this tension has played a central role in American history.

While I cannot claim the test created associations between race and literacy, it certainly relied on them and reaffirmed them in its creation, meaning that the test also can be read as a technology that bolstered “literacy” and “illiteracy” as racial markers. A close history of the test demonstrates concretely how discussions of literacy supported ethnic and racial oppression under the guise of promoting an ideal of better citizenship. The history of this test puts literacy in the center of some of the most enduring themes in American political and legal history: Reconstruction, Jim Crow, the civil rights movement, states’ rights, and so forth. The history of the test also sheds light on the on-going uses of literacy testing in the United States—though no longer used for access to voting, standardized tests of literacy continue to have high-stakes consequences. Likewise, as voting restrictions are more widespread in recent years, renewed attention to the history of electoral manipulation becomes even more urgent.

THE RECONSTRUCTION CONGRESS: A BRIEF HISTORICAL OVERVIEW⁴

No matter where [congressional argument] started, and how far afield in legal metaphysics it strayed, always it returned and had to return to two focal points: Shall the South be rewarded for unsuccessful secession by increased political power; and: Can the freed Negro be a part of American democracy?

—W.E.B. Dubois, *Black Reconstruction in America, 1860-1880* (267)

I offer here the briefest of historical contexts for these congressional debates, which occurred during one of the most contentious and controversial periods in American history, and I limit my overview to the legislative issues in which the literacy test was most commonly discussed. The literacy test appeared in congressional debates in the aftermath of the Civil War during arguments about representation for Southern states and about whether and how African Americans could be allowed to vote. The issue of representation hinged on the sudden transformation of millions of blacks from slave to citizen, or in the terms of the United States Constitution, from 3/5th to 5/5th of a person. For means of determining seats in the House of Representatives, this amounted on paper to a dramatic population increase for Southern states, and with it the possibility of a return to Congress with more power than they had before the Civil War. The place of African Americans in the democracy, then, was intrinsically linked to a desire to check that potential increase in Southern power, either by somehow limiting state representation or by requiring former

Confederate states to enfranchise their newest citizens as a condition of re-entry to the Union.

In early April 1862, the federal government emancipated slaves in the District of Columbia, seven months before Lincoln issued the Emancipation Proclamation on January 1, 1863. Because it was directly under the jurisdiction of Congress, the District became a proving ground for Reconstruction policy, and debates about suffrage in D.C. were some of the earliest discussions of full male suffrage from the era. Reform of D.C. suffrage was discussed as early as 1864, but the most serious debates came in the House in early 1866 and the Senate in late 1866. As with almost everywhere else in the United States, in D.C. the prospect of full male suffrage—Negro suffrage—was deeply unpopular (an unpopularity, of course, demonstrated by the ballots of registered white voters). Still, in December 1866 Congress granted full male suffrage in the District and overrode President Johnson's veto in January 1867, with all parties aware that the vote would likely serve as a precursor to broader suffrage reform. The literacy test appeared often in these debates.

Also in 1866, the balance of power in the federal government shifted considerably as the contours of Presidential Reconstruction became clearer. President Andrew Johnson, Lincoln's Democratic Vice-President, shocked Republicans in Congress by vetoing the Freedmen's Bureau Act and the Civil Rights Act early in 1866, repudiating not only the specifics of the policies but also their larger suggestion that the federal government should take the lead in protecting the civil rights of African Americans. Republicans in Congress responded by passing, after acrimonious debate, the Fourteenth Amendment. Under the Fourteenth Amendment, eligible males denied the right to vote could not be counted towards representation. In effect, the amendment made disfranchisement on the basis of race legal, even if it would entail particular limits on representation. Under the Fourteenth Amendment, such disfranchisement would have little effect on Northern state representation and potentially dramatic consequences in the South. Johnson, not surprisingly, opposed the amendment as an overly punitive overreach of federal power.

Following the congressional elections of 1866, however, the Radical Republicans became empowered in what shaped into an epic battle with President Johnson. Opposed to black suffrage, granting amnesty to thousands of former Confederate leaders, and seemingly unconcerned about allowing Southern states to return to the Union with increased political power, Johnson represented the antithesis of Radical Republican ideas. Johnson's widely maligned campaign antics proved a boon to the political fortune of Radical Republicans, who gained a veto-proof majority and, even before the newly elected Congressmen had been sworn in, immediately passed a bill declaring full male suffrage in the District of Columbia, passing the law on December 14, 1866, and overturning Johnson's angry veto at the end of January 1867. Soon thereafter, Congress granted full male suffrage to the territories.

In March 1866, Congress passed the Reconstruction Act (also overriding Johnson's veto), requiring as a condition of re-admittance that Southern states write new constitutions guaranteeing the vote to African Americans and also that the Southern states ratify the Fourteenth Amendment. Notably, Northern states were not required to enfranchise black voters, a double standard that opponents of the Act called hypocritical. When African-American suffrage in the North became a central issue in state and special elections in 1867, the political tide turned against the Radical

Republicans, reflecting the enormous national unpopularity (again, among registered voters) of giving the vote to African Americans. During the 1868 Presidential campaign, Republicans left a call for national black suffrage out of their party platform—"it was a double-faced thing," Democratic Senator James Doolittle proclaimed the next year; "it looked with a black face to the South and a white face to the North" (USS, "40th Cong., 3rd Sess." 1012). Though they won the presidency with Ulysses Grant in 1868, Republicans lost seats in the House of Representatives. Republicans in general realized that their political future depended in part upon African-American suffrage. And so, soon after the 1868 elections, Republican newspapers and politicians began calling for a Fifteenth Amendment that would secure full male suffrage. As *The Press* in Philadelphia wrote, "where the colored men vote, there the cause of Republicanism is entirely safe, and will be" (qtd. in Gillette 43).

When Congress began to debate the Fifteenth Amendment in January 1869, its intent to enfranchise African Americans was already clear. By that time, legally if not in actual practice, African Americans were enfranchised in the South, and the Fifteenth Amendment sought to nationalize that, for reasons both politically pragmatic and ideologically driven. At the same time, the deep unpopularity of granting Negro suffrage made Republicans wary of passing an amendment that states would refuse to ratify.

Representative George Boutwell, a Massachusetts Republican, introduced the first version of the Fifteenth Amendment on January 11, 1869; in it the critical language stipulated that "the right of any citizen of the United States to vote shall not be abridged by the United States or any State by reason of race, color, or previous condition of slavery of any citizen or class of citizens of the United States" (USHR, "40th Cong., 3rd Sess." 286). Language proposed by Ohio Republican Samuel Shellabarger that would have effectively abolished educational and property qualifications and permanently disfranchised all ex-Confederates was rejected by the House, which passed Boutwell's version on January 30, 1869.

Beginning on January 28, the Senate also debated its own version, which they dropped after Boutwell's amendment passed the House. Democrats—who had no power to stop the amendment—strongly opposed Negro suffrage using arguments about racial inferiority and the constitutional right of states to determine their own suffrage law. More consequentially, Republicans split as well, some seeking stronger measures that would disallow property or educational qualifications. Senator Henry Wilson, a Massachusetts Republican, offered the strongest version in the Senate, abolishing all qualifications for voting on the basis of "race, color, nativity, property, or religious belief." After a debate of thirty-two consecutive hours, a version of Wilson's amendment—one that would have permanently abolished the literacy test—passed the Senate on February 9, 1869. The House, however, rejected Wilson's language, and the Senate reconvened, returning to the original language it had taken up on January 28, which focused only on "race, color, or previous condition of slavery" as conditions that could not be used for disfranchisement, which the Senate passed on February 17. But then the House passed its own new version, this time banning nativity, property, and creed (but not education) as potential voting disqualifications. The Fifteenth Amendment went to a conference committee with three Representatives and three Senators, who returned with what would become

the final language: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or any other State on account of race, color, or previous condition of servitude.” The House, on February 25, and the Senate, on February 26, passed the final version.

The ratification process provided further drama. The amendment clearly advantaged Republicans in states with significant African-American populations, and all Western states except Nevada rejected it, reflecting concerns over the potential political power of Chinese immigrants. In general, Alexander Keyssar notes, opposition to the amendment and the stronger language rejected by Congress during the process of debate and ratification came from a desire to preserve a means of limiting suffrage among various populations, including “the increasingly visible clusters of illiterate and semi-literate workers massing in the nation’s cities” (81). Nevertheless, by mid-February 1870, the amendment had been ratified by two thirds of the states.

Had Wilson’s language been accepted in the Fifteenth Amendment, Kousser notes, “it is difficult to see what permanent means of suffrage limitation those who wished to eliminate poor and uneducated groups from the electorate could have employed” (56-57). The urgent compromises required to pass the Fifteenth Amendment left open the possibility that a literacy test could be added to registration requirements in the future. As I point out in the next section, Radical Republicans in Congress never doubted that such an opportunity would be eagerly seized to ensure the disfranchisement of the South’s newest voters.

THE LITERACY TEST GOES TO WASHINGTON

In this section, I explore two primary aspects of the rhetoric of the literacy test. First, the rhetoric of the test relied on the positive associations of literacy, what Harvey J. Graff calls “the literacy myth.” The literacy test supported the impossible-to-argue-against premise that a more educated electorate would create a stronger democracy. These associations proved so strong and enduring that they could prop up the literacy test even when its primary purpose as a tool of racist disfranchisement was never in doubt. Second, the rhetoric of the literacy test allowed for a discussion of race to occur without using racial terms. Literate ability—being literate or illiterate—became a characteristic that covered for the racial fears exacerbated by emancipation and Reconstruction. The long-term and highly effectual presence of the literacy test in American history, then, should be understood as an extraordinary example of the rhetorical power of the idea of literacy, which offered a means, in the words of Benjamin Tillman, a prominent South Carolina Democrat who worked to add a literacy requirement to the state’s 1895 post-Reconstruction constitution, to “get around the Chinese wall, the impassable bulwark which the Fifteenth Amendment throws around the negroes” (*Journal of the Constitutional Convention* 468).

“A received and incontrovertible maxim”: Literacy as an inarguable good

By attaching itself to accepted cultural truths about the value of education and intelligence in a democracy, the literacy test relied on arguments so difficult to dispute that they could trump the fact that, at least as a Jim Crow institution, the test’s actual function to disfranchise African Americans

was never in doubt. Senator Waitman Willey, in July 1866 debates about suffrage in D.C., stated the relationship in representative fashion: "It is a received and incontrovertible maxim that free institutions are only safe in the hands of intelligent people" (USS, "39th Cong., 1st Sess." 3438). In vetoing full male suffrage in D.C. in January 1867, President Johnson likewise affirmed that point with the sort of pious language that often surrounded abstract discussions of suffrage: "when guided by virtue, intelligence, patriotism, and a proper appreciation of our institutions," the exercise of the franchise was the foundation of democracy, but "if exercised by persons who do not justly estimate its value and who are indifferent as to its results, it . . . must eventuate in the complete destruction of that liberty of which it should be the most powerful conservator" (USS, "39th Cong., 2nd Sess." 304). This sort of trumpeting of literacy's intrinsic benefits, of course, is a mainstay of discourse on literacy; I have written in the past about the ways that correctional education and vocational education, for example, rely on such commonplaces about literacy to promote broader social and institutional agendas (see Branch, *Eyes*). Again and again, this idea is affirmed and restated; because of its obvious cultural powers, even opponents of the literacy test had to somehow address the premise.

"The idea of literacy, however, created a powerful cover for the test's racist agenda: the rhetorical principle about education and citizenship that the literacy test forwarded seemed self-evident. Until it was finally banned in 1965, what the test actually did could be shielded by the values it seemed to project."

If support of the literacy test could be framed as an argument for a more educated electorate, arguing against the test could seem to sanction the opposite premise, that there was little value in a more educated electorate. When in February 1869 the Senate passed the version of the Fifteenth Amendment banning any sort of educational qualification, reactions in the press emphasized exactly that potential. *The Nation* reported favorably, in general, about the Senate draft, except for "the provision forbidding any State, no matter what its circumstances or its experiences, to demand of any of its citizens an educational qualification for the exercise of the franchise" ("Suffrage" 101). Such a provision was a "step backward," not in regard to how it might operate, but because its passage would amount to "a solemn national declaration, made by the most progressive people in the world, that intelligence is of no importance in politics, and that a 'brute vote' ought to count for as much as a human one" (101). *Harper's Weekly* took a more ambivalent stance about the proposed ban on an educational qualification, suggesting that it was unlikely "that [a condition of education for the suffrage] would not be imposed in the Southern states if opportunity were offered," given that "every kind of effort will be made [there] to avoid a practical political reality" (131). Still, their editorial fretted about the message the ban might send: "It may be very easy to evade any practical test of a voter's education, but is it, therefore, wise that the country should seem to think that ignorance is not harmful in a voter?" (131). Here, while acknowledging that attempts to disfranchise African Americans were almost certain to occur and that a literacy test was likely to become a useful tool to that effect, *Harper's Weekly* focused on the broad and untenable position that a ban might "seem" to promote. For both *The Nation* and *Harper's Weekly*, banning the literacy

test would send a dangerous message, which mattered regardless of the actual purposes of the test.

In some ways, the story Cowan told on the floor of the Senate in 1865, and the story Unita Blackwell lived out in the Issaquena County Courthouse in 1964, are connected by this principle. How could a voting qualification—whose uses were predicted and enumerated decades before they were actually enacted; whose reason for existing was loudly and repeatedly declared when Southern states rewrote their Reconstruction-era constitutions; that commentators, politicians, and judges all understood to make practically possible what had been legally proscribed—how could that test fulfill its purpose for three quarters of a century? The primary reason, most likely, is that the test enforced a racial exclusion that few white Americans, for most of American history, were willing to challenge. The idea of literacy, however, created a powerful cover for the test's racist agenda: the rhetorical principle about education and citizenship that the literacy test forwarded seemed self-evident. Until it was finally banned in 1965, what the test actually did could be shielded by the values it seemed to project.

“Strike out the word ‘white’”: Literacy as a cover for race

Another critical aspect of the rhetoric of the literacy test lies in the ways that descriptions of literate ability became used to replace racial terms. Until the Fifteenth Amendment was passed, this rhetorical move allowed for the sudden problem posed to the nation by four million new citizens to be described not in terms of race but in terms of cognitive and intellectual ability. After the passage of the Fifteenth Amendment, the rhetorical capacity of literacy to cover for race became legally necessary.

The earliest mention of the literacy test during the Reconstruction debates in Congress came in the spring of 1864 when the Civil War was grinding down, with a United States Senate comprised only of Union states, during debates about suffrage in the District of Columbia. In this brief and unresolved discussion, literate ability appeared, quickly and easily, as an explicit replacement for race, reflecting contemporary understandings of racial difference that associated blackness with ignorance and whiteness with intelligence. In connection with emancipation, a central discourse of literacy shifted. Whereas literate slaves in the antebellum South represented a threat that must be legislated against, now the legislative anxiety addressed illiterate former slaves. The literacy test offered a useful rhetorical framework for new policy directed toward that social danger, by allowing legislation responding to racial fears to appear as legislation promoting an obvious social good. The future of the literacy test depended upon that rhetorical substitution of literate ability for race.

On May 6, 1864, Senator James Dixon offered an amendment to Senate Bill 114, “An Act to continue, alter, or amend the charter of the city of Washington,” particularly designed “to preserve the purity of elections and guard against the abuse of the elective franchise” in the District of Columbia. Dixon’s amendment, a minor bureaucratic addition, quickly passed; immediately after its passage, Senator Cowan proposed another amendment to Section 1 of the same bill, “by inserting the word ‘white’ before the word ‘male,’ so as to confine the right of voting in Washington to white male citizens” (USS, “38th Cong., 1st Sess.” 2140).⁵ Cowan believed that offering the franchise to “semi-barbarous and uneducated negroes, many of whom have just emerged from slavery” (2140), would

be too radical a step to take in the midst of the Civil War. And he claimed that African Americans would vote as a bloc, referencing the rise of the Know-Nothing Party and its anti-Irish Catholic rhetoric to contextualize his anxiety: "we all remember, that but a few years ago a powerful party was formed in this country which charged this offense upon foreigners, and especially those of them who belonged to a particular religious faith" (2141). When Charles Sumner, the Radical Republican from Massachusetts, countered that "the colored voters have divided at the polls" in his state (2141), Cowan responded by noting that Massachusetts had "very few negroes" and that "There is a further reason why I suppose there is no difficulty experienced in Massachusetts in regard to negro voting; that is that there all electors must be able to read, which would still further limit the mischief" (2141-42). Here appears what I believe to be the first mention of the literacy test within the United States Congress.

Cowan's introduction of the literacy test into the debate reframed the discussion away from exploring categories of race and toward a discussion of qualifications of voters, the foremost being, according to Waitman Willey, a Republican from West Virginia, "intelligence, capacity to understand how to exercise this great duty" (2141). Willey reminded the chamber of the law in Connecticut which "represents that no person, either white or black, . . . is entitled to exercise the right of suffrage unless he can read and write" (2141). The discussion was tabled until May 12, at which time Senator Lot Morrill, a Republican from Maine, sought to make two changes to Cowan's suggested amendment. The first change slightly modified the tax requirement; the second added a requirement that a voter be able to "read and write with facility" (2239). When the Senate President sought clarification about the Cowan's addition of the word 'white' before 'male,' Willey declared his intent "To strike out the word 'white'" (2239). Apart from a minor loosening of the tax requirement, that is, Morrill's proposed amendment is a straightforward substitution of "literate" for "white."

That substitution, of course, was possible only in relation to the grafting of illiteracy onto blackness, a process that took two primary forms in these debates. In both cases, arguing not in terms of color but in terms of what that color represented—not about whiteness but about an ability to read and write with facility, not about blackness but about illiteracy and ignorance—provided a way to specify a racial threat in non-racial terms. One argument—a typical racist formulation of the time, promoted by the era's top scientists—held that blacks were biologically incapable of the type of intelligence that would make them qualified voters. So, Representative Benjamin Boyer, a Pennsylvania Democrat, when the House debated D.C. suffrage in January 1866, argued that the reason to exclude "the negro" from voting was not on account of his blackness or "long heels and wooly hair" or "because the bones in his cranium are thick and inclose [sic] a brain averaging by measurement fewer cubic inches in volume than the skulls of white Americans" (USHR, "39th Cong., 1st Sess." 177). Such physical characteristics, Boyer argued,

are the outward badges of a race by nature inferior in mental caliber, and lacking that vim, pluck, and poise of character which give some force and direction to human enterprise, and which are essential to the safety and progress of popular institutions . . . An educated negro is a negro still. The cunning chisel of a Canova could not make an enduring Corinthian column out of a block of anthracite; not because of its color, but on account of the structure

of its substance. (177)

Critically, arguments such as Boyer's justified racist public policy not on the basis of something as seemingly arbitrary as those "outward badges," but because of innate and irredeemable biological differences. The racial differences that mattered were internal. Proponents of this view categorically rejected African-American enfranchisement as dangerous to the future of the nation, because blackness symbolized an intellectual deficit that could never be overcome.

Stated in other terms, however, those "outward badges" could symbolize a deficit that was—at least in part—a by-product of history. Blackness still represented ignorance, but rather than being racially inherent, that condition had been determined by the institution of slavery. In the discussion following Morrill's proposal to "strike out the word 'white,'" Senator Lafayette Foster, a Connecticut Republican, argued against "color" as "a sensible or reasonable test of that or of any political right whatever. I think the proper test is intelligence and sufficient moral character" (USS, "38th Cong., 1st Sess." 2240). He articulated the association between race and literacy directly: "[T]he great mass of blacks who are in this District, certainly those who have recently come into it, are by no means qualified to [vote]. If we insist either upon intelligence or upon moral character, they would probably be wanting in both" (2240). While those blacks should not be blamed for those shortcomings, Foster argued that their ignorance was dangerous anyway: "Still, though they have been abused and shut out from the light of knowledge, they should not be allowed to exercise a right that they are not qualified to exercise, by way of compensation. That would be punishing those who are not to blame for the faults and crimes of others" (2240). Likewise, Senator Morton Wilkinson, a Republican from Minnesota, supported Morrill's amendment, noting that "I am well aware many of [the freed slaves] will be incompetent to vote on account of the wicked and pernicious influence which slavery has had upon them" (2241). This argument supporting the test shifted the topic away from race as an "outward badge" of inferiority and towards an internal characteristic and capacity that had been historically conditioned. Here, the primary threat was not African-American voters, but ignorant ones. Though a literacy test would certainly disfranchise a "great mass of blacks," it would not be on account of their blackness.

Supporters of the literacy test used a cultural commonplace about African Americans—that they were ignorant and uneducated, whether by nature or through history—and turned it into a political technology of disfranchisement. Using an inability to read and write as a measure of ignorance supplied a rhetorical distance from racial categories, a distance that would become legally necessary after the ratification of the Fifteenth Amendment. That rhetorical move reflected earlier ones made in the Connecticut and Massachusetts constitutions, which used a literacy test to guard against a variety of threats posed by the surge of recent immigrants (especially, perhaps, their tendency to vote for Democratic candidates). And it reaffirmed the distinction made into law in the antebellum Southern states that literacy is an attribute of whiteness that did not belong to blacks in the same way and so could be used to enforce a distinction that remained based in race. For the history of the literacy test, this replacement of the modifier "white" with "who can read and write with facility" should be recognized as a rhetorically important moment, even if its quick appearance in the debate confirms that it was already a broad cultural association. A rhetorical maneuver already

familiar from the anti-immigrant hysteria of the 1850s was directed toward another and now more threatening population. Following the ratification of the Fifteenth Amendment, when states could no longer restrict suffrage on the basis of race, those who opposed African-American suffrage in the strong terms of Benjamin Boyer above could no longer legally justify disfranchisement on the basis of inherent racial inferiority. The literacy test reappeared as a standard aspect of Jim Crow disfranchisement because it allowed for a way to talk about race without referring to race. The words "white" and "negro" could both be struck from the discourse, replaced, respectively, with synonyms for "literate" and "ignorant." As I indicate in the next section, the congressional debates demonstrate a wide awareness that the idea of literacy itself lent itself to this sort of manipulation.

RESISTING THE RHETORIC OF THE LITERACY TEST

As Cowan's narrative in the introduction indicates, the rhetoric supporting the literacy test in the congressional debates was never uncontested. Opponents of the literacy test resisted it for a variety of reasons, even though they were often, like Cowan, not in support of full male suffrage. Many voiced concerns about the ways a literacy test might impact already enfranchised whites (a central concern of Southern states' constitutional conventions beginning in 1890), while others deemed unjust a law that might disfranchise Union Civil War veterans. Some simply could not stomach African-American suffrage with any conditions attached. Until the debate about the Fifteenth Amendment, however, arguments in Congress focused primarily on the merits of using a literacy test as a filter for the electorate. During debates about the Fifteenth Amendment, those who argued that the literacy test should be banned did so in favor of full male suffrage and depicted the literacy test as an open threat to that end goal. In so doing, they articulated fully the rhetoric of the literacy test, demonstrating how it could (and in fact would) be manipulated to achieve the goal of African-American disfranchisement.

These arguments specifically worked against the two primary rhetorical supports of the literacy test. In response to the seemingly inarguable benefit of a more educated electorate, supporters of a constitutional ban on the literacy test pointed out the ways that education had been legally proscribed in the antebellum South. If literacy were to become a requirement for voting, Southern states would have further impetus to limit educational opportunities for African Americans. The inherent and obvious good of literacy, then, might be used instead to sustain educational inequity. In response to the use of literacy as a replacement for race, supporters of the constitutional ban pointed out how easily such a test could be manipulated to exclude only particular categories of people.

The outlines of these arguments were already visible from earlier Reconstruction debates. When Congress first explored the literacy test as a potential voting requirement in the District of Columbia in May 1864, some opponents, like Cowan, believed that any possibility of African Americans voting would be dangerous. Others, like Massachusetts Senator Henry Wilson, the test's most determined congressional opponent in 1869, argued against any restriction that might disfranchise present voters or veterans who had fought in the Civil War. But by January of 1866, when full male suffrage for the District of Columbia was taken up again in the House of Representatives, proponents

had begun responding more directly to arguments, like Boyer's above, that blackness was but the "outward badge" of inherent intellectual inferiority, as well as those, like Wilkinson's, that supported a literacy test because of the historically enforced ignorance of slaves. Representative Glenni Scofield, a Pennsylvania Republican, focused on a contradiction at the heart of arguments that relied on the educational level of African Americans to support either full or partial disfranchisement:

The forbidding statutes of the South attest the capacity of the negro. If they really believed his mind was so feeble, why bind it with such heavy chains? If he was incapable of learning, why prohibit it with the penitentiary? Their theories proved he was weak, but their legislation acknowledged he was strong. They debased him by law to fit him for slavery, and justified slavery because he was debased. (USHR, "39th Cong., 1st Sess." 180)

Scofield articulated a circular process by which an ignorance legally and deliberately constructed to deny power to slaves is rhetorically transformed into a justification for continuing to deny power to a class of former slaves. Disfranchisement on the basis of ignorance, then, instead of creating a more educated electorate, offered an incentive for continued educational inequity. Representative Pike, arguing about the literacy test during a January 1866 debate about the basis of representation in the House of Representatives, offered a particular hypothetical situation:

[S]uppose that after adopting this educational qualification, [a state] should fail to provide that these people whom we now know to be ignorant, shall hereafter be educated, should simply let them severely alone? Or suppose that they interpose such restrictions by indirect laws as to practically prevent them from being educated. (407)

A literacy test could actually encourage the continued restriction of literacy education. This argument, used regularly by opponents of the literacy test before 1869, became a central theme in the congressional debates about the Fifteenth Amendment.

Likewise, Congressmen had articulated the arbitrary potential of the test's delivery and assessment before debates about the Fifteenth Amendment. Republican Representative John Farnsworth of Illinois, during the House debate about D.C. suffrage in January 1866, pointed out the inherent vagueness of education or intelligence as a qualification: "[W]here will you stop? One man will say that the voter should be able to read the Constitution and to write his name; another, that he should be acquainted with the history of the United States; another will demand a still higher degree of education and intelligence" (USHR, "39th Cong., 1st Sess." 205). Others extended the consequences of that vagueness by pointing out how it could be used to foster racial exclusion. Cowan's narrative, in which voters receive texts of widely varying difficulty, highlighted the way that race could define how literate capacity is assessed. Representative George Boutwell, Massachusetts Republican, noted in January 1866 that while the literacy test was given fairly in Massachusetts, "In South Carolina and Alabama it is a question of administration; and do you suppose the men who will preside and decide this question will come to the conclusion that a negro can read when the result is that he must also vote?" (310). These arguments opposed to a literacy test began to reveal the ways that the vagueness and arbitrary aspects of an educational qualification might serve the ends of racial disfranchisement and certainly shaped the perspective of the Radical Republicans who sought its ban in the text of the Fifteenth Amendment.

By 1869, that is, Congress had explored the potential abuses of the literacy test in some detail, enough so that a powerful bloc of Congressmen believed that such a qualification would almost certainly be used to effect African-American disfranchisement even when such disfranchisement was constitutionally banned. Now, rather than trying to keep a literacy test from being enacted in particular cases, certain congressmen wanted to include a permanent ban on the use of an educational or property qualification for suffrage. The issue split the Republican party and caused a rift between the House and the Senate that appeared for several days as though it would kill hopes for the Fifteenth Amendment.

The first voices supporting a ban of the literacy test appeared in the House. Samuel Shellabarger, Republican from Ohio, delivered a lengthy speech on January 29, identifying "intelligence or want of property" as two categories that Southern states would likely use if the Fifteenth Amendment banned only "race, color, or previous condition of slavery" as conditions of suffrage. "Sir, a mistake here is absolutely fatal," he told his House colleagues. "Let it remain possible, under our amendment, to still disfranchise the body of the colored people in the late rebel States and I tell you it will be done" (USHR, "Appendix" 97). In effect, Shellabarger argued, the amendment so worded would "legalize the disfranchisement of the vast body of the loyal race of the South" (97). Shellabarger's argument for a specific ban drew from previous arguments that referred to the historical ban on literacy education for slaves:

This colored race cannot now read because we have for these centuries shut them from the light; they are poor because we have during these centuries stolen their property. And now we are about to make an amendment to our organic law . . . by which we say to the oppressing race, "You may forever in the future, as you have in the past, keep away from these people both knowledge and property, by keeping away from them the ballot." (98)

Here, Shellabarger predicted that a literacy test not only would offer a way to avoid the restrictions intended by the Fifteenth Amendment, but also would encourage further educational limitations for African Americans.

Boutwell attempted to assuage Shellabarger by adding to the end of the current amendment's language the clause "nor shall educational attainments or the possession of or ownership of property ever be made a test of the right of any citizen to vote" (USHR, "40th Cong., 3rd Sess." 726). He did so, however, not because he thought the language necessary, "but in order that the sense of the House may be tested upon the question" (726). When it was put to the vote, the House voted against the constitutional prohibition of literacy and property requirements and supported the original language Boutwell suggested, focused only on "race, color, and previous condition of slavery" (726). That language, with minor changes, would eventually become the text of the Fifteenth Amendment. Boutwell defended the language by arguing that expanding beyond those three conditions would endanger the ratification of the amendment in the states.

When the Senate took up the amendment, quickly turning to the House version as its starting point, the debate about potential loopholes in Boutwell's language became more charged. Alabama Republican Willard Warner noted that while the intent of the amendment was to enfranchise African Americans, "under it and without any violation of its letter or spirit, nine tenths of them

might be prevented from voting” with property or intelligence qualifications. In short, he argued, the amendment would fail to protect “the poor, unlearned man, who has nothing but the ballot, to whom it is a priceless heritage, a protection and a shield . . . it is the disfranchisement of the poor and the ignorant which it is our duty to guard against” (USS, “40th Cong., 3rd Sess.” 862). Indiana Senator Morton noted that Southern states could create regulations “that will cut out forty-nine of every fifty colored men . . . from voting,” by which “this amendment would be practically defeated in all those States where the great body of the colored people live” (863). Using “race, color, and previous condition of servitude” would allow Southern state governments to say that they do not disfranchise African Americans on those conditions, “but because they are naturally inferior in point of intellect, and unqualified to take part in the administration of Government” (863). Morton sought positive language stating who had the right to vote, not negative language that could be narrowly interpreted by future Southern state governments. Morton’s argument—that racial exclusion would be enacted through using seemingly non-racial regulations—explicitly broke down a central rhetorical pillar of the literacy test. Florida Republican Adoniyah Welch spelled it out even more directly in his February 8 speech, responding to an objection to “negro suffrage” voiced regularly during the debate:

This objection, stripped of its verbiage and stated syllogistically, reads as follows: intelligence and virtue are indispensable to the safe exercise of the right of suffrage; the African race in this country is inferior in respect to intelligence and virtue, and consequently it should be denied the right of suffrage. (982)

Though “the premise with which it starts nobody denies” (982), the second, Welch argued, was more in contention. He granted that “[the freedman] is inferior intellectually to the educated whites,” but emphasized “it is the legitimate fruit of slavery and not a defect of race” (982). For Senator Jacob Howard, a Michigan Republican, the narrow attention to “race, color, or previous condition of servitude” made the amendment particularly vulnerable to abuses: “for any other cause, whether it be religious belief, or a want of moral training, or defect of education . . . the right to vote may be taken away from the citizen of the United States” (985).

To address such concerns, Massachusetts Senator Henry Wilson proposed an amendment that would make it illegal to restrict suffrage “on account of race, color, nativity, property, education, or creed” (USS, “40th Cong., 3rd Sess.” 1035), language which the Senate debated at great length into the following day. In Massachusetts, Wilson argued, the educational test “has become, through a sense of justice among the people, almost a dead letter” (USS, “Appendix” 154). “I was opposed to it when it was adopted, I did not believe in it, and I believe less in it now” (USS, “40th Cong., 3rd Sess.” 1038). Though several Senators defended an educational qualification during the ensuing debate (New Hampshire Senator Patterson, for example, advancing the commonplace that the qualification “simply protects the purity and integrity of the Government” (1037)), Wilson’s amendment passed the Senate with the necessary two thirds of the Senate, 39-16. When the House took up this amendment, however, on February 15, it was quickly defeated. Desperate to pass the amendment before the end of the session, House and Senate Republicans agreed on, and finally passed, a version focused only on “race, color, and previous condition of servitude” (USHR, “40th Cong., 3rd Sess.” 1428).

Wyoming included a literacy requirement in its constitution in 1889, though I have been

unable to determine its exigence. For Mississippi in 1890, however, and for the several Southern states that followed over the next twenty years, the exigence was clear and overt, realizing the predictions put forth by congressmen decades earlier in their Reconstruction debates. The literacy tests, part of a full suite of disfranchising technologies, became one of the lasting legacies of the collapse of Reconstruction and helped prop up white supremacy in the Southern United States for decades to come. As predicted, it used an arbitrary measure to target a particular population, and it encouraged continued neglect of educational opportunities for African Americans in the American South. In addition, the American example begun by Mississippi served as an explicit model for similar literacy requirements targeting Indians in South Africa and Asians in Australia (see Lake).

CONCLUSION

I have explored here one episode in the history of the literacy test, but one that proved critical to the test's future as an instrument of racist disfranchisement. The congressional debates about the test during Reconstruction are important, however, not only because they nearly banned the test as a suffrage requirement, or because congressmen correctly and repeatedly predicted that the test would be useful for denying the vote to African Americans. The debates also demonstrate a savviness about the rhetorical value of literacy, about the ways that the idea of literacy could, and would, be used in service of ends that have nothing to do with reading and writing.

Discourses surrounding literacy in the United States and elsewhere have long relied on the salutary associations of literacy to support measures promoting a variety of unrelated or partially related ends. Indeed, the history of educational reform, and in particular the reform movements of the late twentieth and early twenty-first centuries, largely bear out the value of leaning on the inarguable benefit of literacy to promote agendas that stretch well beyond literacy. And throughout American history, discussions of literacy and illiteracy almost always have a racial component, a racial identification. The literacy test, in conjunction with the antebellum proscription of literacy education for slaves, should be seen as a crucial creator and lasting affirmer of those identifications, a critical legal prop for the idea of literacy as a property of whiteness. Indeed, for three-quarters of a century, the idea of literacy was central the massive disfranchisement of millions of citizens, the greatest political swindle in American history.⁶

“The debates also demonstrate a savviness about the rhetorical value of literacy, about the ways that the idea of literacy could, and would, be used in service of ends that have nothing to do with reading and writing.”

NOTES

¹ Details regarding Blackwell's testing appear in the United States Commission on Civil Rights transcript of hearings in Jackson, Mississippi. See especially pages 28-32 and 47-52.

² Actually, the courts never struck down the literacy test, though they did rule occasionally against particular structural aspects. It was the United States Congress, under the Voting Rights Act of 1965, that ended such testing. I repeated this mistake (2007), though independently of Heath.

³ In the southern literacy tests, local assessors—typically registrars at county courthouses—were the primary agents in the tests' goal of racial exclusion, enforcing rather than resisting state directives.

⁴ My primary sources for this historical overview are Gillette, Foner, and Keyssar. Keyssar and Gillette detail the extended debate about the Fifteenth Amendment and proposed bans on an educational requirement in sharp detail.

⁵ The complete text of the relevant part of Section 1, Senate Bill No. 114, reads:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every male citizen of the United States who shall have attained the age of twenty-one years, and shall have resided in the city of Washington one year immediately preceding the day of election, and shall be resident of the ward in which he shall offer to vote, (except persons non compos mentis, vagrants, paupers or persons who shall have been convicted of any infamous crime,) and shall have paid all school taxes properly assessed against him, shall be entitled to vote for mayor, collector, register, members of the board of aldermen, and board of common council, and assessor, and for every officer authorized to be elected at any election, under any act or acts to which this is amendatory or supplementary. (USS, "38th Cong., 1st sess." 1-2)

The language hailed from 1848, when the Act originally appeared.

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WORKS CITED

- Adkins, Tabitha. "Literacy as a Legislative and Judicial Trope." *Literacy in Composition Studies* 2.2 (2014): 77-87. Web. 20 Feb. 2015.
- Avins, Alfred. "The Fifteenth Amendment and Literacy Tests: The Original Intent." *Stanford Law Review* 18.5 (1966): 808-22. JSTOR. Web. 2 Sep. 2014.
- . *The Reconstruction Amendments' Debates: The Legislative History and Contemporary Debates in Congress on the 13th, 14th, and 15th Amendments*. Richmond: Virginia Commission on Constitutional Government, 1967. Print.
- Branch, Kirk. *Eyes on the Ought to Be: What We Teach When We Teach About Literacy*. Cresskill: Hampton P, 2007. Print.
- Bromage, Arthur. "Literacy and the Electorate." *American Political Science Review* 24.4 (1930): 946-62. JSTOR. Web. 17 Mar. 2010.
- Dubois, W. E. B. *Black Reconstruction in America, 1860-1880*. New York: Free P, 1998. Print.
- Ervin Jr., Sam J. "Literacy Tests for Voters: A Case Study in Federalism." *Law and Contemporary Problems* 27.3 (1962): 481-94. JSTOR. Web. 2 Sep. 2014.
- Foner, Eric. *Reconstruction: America's Unfinished Revolution, 1863-1877*. New York: Harper Collins, 1988. Print.
- Graff, Harvey J. *The Legacies of Literacy: Continuities and Contradictions in Western Culture and Society*. Bloomington: Indiana UP, 1987. Print.
- Gillette, William. *The Right to Vote: Politics and the Passage of the Fifteenth Amendment*. Baltimore: Johns Hopkins P, 1965. Print.
- Harris, Cheryl. "Whiteness as Property." *Harvard Law Review* 106.8 (1993): 1710-91. JSTOR. Web. 5 May 2014.
- Hart, Albert Bushnell. "The Exercise of the Suffrage." *Political Science Quarterly* 7.2 (1892): 307-29. JSTOR. Web. 15 Nov. 2010.
- Heath, Shirley Brice. "Toward an Ethnohistory of Writing in American Education." *Variation in Writing: Functional and Linguistic-Cultural Differences*. Ed. Marcia Farr Whiteman. New York: Taylor and Francis, 1981. 25-46. Print.
- Jones, Samuel. *A Treatise on the Rights of Suffrage, with an Appendix*. Boston: Otis, Broaders, and Co., 1842. Google Books. Web. 8 July 2014.
- Journal of the Constitutional Convention of the State of South Carolina*. Columbia: Charles A. Calvo, Jr., 1895. Google Books. Web. 6 Jan. 2011.
- Kates, Susan. "Literacy, Voting Rights, and the Citizenship Schools in the South, 1957-1970." *College Composition and Communication* 57.3 (2006): 479-502. Print.
- Keyssar, Alexander. *The Right to Vote: The Contested History of Democracy in the United States*. New York: Basic, 2000.
- Kousser, J. Morgan. *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910*. New Haven: Yale UP, 1974. Yale. Print.
- Lake, Marilyn. "From Mississippi to Melbourne via Natal: The Invention of the Literacy Test as a

- Technology of Racial Exclusion.” *Connected Worlds: History in Transnational Perspective*. Eds. Ann Curthoys and Marilyn Lake. Canberra: Australian National U EP, 2005. 209-29. Print.
- Petit, Jeanne D. *The Men and Women We Want: Gender, Race, and the Progressive Era Literacy Test Debate*. Rochester: U of Rochester P, 2010. Print.
- Prendergast, Catherine. *Literacy and Racial Justice: The Politics of Learning After Brown v. Board of Education*. Carbondale: Southern Illinois UP, 2003. Print.
- Serviss, Tricia. “A History of New York State Literacy Test Assessment: Historicizing Calls to Localism in Writing Assessment.” *Assessing Writing* 17.4 (2012): 208-27. *ScienceDirect*. Web. 6 July 2014.
- Stevens, Jr., Edward W. *Literacy, Law, and Social Order*. DeKalb: Northern Illinois UP, 1988. Print.
- “Suffrage.” *The Nation*. 11 Feb. 1869: 101. Print.
- “The Suffrage and Education.” *Harper’s Weekly*. 27 Feb. 1869: 131. Print.
- Theado, C. Kendall. “Narrating a Nation: Second Wave Immigration, Literacy, and the Framing of the American Identity.” *JAC: A Journal of Composition Theory* 33.1 (2013): 11-39. Print.
- United States House of Representatives (USHR). 39th Cong., 1st Sess. *Congressional Globe*. Washington: Library of Congress, 1866. Web. 26 Aug. 2014.
- . 40th Cong., 1st Sess. Appendix to *Congressional Globe*. Washington: Library of Congress, 1869. Web. 26 Aug. 2014.
- . 40th Cong., 3rd Sess. *Congressional Globe*. Washington: Library of Congress, 1869. Web. 26 Aug. 2014.
- United States Senate. Bill 114. 38th Cong., 1st Sess. *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774-1875*. Washington: Library of Congress, 13 Feb. 1864. Web. 26 Aug. 2014.
- United States Senate (USS). 38th Cong., 1st Sess. *Congressional Globe*. Washington: Library of Congress, 1864. Web. 26 Aug. 2014.
- . 39th Cong., 1st Sess. *Congressional Globe*. Washington: Library of Congress, 1866. Web. 26 Aug. 2014.
- . 39th Cong., 2nd Sess. *Congressional Globe*. Washington: Library of Congress, 1867. Web. 26 Aug. 2014.
- . 40th Cong., 3rd Sess. *Congressional Globe*. Washington: Library of Congress, 1869. Web. 26 Aug. 2014.
- United States Commission on Civil Rights (USCCR). *Hearings Before the United States Commission on Civil Rights. Hearings Held in Jackson, Miss. February 16-20, 1965: Volume I Voting*. Washington: US Government Print Office, 1965. Print.
- Wertheimer, John W. *Law and Society in the South: A History of North Carolina Court Cases*. Lexington: U of Kentucky P, 2009. Print.