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Voters in a Foreign Land: Alien Suffrage and Citizenship in the United States,
1704-1926

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A Thesis presented to the Graduate Faculty
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Master of Arts


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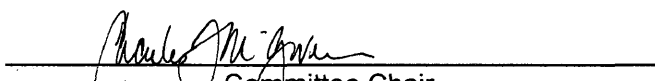
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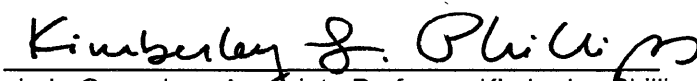
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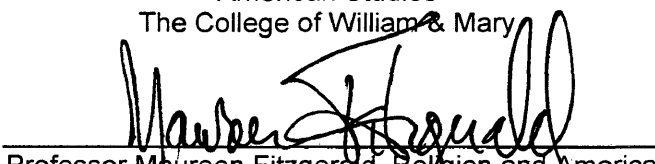
Master of Arts


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ABSTRACT PAGE

Beginning as early as 1704, noncitizen immigrants voted legally in what would become the United States of America, casting ballots in local, state, and federal elections. By the end of the eighteenth century, noncitizen immigrants had voted in twelve of the original thirteen states. Politicians welcomed noncitizen voting as an incentive for white Europeans of working age to emigrate. Rising levels of immigration and the Know Nothing political movement, however, gradually led state legislators and constitutional drafters to reconsider alien suffrage, as it was known, and legal noncitizen voting nearly disappeared by the 1840s.

Driven by territorial expansion, a seemingly insatiable demand for cheap labor, and the creation of immigrant-based political machines in many large cities, alien suffrage in the United States expanded again before and after the Civil War, peaking a century after the nation's founding. During the Progressive era and successive overseas wars, however, anti-immigrant reformers and resurgent nativists pushed lawmakers to drastically curtail alien suffrage. Ku Klux Klan influence, mounting concerns about urban political corruption, and World War I xenophobia finally spelled the end of alien suffrage in 1926.

The meanings of American citizenship and suffrage have changed depending on the value of noncitizens to the body politic. The right to vote has, at times, conferred citizenship on the unnaturalized, whereas citizenship has not always conferred suffrage on the natural born. When political leaders have desired cheap labor and larger state or territorial populations, they have conferred suffrage without requiring naturalization. But states have redefined suffrage to require citizenship when nativist fears of immigrants wielding political power and organizing labor unions have made aliens into enemies and voters in a foreign land.

CHAPTER ONE: INTRODUCTION

When August Albert, a 63-year-old, “unmarried farmer”¹ from Detroit, Michigan, arrived in New York on Monday, August 28, 1905, from a “visit [to] his childhood home in Saxony,”² the Ellis Island physician waiting in the shadow of Lady Liberty told him that he was too old to immigrate to the United States. After proving to the Board of Examiners that he spoke English well, Albert was told by immigration officials half his age that he would not be permitted to reenter the country. “Stunned,”³ Albert informed the immigration officials that he had lived “in Michigan thirty-two years”⁴ and was a citizen of the state of Michigan. He reminded the younger immigration officials that not only had he voted in Michigan for President Theodore Roosevelt but he had also voted for “a President of the United States when they were little children.”⁵ He “showed \$1,168.20 in American money to prove that he was not likely to become a public charge and declared that he regarded himself as still capable of working as a farmer.”⁶ He patiently explained that he had taken out first papers well over two and a half years before November 8, 1892, at a time when any immigrant who declared his intention of becoming an American citizen was automatically granted Michigan citizenship. Because Albert

¹ “Man Without a Country: Man from Saxony Who Once Voted Here Held on His Return,” *Dallas Morning News* 31 Aug. 1905: 2.

² *Ibid.*

³ “What Nationality Is This Man? : A German Who Lived Thirty-Two Years in America Barred from Returning,” *Kansas City Star* 30 Aug. 1905: 3.

⁴ *Ibid.*

⁵ “Voter Here, But Can’t Get In: Michigan Man Barred After a Trip to Europe—Had Never Taken Out Final Papers, but Had Cast Ballots for Several Presidents,” *Charlotte Daily Observer* 3 Sept. 1905: 12.

⁶ “Had Voted, but Is Held as Immigrant: Michigan Farmer Returning from Visit to Old Country Finds He Is Not a Citizen,” *Forth Worth Telegram* 31 Aug. 1905: 1.

“did not, through an oversight, secure his final naturalization certificate,”⁷ however, the immigration officials refused to investigate his claim of Michigan citizenship and classified him as an illegal alien. Subject to deportation, “some new found friends”⁸—perhaps early immigrant rights advocates—intervened on Albert’s behalf and his case was “placed before the department of labor and commerce.”⁹

Figure 1. Manifest for the S.S. Hamburg, Arriving in New York Aug. 28, 1905.¹⁰

⁷ “The Ellis Island Authorities Are Struggling With a Weighty Problem,” *Prescott Morning Courier* 26 Sept. 1905: 2.

⁸ “Voter Here, But Can’t Get In: Michigan Man Barred After a Trip to Europe—Had Never Taken Out Final Papers, but Had Cast Ballots for Several Presidents,” *Charlotte Daily Observer* 3 Sept. 1905: 12.

⁹ “Well-to-Do Farmer Held Liable to Deportation: Denied Admission Because Aged Sixty-Three,” *Los Angeles Herald* 31 Aug. 1905: 1.

¹⁰ “S.S. Hamburg: List or Manifest of Alien Passengers for the U.S. Immigration Officer at Port of Arrival.” *Statue of Liberty-Ellis Island Foundation* 28 Aug. 1905. <http://www.ellisland.org>.

Two days after Albert arrived in port on the S.S. Hamburg,¹¹ newspapers across the United States broke the story that the immigration officials at Ellis Island had refused to allow Albert, a longtime voter and citizen of Michigan, to return to his home in Detroit. “Man without a Country,”¹² read the headlines in the *Dallas Morning News* and the *Los Angeles Times*. “Voter Here, but Can’t Get In,”¹³ the *Charlotte Observer* proclaimed. “Had Voted, but Is Held as Immigrant,”¹⁴ the *Forth Worth Telegram* lamented. “What Nationality Is This Man?”¹⁵ asked the *Kansas City Star*. “Albert has long since lost his residence as a citizen of Germany, and if his American citizenship is lost he will, for all practical purposes, be a man without a country.”¹⁶ Albert’s plight drew attention from all quarters—the equivalent of a breaking news story in the age of twenty-four hour cable news coverage—after the Associated Press syndicated the story and newspaper editors began to weigh in on Albert’s status as a Michigan voter and citizen. In particular, newspaper editors wanted to know why immigration officials had classified Albert as an illegal alien. Ridiculing the immigration officials as “wiseacres,” the *Providence (R.I.) Telegram* editorialized that “the decision of the Ellis Island wiseacres to exclude Mr. Albert raises the interesting question whether a man can be a citizen of one of the United

¹¹ *Ibid.*

¹² “Man Without a Country: Man from Saxony Who Once Voted Here Held on His Return,” *Dallas Morning News* 31 Aug. 1905: 2; “Man Without a Country: Immigration Officials Refuse Admission to Traveler Returning Home After Visit to Saxony,” *Los Angeles Times* 31 Aug. 1905: 15.

¹³ “Voter Here, But Can’t Get In: Michigan Man Barred After a Trip to Europe—Had Never Taken Out Final Papers, but Had Cast Ballots for Several Presidents,” *Charlotte Daily Observer* 3 Sept. 1905: 12.

¹⁴ “Had Voted, but Is Held as Immigrant: Michigan Farmer Returning from Visit to Old Country Finds He Is Not a Citizen,” *Forth Worth Telegram* 31 Aug. 1905: 1.

¹⁵ “What Nationality Is This Man? : A German Who Lived Thirty-Two Years in America Barred from Returning,” *Kansas City Star* 30 Aug. 1905: 3.

¹⁶ *Ibid.*

States [where he has resided for 32 years and has legally voted] and not be a United States citizen.”¹⁷ “Just when did Michigan become ‘foreign parts?’”¹⁸ inquired the *New York World*. “Is not the man from Kalamazoo as much a member of Uncle Sam’s fold as Father Knickerbocker himself? There was a time in the discussion of State rights when the governor of Michigan would have gone in quest of the scalps of the immigration officers who have put this slight on Wolverine citizenship.”¹⁹

Not all news coverage of Albert’s travails was favorable, however. The *Washington Post*, famous for its opposition to noncitizen voting, which was known throughout the nineteenth century and the first quarter of the twentieth century as alien suffrage, criticized the *New York World* for being naïve about the fact that Albert was no more a “novelty”²⁰ than red tape at Ellis Island. “Mr. Albert is one of many thousands”²¹ of noncitizen citizens, the *Post* editorialized with more than a hint of condescension. “In many of the States . . . the suffrage is granted to such residents when they have declared their intention to become citizens. . . . *The World* errs in crediting—or debiting, if that be preferable—the Ellis Island board with responsibility for this ruling.”²² Moreover, the *Post* posited, the suffrage of unnaturalized alien immigrants ran against the grain of the “fundamental law”²³ of the United States. Responding to the publicity, the author of a letter published in the *Philadelphia Inquirer* argued that “the fact that an alien is or has been a voter . . . has

¹⁷ “The Ellis Island Authorities Are Struggling With a Weighty Problem,” *Prescott Morning Courier* 26 Sept. 1905: 2.

¹⁸ “A Citizen Who Is Not a Citizen,” *Washington Post* 17 Sept. 1905: E4.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

no bearing on the case: it is a great mistake, though not an uncommon one, to confound suffrage with citizenship.”²⁴ Albert, the letter writer concluded, was “to all practical intent and purpose a subject of His Majesty the King of Saxony.”²⁵

The “weighty problem”²⁶ of the citizenship and suffrage of August Albert, an aging farmer from Detroit who had the misfortune of vacationing in Germany under the misconception that his Michigan citizenship and suffrage made the fact that he had “neglected to take out final naturalization papers”²⁷ inconsequential, focused the attention of millions of newspaper readers on the merits and history of alien suffrage on the same day that foreign powers ironically “congratulated”²⁸ Roosevelt, an ardent imperialist, for negotiating the “Treaty of Portsmouth”²⁹ peace treaty between Russia and Japan. The apparent disdain of the immigration officials at Ellis Island for the state citizenship of a venerable voter who prized the exercise of his civic duty, however, presented a powerful antidote to John R. Commons and other Progressive era reformers who trumpeted that “the suffrage is nothing to [the immigrant] but a means of livelihood.”³⁰ More than one newspaper editor went so far as to speculate about fanciful ways in which Albert might evade the decision of the immigration officials, such as “land[ing] directly from an immigrant ship at a port of Michigan” or “persuad[ing] the Governor of Michigan to request the Federal

²⁴ “Citizen, Not a Citizen,” Letter, *Philadelphia Inquirer* 2 Sept. 1905: 8.

²⁵ *Ibid.*

²⁶ “The Ellis Island Authorities Are Struggling With a Weighty Problem,” *Prescott Morning Courier* 26 Sept. 1905: 2.

²⁷ “A Citizen Who Is Not a Citizen,” *Washington Post* 17 Sept. 1905: E4.

²⁸ “Well-to-Do Farmer Held Liable to Deportation: Denied Admission Because Aged Sixty-Three,” *Los Angeles Herald* 31 Aug. 1905: 1.

²⁹ *Ibid.*

³⁰ Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000) 123.

government to give Albert up.”³¹ Prominent purveyors of public information also seized the opportunity to lash out at the “red tape which enmeshes Ellis Island” and the “absurdities of administration”³² that jeopardized the suffrage and state citizenship of Albert and other unnaturalized immigrants. For our purposes, the English speaking, “well-to-do farmer”³³ from Michigan provides an ideal opportunity to examine more closely the contested connotations of citizenship and suffrage in a republic where alien suffrage had existed since 1704.

Beginning as early as 1704, noncitizens voted in the American colonies, casting ballots in “local, state, and even national elections.”³⁴ By the end of the eighteenth century, noncitizens had voted in twelve of the original thirteen states. After the war of 1812, most of those states rescinded alien suffrage, either out of fear of “foreign ‘enemies’”³⁵ or “because the newcomers were generally hostile to slavery.”³⁶ As territories in the Midwest and Northwest moved for statehood both before and after the Civil War, however, a new wave of states and territories “extend[ed] the franchise to nondeclarant aliens,”³⁷ calculating that the benefits of attracting distributable bodies and “cheap labor”³⁸ outweighed the costs of voting by

³¹ “Voter Here, But Can’t Get In: Michigan Man Barred After a Trip to Europe—Had Never Taken Out Final Papers, but Had Cast Ballots for Several Presidents,” *Charlotte Daily Observer* 3 Sept. 1905: 12.

³² “A Citizen Who Is Not a Citizen,” *Washington Post* 17 Sept. 1905: E4.

³³ “Well-to-Do Farmer Held Liable to Deportation: Denied Admission Because Aged Sixty-Three,” *Los Angeles Herald* 31 Aug. 1905: 1.

³⁴ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 15.

³⁵ *Ibid.* at 17.

³⁶ *Ibid.* at 17.

³⁷ Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000) 67.

³⁸ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 25.

white, male, unnaturalized immigrants. Noncitizen voting reached its height during Reconstruction and the Progressive era, when territorial expansion, a seemingly “insatiable appetite for cheap labor,”³⁹ and urbanization made alien suffrage lucrative. Even the Supreme Court acknowledged the phenomenon, noting in 1874: “Citizenship has not in all cases been made a condition precedent to the enjoyment of the right of suffrage. Thus, in Missouri, persons of foreign birth, who have declared their intention to become citizens of the United States, may under certain circumstances vote. The same provision is to be found in the constitutions of Alabama, Arkansas, Florida, Georgia, Indiana, Kansas, Minnesota, and Texas.”⁴⁰

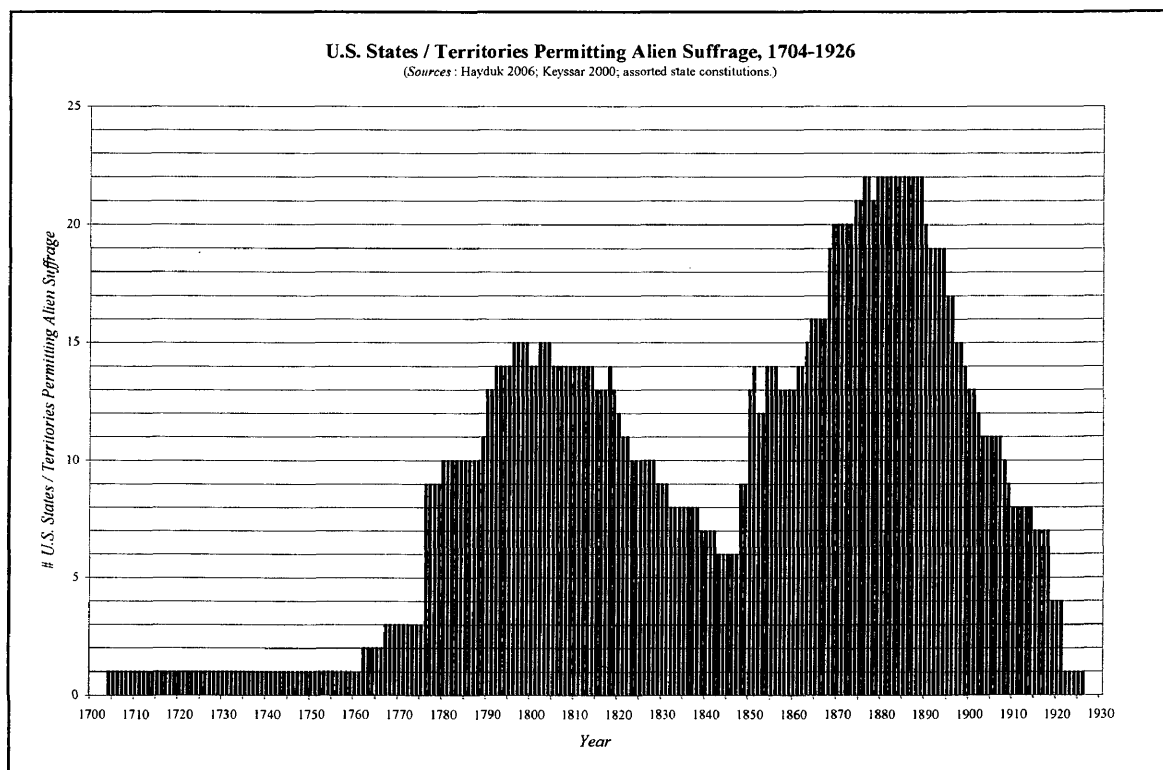


Figure 2. U.S. States / Territories Permitting Alien Suffrage, 1704-1926.

³⁹ Page Smith, *The Rise of Industrial America: A People's History of the Post-Reconstruction Era* (New York: Penguin Books, 1984) 332.

⁴⁰ *Minor v. Happersett*, 88 U.S. (21 Wall.) 162, 177 (1874).

The total number of colonies, states, or territories that permitted alien suffrage each year between 1704 and 1926 is represented by Figure 2, which vividly highlights the “spasmodic”⁴¹ nature of alien suffrage. Because “‘the practices of British nationality law had co-existed with a practice of local naturalization’ . . . the idea emerged that each colony could make citizens of its own and give them the right to vote.”⁴² State constitutional drafters deliberately expanded the suffrage to anyone whose wealth “entitled him to vote.”⁴³ According to early suffrage historian Kirk Porter, “the underlying idea was that a man’s property entitled him to vote—not his character, his nationality, beliefs, or residence, but his property.”⁴⁴ Although political hostility toward noncitizens led to the passage of the Alien and Sedition Acts in 1798, “there was little effort in the latter part of the eighteenth century to declare specifically that only citizens could vote.”⁴⁵ Moreover, “the line between national and state citizenship during the eighteenth and early nineteenth centuries was not clearly demarcated, so those states that permitted noncitizen voting allowed it at all levels, local to national.”⁴⁶ Because aliens constituted a substantial portion of the labor force and spurred several New England states toward urbanization, legal voting by landed, white, male noncitizens became a hallmark of most states by 1800.

⁴¹ Kirk H. Porter, *A History of Suffrage in the United States* (Chicago: University of Chicago, 1918) 112.

⁴² Jamin B. Raskin, “Legal Aliens, Local Citizens: The Historical, Constitutional and Theoretical Meanings of Alien Suffrage,” *University of Pennsylvania Law Review* 141 (1993): 1400.

⁴³ *Ibid.* at 3.

⁴⁴ *Ibid.*

⁴⁵ Gerald M. Rosberg, “Aliens and Equal Protection: Why Not the Right to Vote?” *Michigan Law Review* 75 (1977): 1097.

⁴⁶ Virginia Harper-Ho, “Noncitizen Voting Rights: The History, the Law and Current Prospects for Change,” *Law and Inequality Journal*, 18 (2000): 274.

The War of 1812, “which produced a militant nationalism and suspicion of foreigners,”⁴⁷ however, led states to implement citizenship requirements for suffrage. The number of states that granted noncitizens the vote dwindled until the late 1840s, when rising demand for bodies and cheap, European immigrant labor prompted frontier territories to use declarant alien suffrage to “encourage migration”⁴⁸ and immigrants began to form voting blocs in both cities and rural regions. With rising immigration, massive migration between states, and political realignments resulting from urbanization and western expansion, noncitizen voting became a popular way for territories to trade votes for “cheap labor.”⁴⁹ “Offering the franchise was a way of attracting new settlers to a vast and underpopulated country.”⁵⁰ In order to “weaken the force of nationalist opposition to alien suffrage by recasting the practice of alien suffrage [as] a *pathway* to citizenship rather than a possible substitute for it,”⁵¹ “Wisconsin [and other] states that allowed immigrants to vote [after 1848] required declarations of *intention* to become U.S. citizens as a condition for voting.”⁵²

It is important to remember that “at that time, women and persons under age 21 were ineligible to vote . . . [as] were slaves . . . and naturalization was closed to most Asian nationals until 1952.”⁵³ South Carolina, for instance, “only enfranchised

⁴⁷ *Ibid.* at 1403.

⁴⁸ Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000) 137.

⁴⁹ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 25.

⁵⁰ Jennifer Gordon, “Let Them Vote,” *A Community of Equals: The Constitutional Protection of New Americans*, Ed. Owen Fiss (Boston: Beacon Press, 1999) 44.

⁵¹ Jamin B. Raskin, “Legal Aliens, Local Citizens: The Historical, Constitutional and Theoretical Meanings of Alien Suffrage,” *University of Pennsylvania Law Review* 141 (1993): 1407.

⁵² Marta Tienda, “Demography and the Social Contract,” *Demography* 39 (2002): 603.

⁵³ *Ibid.* at 603.

European declarant immigrants.”⁵⁴ Toward the end of the nineteenth century and in the first two decades of the twentieth century, however, nativist and Ku Klux Klan animosity toward ““undesired””⁵⁵ darker-skinned and non-Protestant “aliens from Eastern and Southern Europe,”⁵⁶ contributed to “moves to limit immigration generally, exemplified by passage of the National Origins Act in 1924,”⁵⁷ and alien suffrage specifically. In the end, the Progressive era and wartime fervor drastically curtailed ““the weight of [the] foreign element””⁵⁸ due to a “resurgence of nativism,”⁵⁹ Ku Klux Klan influence, and political corruption concerns. By the time the U.S. entered World War I, only seven states still allowed noncitizens to vote, and in 1926, the last of those states eliminated alien suffrage. “For the first time in over a hundred years, a national election was held in 1928 in which no alien in any state had the right to cast a vote for a candidate for any office—national, state, or local.”⁶⁰

“With more than ten million permanent residents lawfully present in America today,”⁶¹ recent efforts by “elected officials, labor unions and community groups”⁶²

⁵⁴ Lisa Garcia Bedolla, “Rethinking Citizenship: Noncitizen Voting and Immigrant Political Engagement in the United States,” *Transforming Politics, Transforming America: The Political and Civic Incorporation of Immigrants in the United States*, Ed. Taeku Lee, S. Karthick Ramakrishnan and Ricardo Ramirez (Charlottesville: University of Virginia Press, 2006) 53.

⁵⁵ Bryant Yuan Fu Yang, “Fighting for an Equal Voice: Past and Present Struggle for Noncitizen Enfranchisement,” *Asian American Law Journal* 13 (2006): 59.

⁵⁶ Isaac A. Hourwich, *Immigration and Labor: The Economic Aspects of European Immigration to the United States* (New York: G.P. Putnam’s Sons, 1912) 73.

⁵⁷ Lisa Garcia Bedolla, “Rethinking Citizenship: Noncitizen Voting and Immigrant Political Engagement in the United States,” *Transforming Politics, Transforming America: The Political and Civic Incorporation of Immigrants in the United States*, Ed. Taeku Lee, S. Karthick Ramakrishnan and Ricardo Ramirez (Charlottesville: University of Virginia Press, 2006) 53.

⁵⁸ Jamin B. Raskin, “Legal Aliens, Local Citizens: The Historical, Constitutional and Theoretical Meanings of Alien Suffrage,” *University of Pennsylvania Law Review* 141 (1993): 1415.

⁵⁹ Marta Tienda, “Demography and the Social Contract,” *Demography* 39 (2002): 605.

⁶⁰ Leon E. Aylsworth, “The Passing of Alien Suffrage,” *American Political Science Review* 25 (1931): 114.

⁶¹ Jamin B. Raskin, *Overruling Democracy: The Supreme Court vs. The American People* (New York: Routledge, 2003) 239.

in New York City and other municipalities “to restore limited voting rights for legal immigrants, especially in local elections,”⁶³ have focused renewed attention on noncitizen voting rights after more than 80 years in which citizenship has been a legal prerequisite to suffrage in every state. But scholars have paid surprisingly little attention to the motivations behind the expansion of noncitizen voting in the early colonial and mid-nineteenth century frontier periods due to the racialized economic incentives for the titans of industry, machine politicians, and frontier legislators, and the restriction of noncitizen voting in the antebellum and post-Reconstruction periods due to the racialized “hysteria”⁶⁴ surrounding the immigrant presence. “What mattered most for suffrage during this period was a person’s race and gender, rather than their citizenship status,”⁶⁵ asserts political theorist Lisa Garcia Bedolla. She is only partially right. A person’s age and willingness to work for low pay also mattered to American employers at a time when “wage reductions were frequently achieved through the use of newly arrived immigrants as strike breakers.”⁶⁶ The passionate arguments for and against alien suffrage reveal a checkered history of

⁶² Robert F. Worth, “Push is On to Give Legal Immigrants a Vote in the City,” *New York Times* 8 Apr. 2004.

⁶³ “A Citizen’s Right,” *New York Times* 19 Apr. 2004.

⁶⁴ Jamin B. Raskin, “Legal Aliens, Local Citizens: The Historical, Constitutional and Theoretical Meanings of Alien Suffrage,” *University of Pennsylvania Law Review* 141 (1993): 1416.

⁶⁵ Lisa Garcia Bedolla, “Rethinking Citizenship: Noncitizen Voting and Immigrant Political Engagement in the United States,” *Transforming Politics, Transforming America: The Political and Civic Incorporation of Immigrants in the United States*, Ed. Taeku Lee, S. Karthick Ramakrishnan and Ricardo Ramirez (Charlottesville: University of Virginia Press, 2006) 53.

⁶⁶ Kitty Calavita, *U.S. Immigration Law and the Control of Labor: 1820-1924* (Academic Press: London, 1984) 23.

noncitizen voting that matched the rise and fall in demand for “surplus labor”⁶⁷ and the retreat and resurgence of xenophobia as public policy.

The history of noncitizen voting in the United States from 1704 to 1926, hidden in plain sight by the national myth that citizenship is immutable, demands attention because it brings into sharp relief the differences between the meaning of citizenship and the value of suffrage in the nineteenth century and the twenty-first century. At the founding of the new nation, many men were “of English stock.”⁶⁸ Half a century later, some of their descendants opposed “the arrival of large numbers of new immigrants who were not of English stock and who were thought incapable of ready assimilation.”⁶⁹ Territories seeking statehood, on the other hand, dangled state citizenship and voting rights as recruiting “inducements”⁷⁰ for white, male immigrants to settle advertised “tracts of land awaiting exploitation.”⁷¹ Bypassing the mandatory “five-year minimum residency period”⁷² for naturalization, territories made suffrage contingent not on citizenship but on intent. The territorial expansion of alien suffrage and the “rollback”⁷³ and disappearance of noncitizen voting during and after World War I suggest that suffrage conferred at least partial citizenship. “For blacks, the 13th and 14th Amendments formalized a social contract of rights and responsibilities by declaring them full-fledged citizens. . . . For noncitizens,

⁶⁷ *Ibid.* at 37.

⁶⁸ Gerald M. Rosberg, “Aliens and Equal Protection: Why Not the Right to Vote?” *Michigan Law Review* 75 (1977): 1098.

⁶⁹ *Ibid.*

⁷⁰ Kirk H. Porter, *A History of Suffrage in the United States* (Chicago: University of Chicago, 1918) 113.

⁷¹ *Ibid.*

⁷² Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000) 138.

⁷³ *Ibid.*

voluntary immigration provides a more explicit consent to be governed than does birthright citizenship.”⁷⁴ Throughout American history, citizenship has often come without suffrage, making suffrage without citizenship all the more significant.

The history of alien suffrage in the United States challenges common assumptions about the linear nature of suffrage history, “figuring prominently in America’s nation-building process.”⁷⁵ “American citizenship,”⁷⁶ suggests political scientist Rogers M. Smith, “has always been an intellectually puzzling, legally confused, and politically charged and contested status.”⁷⁷ Reading the historical context surrounding the “contradiction in terms”⁷⁸ of noncitizen suffrage will permit us to understand that “the story of alien suffrage was neither linear nor smooth, involving periods of expansion and retrenchment along the way.”⁷⁹ Where alien suffrage existed, critics often questioned whether it “would be unseemly, if not unjust, to enfranchise alien males while women remained voteless.”⁸⁰ Accounts in the popular press highlight various views, such as those of suffragettes who argued that “since Africans, Irish, and other inferior alien males had the vote, why not ‘women of wealth, education, virtue and refinement?’”⁸¹ Likewise, “denying noncitizens the vote stigmatized the foreign-born and implied that they were inferior

⁷⁴ Marta Tienda, “Demography and the Social Contract,” *Demography* 39 (2002): 605.

⁷⁵ Jamin B. Raskin, “Legal Aliens, Local Citizens: The Historical, Constitutional and Theoretical Meanings of Alien Suffrage,” *University of Pennsylvania Law Review* 141 (1993): 1397.

⁷⁶ Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997) 14.

⁷⁷ *Ibid.*

⁷⁸ Scruggs, William L. “Citizenship and Suffrage.” *North American Review* 177 (1903): 837.

⁷⁹ Marta Tienda, “Demography and the Social Contract,” *Demography* 39 (2002): 602.

⁸⁰ Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000) 137.

⁸¹ Judith N. Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, Massachusetts: Harvard University Press, 1991) 60.

to recently enfranchised blacks.”⁸² In short, neither the “spasmodic”⁸³ legalization nor the overall permanency of alien suffrage fully explain the swinging “pendulum of public opinion.”⁸⁴ The meanings of American citizenship and suffrage have changed depending on the value of noncitizens to the body politic. The right to vote has, at times, conferred citizenship on the unnaturalized, whereas citizenship has not always conferred suffrage on the “natural born.”⁸⁵ When political leaders have desired “cheap labor”⁸⁶ and larger state populations, they have conferred suffrage without requiring naturalization. But states have redefined suffrage to require citizenship when nativist fears of immigrants wielding political power and organizing labor unions have made aliens into enemies and voters in a foreign land.

CHAPTER TWO: A NATION OF IMMIGRANT VOTERS

Thomas Jefferson wrote into the Declaration of Independence the grievance that King George III “has endeavoured to prevent the population of these States; for that purpose obstructing the Laws of Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Land.”⁸⁷ With this act, Jefferson highlighted the nascent nation’s

⁸² Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000) 137.

⁸³ Kirk H. Porter, *A History of Suffrage in the United States* (Chicago: University of Chicago, 1918) 112.

⁸⁴ Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000) 136.

⁸⁵ U.S. CONST. art. II, § 4.

⁸⁶ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 25.

⁸⁷ Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (New York: Russell Sage Foundation, 2006) 24.

desire to populate the land with future citizens. He made it clear that the United States would employ immigration incentives, not emigration bans, to encourage “those who bring with them the moral and physical habits and capacity of productive labor.”⁸⁸ And he implicitly claimed for the new nation control over the nation’s borders, a doctrine spelled out in the power “to establish an uniform Rule of Naturalization.”⁸⁹ At the same time, Jefferson left ambiguous whether national immigration policy precluded state citizenship and suffrage for “foreigners.”⁹⁰

George Washington echoed Jefferson’s sentiment seven years later, declaring that “the bosom of America is open to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions; whom we shall welcome to a participation of all our rights and privileges.”⁹¹ Washington’s statement, coming as it did from one of the most worshipped figures in American history, similarly provided a high-profile example of early “melting-pot”⁹² rhetoric. By specifically mentioning the “oppressed and persecuted,”⁹³ Washington asserted a moral imperative for both emigration from Europe and immigration into a vast land offering safety from the tentacles of monarchs and full participation in the political life of a nation of immigrants. Although Washington did not delineate the “rights and

⁸⁸ Oscar Handlin, *Immigration as a Factor in American History* (Englewood Cliffs, N.J.: Prentice-Hall, 1959) 7.

⁸⁹ U.S. CONST. art. I, § 8, cl. 4.

⁹⁰ Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (New York: Russell Sage Foundation, 2006) 24.

⁹¹ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 17.

⁹² Desmond King, *Making Americans: Immigration, Race, and the Origins of the Diverse Democracy* (Cambridge, Massachusetts: Harvard University Press, 2000) 125.

⁹³ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 17.

privileges”⁹⁴ afforded to the immigrant, the word “all”⁹⁵ suggests a broad interpretation. Undoubtedly, “imagining non-European ‘others’ as dependent and lacking the capacity for self-governance helped [Washington and other elites] rationalize the takeover of [Native American] lands, resources, and labor.”⁹⁶

Immigration and suffrage historians have long disagreed about how to interpret the cited portion of the Declaration of Independence and Washington’s statement, but they agree that the United States is defined by immigration and that massive waves of immigrants did not arrive accidentally, but rather were driven by “opportunities for economic independence,”⁹⁷ “revolution,”⁹⁸ “famine,”⁹⁹ and other reasons. To President John F. Kennedy, “this was the secret of America: a nation of people with the fresh memory of old traditions who dared to explore new frontiers, people eager to build lives for themselves in a spacious society that did not restrict their freedom of choice and action.”¹⁰⁰ In Washington’s lifetime, unnaturalized immigrants voted in “local, state, and even national elections.”¹⁰¹ Twelve of the original thirteen states, in fact, offered some form of suffrage to noncitizens by 1792. Delaware, for instance, emphasized that “every Freeman, having sufficient Evidence of a permanent common Interest with, and Attachment to the Community, hath a

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge, Mass.: Harvard University Press, 2002) 18.

⁹⁷ Kirk H. Porter, *A History of Suffrage in the United States* (Chicago: University of Chicago, 1918) 114.

⁹⁸ Oscar Ameringer, *If You Don’t Weaken: The Autobiography of Oscar Ameringer* (New York: Henry Holt and Company, 1940) 283.

⁹⁹ *Ibid.*

¹⁰⁰ John F. Kennedy, *A Nation of Immigrants* (New York: Harper & Row, 1964) 2.

¹⁰¹ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 15.

Right of Suffrage.”¹⁰² Similarly, New Hampshire provided that “every male inhabitant . . . of twenty-one years of age and upwards, excepting paupers”¹⁰³ shall be eligible to vote. Only Georgia held out, waiting to enfranchise aliens until 1868—the same year in which “imprisonment for debt”¹⁰⁴ became a thing of the past.

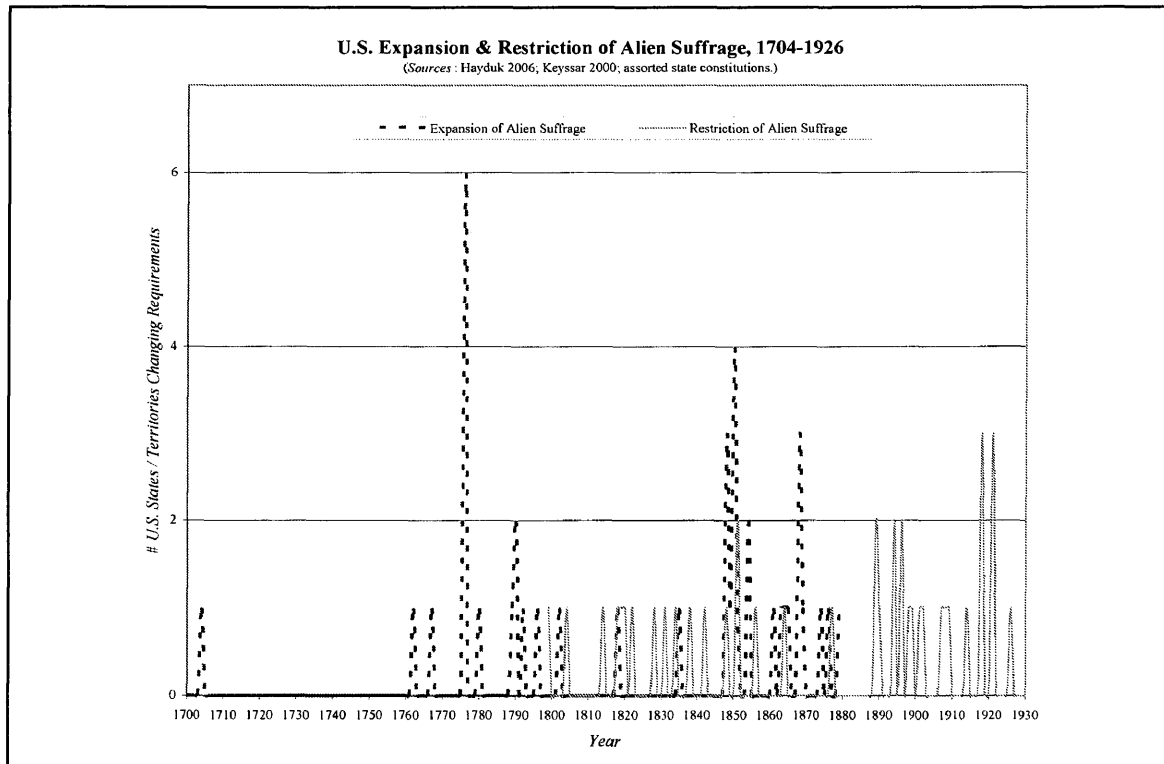


Figure 3. U.S. Expansion & Restriction of Alien Suffrage, 1704-1926.

Offering a bird’s eye view of the various states’ immigrant voting policies, Figure 3 illustrates the concomitant expansion and restriction of alien suffrage from 1704 to 1926. Similar to the nation’s immigration policies, the state-level sanctioning

¹⁰² Delaware Constitutional Convention of 1776, *Proceedings of the Convention of the Delaware State Held at New-Castle on Tuesday the Twenty-Seventh of August, 1776* (Wilmington: James Adams, 1776) 18.

¹⁰³ James Fairbanks Colby, ed., *Manual of the Constitution of the State of New Hampshire* (Concord: Ira C. Evans Co., 1902) 152.

¹⁰⁴ Ethel K. Ware, *A Constitutional History of Georgia* (New York: Columbia University Press, 1947) 144.

of the right of unnaturalized immigrants to cast ballots experienced “pendulum”¹⁰⁵ swings. Unlike the first graph, which draws the eye to the post-Civil War high, however, this graph draws attention to the racialized expansion of alien suffrage in the early national and antebellum eras. By separating expansion from restriction, this graph supports Evelyn Nakano Glenn’s key distinction between citizens and noncitizens based on contrast and inequality: “Rhetorically, the ‘citizen’ was defined and therefore gained meaning through its contrast with the oppositional concept of the ‘noncitizen.’ . . . Materially, the autonomy and freedom of the citizen were made possible by labor (often involuntary) of non-autonomous wives, slaves, children, servants, and employees.”¹⁰⁶ Noncitizen voting rights did not develop in accordance with “a triumphalist, or Whig, history of suffrage.”¹⁰⁷ Nor did they correlate with the ratification of 1870 African American suffrage and 1920 women’s suffrage amendments. “In fact, states ‘shied away from making citizenship the key criterion for suffrage rights, in part because many feared it would also justify the enfranchisement of women and blacks.”¹⁰⁸ The trend line for alien suffrage is more akin to an irregular heartbeat than to a steady march, suggesting that “the economic factor has been more complex than the religious and political factors.”¹⁰⁹

¹⁰⁵ Lisa Garcia Bedolla, “Rethinking Citizenship: Noncitizen Voting and Immigrant Political Engagement in the United States,” *Transforming Politics, Transforming America: The Political and Civic Incorporation of Immigrants in the United States*, Ed. Taeku Lee, S. Karthick Ramakrishnan and Ricardo Ramirez (Charlottesville: University of Virginia Press, 2006) 53.

¹⁰⁶ Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge, Mass.: Harvard University Press, 2002) 20.

¹⁰⁷ Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000) 68.

¹⁰⁸ *Ibid.*

¹⁰⁹ John F. Kennedy, *A Nation of Immigrants* (New York: Harper & Row, 1964) 7.

From the founding of the country, the United States became not only a land of opportunity but also “more or less opportunistic,”¹¹⁰ with politicians and immigration officials employing “ascriptive inegalitarian arrangements”¹¹¹ to decide which immigrants to include and which to exclude, which races and religions to admit and which to deny. Not fully wedded to Jefferson and Washington’s visions, states distinguished the opulent and respectable stranger from the “undesired,”¹¹² infirm and illiterate pauper. Because “voting qualifications were set by the individual states,”¹¹³ rather than by Congress, and because “U.S. immigration policies and private-sector recruitment . . . changed with the need for an industrial labor force,”¹¹⁴ the reception of immigrants varied from year to year and from state to state. What never changed, however, was the involvement of authorities in determining who came in and who stayed out. Those who wielded the power of the state implemented a range of immigration and labor policies to control who could become American.

The shift from colony to new nation brought radical changes in immigration. No longer subject to the whims of the British monarch and high-level plans for the North American colonies to serve as a dumping ground for paupers, convicted

¹¹⁰ Kirk H. Porter, *A History of Suffrage in the United States* (Chicago: University of Chicago, 1918) 4.

¹¹¹ Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997) 9.

¹¹² Bryant Yuan Fu Yang, “Fighting for an Equal Voice: Past and Present Struggle for Noncitizen Enfranchisement,” *Asian American Law Journal* 13 (2006): 59.

¹¹³ John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick: Rutgers University Press, 1955) 98.

¹¹⁴ Kitty Calavita, *U.S. Immigration Law and the Control of Labor: 1820-1924* (Academic Press: London, 1984) 20.

felons, and other “undesired”¹¹⁵ members of the population, the new states began to pick and choose who they admitted and whom they granted political and civil rights. “The postwar surge of immigration filled republican harbors with an abundant supply of the free workers Americans had always preferred,”¹¹⁶ argues historian Marilyn Baseler. Colonial slave and captive labor ideology gave way to “a notion of free labor that was both racial and patriarchal,”¹¹⁷ with the “rapid expansion of the economy”¹¹⁸ fueling immigration. State constitutionalists rolled back citizenship, residency, and religious qualifications in favor of “freehold”¹¹⁹ and tax qualifications. Newly independent governing bodies tried, on the one hand, to facilitate the arrival and integration of potential workers and landowners, and, on the other hand, to restrict the inclusion of the “poverty-stricken”¹²⁰ and the “rowdy.”¹²¹ The expectations of many Western Europeans conflicted with the desires of American officials, who were more concerned with keeping out “improper persons,”¹²² such as convicts, than with encouraging immigration generally.

Benjamin Franklin, long a friend of France and a man of prominence throughout Western Europe, became annoyed at the constant entreaties of Europeans

¹¹⁵ Bryant Yuan Fu Yang, “Fighting for an Equal Voice: Past and Present Struggle for Noncitizen Enfranchisement,” *Asian American Law Journal* 13 (2006): 59.

¹¹⁶ Marilyn C. Baseler, *“Asylum for Mankind”: America, 1607-1800*, (Ithaca: Cornell University Press, 1998) 197.

¹¹⁷ Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th-Century America* (Oxford: Oxford University Press, 2001) 22.

¹¹⁸ Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge, Mass.: Harvard University Press, 2002) 28.

¹¹⁹ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 17.

¹²⁰ Kirk H. Porter, *A History of Suffrage in the United States* (Chicago: University of Chicago, 1918) 118.

¹²¹ *Ibid.*

¹²² Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 17.

from all walks of life intrigued by the possibilities of moving to the United States. He was “pestered continually with numbers of letters from people in different parts of Europe, who would go to settle in America, but who manifest very extravagant expectations, such as I can by no means encourage, and who appear otherwise to be very improper persons.”¹²³ He singled out potential French émigrés, in particular, for their “irregular conduct and desperate circumstances,”¹²⁴ and “whom we had better be without.”¹²⁵ The Massachusetts constitution of 1780, not unlike other late eighteenth century constitutions, aligned with the views espoused by Franklin in the 1780s, focusing attention not on citizenship, nationality, or religion, but on “freehold estate[s]”¹²⁶ and “income.”¹²⁷ That constitution provided that “every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.”¹²⁸ Having a personal net worth of “sixty pounds”¹²⁹ or an annual income of “three pounds,”¹³⁰ of course, was not negligible and prevented otherwise qualified Massachusetts inhabitants from gaining access to the ballot box. With regard to class, the Massachusetts constitution of 1780 failed to live up to the

¹²³ *Ibid.*

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*

¹²⁸ Nelson J. Trask, ed., *The Adjusted Constitution of Massachusetts* (Boston: David Clapp & Son, 1883) 31.

¹²⁹ *Ibid.*

¹³⁰ *Ibid.*

post-colonial ideal of “white manhood suffrage.”¹³¹ But with regard to citizenship, the document put unnaturalized immigrants on the same level as hereditary citizens.

Even more remarkable, the new state constitution of Massachusetts specifically used the word “inhabitant”¹³² rather than “citizen”¹³³ or “freeholder”¹³⁴ as the core descriptor of the white, male voter. “To remove all doubts concerning the meaning of the word ‘inhabitant’ in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home,”¹³⁵ the constitution clarified. By way of comparison, the amended constitution of 1821 defined as a qualified voter “every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, senators or representatives, and who shall have paid, by himself or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth.”¹³⁶ Notably, the 1821 suffrage clause is that it is roughly twice as long as the 1780 version, not a coincidence at a time when many of the original thirteen states were having second thoughts about having

¹³¹ Kirk H. Porter, *A History of Suffrage in the United States* (Chicago: University of Chicago, 1918) 78.

¹³² Nelson J. Trask, ed., *The Adjusted Constitution of Massachusetts* (Boston: David Clapp & Son, 1883) 31.

¹³³ *Ibid.* at 34.

¹³⁴ *Ibid.* at 31.

¹³⁵ *Ibid.* at 31-33.

¹³⁶ *Ibid.* at 34.

nation by the end of the eighteenth century. Figure 4, a map of the states and territories that permitted alien suffrage in 1800, offers a snapshot of the states in which unnaturalized immigrants could cast a ballot for or against Thomas Jefferson that November. Except for Georgia and Kentucky, all of the states in existence in 1800 permitted alien suffrage. To appreciate this fact, it must be recalled that in 1800 only a fraction of the populace could vote at all; nearly all of the states that allowed noncitizens to vote that year denied suffrage to African Americans, women, poor white men and non-residents, reflecting uncertainty about whether the existence of national citizenship and whether suffrage should be tied to citizenship.

More than “250,000 persons immigrated to the United States”¹⁴² between 1776 and 1819, forming the “backbone of the labor supply of the North and the Midwest—but not of the South.”¹⁴³ During the elections of 1800—and partly in response to the Federalist enactment of the Alien and Sedition Acts of 1798—the Republican party became known as the “party of the immigrant and defender of alien rights.”¹⁴⁴ A year later, former President John Adams complained that “a group of foreign liars, encouraged by a few ambitious native gentlemen, have discomfited the education, the talents, the virtues, and the property of the country.”¹⁴⁵ Hinting that Jefferson, an “ambitious native gentleman,”¹⁴⁶ had stolen the election with the

¹⁴² Vernon M. Briggs, Jr., *Immigration Policy and the American Labor Force* (Baltimore: Johns Hopkins University Press, 1984) 19.

¹⁴³ *Ibid.* at 17.

¹⁴⁴ Marilyn C. Baseler, “*Asylum for Mankind*”: *America, 1607-1800*, (Ithaca: Cornell University Press, 1998) 308.

¹⁴⁵ Madison Grant and Charles Stewart Davison, eds., *The Founders of the Republic on Immigration, Naturalization, and Aliens* (New York: Charles Scribner’s Sons, 1928) 11.

¹⁴⁶ Chilton Williamson, *American Suffrage from Property to Democracy, 1760-1860* (Princeton: Princeton University Press, 1960) 189.

assistance of thousands of foreign born “liars,”¹⁴⁷ Adams hastened the demise of his own party by joining the “growing bias of his generation against immigrants.”¹⁴⁸

The increasing involvement of immigrants in civic governance spurred anti-immigrant politicians and newspaper editors to condemn Jefferson for his complicity in the pervasiveness of alien suffrage. “One of the People”¹⁴⁹ wrote in the *Balance and Columbian Repository* in 1803 that “the pathological appeal to the moral sensibilities of the nation, which Mr. Jefferson used as an enforcement to his recommendation of a speedy and almost immediate admission of foreigners to the rights of suffrage, is worthy of particular notice.”¹⁵⁰ The writer played on the fears and hostility of readers toward monarchists, the massive waves of immigrants from non-democratic nations of origin, and the specter of urban corruption in order to make the case that alien suffrage had “peculiarly dangerous”¹⁵¹ implications for the American system of government. Echoing comments that Jefferson himself had directed in the 1780s toward “the mobs of great cities,”¹⁵² the writer speculated that “if a predominant party should facilitate [the] naturalization [of immigrants] with a view to obtain their suffrages, it will be using a terrible machine that would most certainly recoil upon the hand that holds it.”¹⁵³ But nearly a century later, William L. Scruggs, former U.S. minister to Venezuela and Colombia, would attribute the

¹⁴⁷ *Ibid.*

¹⁴⁸ *Ibid.*

¹⁴⁹ “Political: On the Impolicy of a Speedy Admission of Aliens to a Participation of the Rights of Suffrage,” *Balance and Columbian Repository* 5 Apr. 1803: 105.

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

¹⁵² Madison Grant and Charles Stewart Davison, eds., *The Founders of the Republic on Immigration, Naturalization, and Aliens* (New York: Charles Scribner’s Sons, 1928) 62.

¹⁵³ “Political: On the Impolicy of a Speedy Admission of Aliens to a Participation of the Rights of Suffrage,” *Balance and Columbian Repository* 5 Apr. 1803: 105.

continued existence of alien suffrage and state citizenship to “those who . . . continue to worship at the political shrine which Thomas Jefferson erected in 1798.”¹⁵⁴

Vociferous opponents of “the fact that American politics was itself changing . . . as a rural agrarian society gave way to an urban industrial one”¹⁵⁵ “were inclined to blame it all upon the immigrant citizens in the growing cities”¹⁵⁶ who could vote in many states after a “waiting period”¹⁵⁷ of “a year”¹⁵⁸ or two. The simultaneous rise in alien suffrage and immigrant influence unleashed the tongues of those opposed to expanding suffrage to “female elector[s] . . . and [to] black [men].”¹⁵⁹ The *Delaware Gazette* reprinted an 1814 editorial from the *Freeman’s Journal* that racialized and gendered alien suffrage. Unless changes were implemented to prevent the extension of voting rights to the “subjects of a foreign prince or state,”¹⁶⁰ the writer feared, “every citizen in the state, without discrimination, would have been entitled to vote; a female also could have been an elector, and a black man [could] have voted.”¹⁶¹ Contrary to popular conceptions of “civic racialism”¹⁶² as a product of the Progressive era, the nation had debated the politics of urbanization long before Madison Grant railed against “native American aristocrac[ies] resting upon layer

¹⁵⁴ Scruggs, William L. “Citizenship and Suffrage.” *North American Review* 177 (1903): 837.

¹⁵⁵ Oscar Handlin, *Immigration as a Factor in American History* (Englewood Cliffs, N.J.: Prentice-Hall, 1959) 94.

¹⁵⁶ *Ibid.* at 95.

¹⁵⁷ Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000) 66.

¹⁵⁸ Henry H. Simms, “The Controversy Over the Admission of the State of Oregon,” *Mississippi Valley Historical Review* 32 (1945): 362.

¹⁵⁹ “To the Citizens of Delaware,” *Delaware Gazette* 22 Apr. 1814: 1.

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*

¹⁶² Maureen A. Flanagan, *America Reformed: Progressives and Progressivisms, 1890s-1920s* (New York: Oxford University Press, 2007) 107.

after layer of immigrants of lower races.”¹⁶³ In an era when aliens voted in the oldest states and concerns about “a terrible machine”¹⁶⁴ developed following Jefferson’s presidential victory, racialized and gendered xenophobia sowed seeds of nativism.

By the 1840s, the millions of “displaced Irish, German, and English peasants and laborers”¹⁶⁵ arriving in the United States found that they had two choices for settlement: cities and rural farms. Frontier territories with statehood inclinations zealously pursued immigrants with promises of state citizenship and voting rights. August Albert, for instance, arrived from Germany in 1873 and became a “farmer in Michigan.”¹⁶⁶ Although there were no specific population targets for new territories, Congress wanted to be “satisfied with [the proposed states’] populations”¹⁶⁷ before considering statehood. Representative Galusha Grow of Pennsylvania suggested admitted a territory when there was “ ‘sufficient population to support a State Government without imposing excessive burdens and taxes upon the people.’ ”¹⁶⁸ In practice, territorial leaders attempted to boost population levels as much as possible. With land cheap and demand for residents high, German immigrants formed political communities in areas such as Wisconsin “almost to a man.”¹⁶⁹ Within decades, these “ ‘old’ immigrants had become sufficiently integrated . . . to elect compatriots as

¹⁶³ Madison Grant, *The Passing of the Great Race, or, The Racial Basis of European History* (New York: Charles Scribner’s Sons, 1923) 5.

¹⁶⁴ “Political: On the Impolicy of a Speedy Admission of Aliens to a Participation of the Rights of Suffrage,” *Balance and Columbian Repository* 5 Apr. 1803: 105.

¹⁶⁵ Oscar Handlin, *Immigration as a Factor in American History* (Englewood Cliffs, N.J.: Prentice-Hall, 1959) 1.

¹⁶⁶ “What Nationality Is This Man? : A German Who Lived Thirty-Two Years in America Barred from Returning,” *Kansas City Star* [Kansas City, Mo.] 30 Aug. 1905: 3.

¹⁶⁷ Henry H. Simms, “The Controversy Over the Admission of the State of Oregon,” *Mississippi Valley Historical Review* 32 (1945): 358.

¹⁶⁸ *Ibid.*

¹⁶⁹ Oscar Ameringer, *If You Don’t Weaken: The Autobiography of Oscar Ameringer* (New York: Henry Holt and Company, 1940) 284.

mayors and governors.”¹⁷⁰ German immigrants and their progeny in Milwaukee, for instance, elected the “first Socialist Congressman”¹⁷¹ and mayor “with a strategy to improve municipal services through municipal ownership.”¹⁷² But Irish immigrants had more difficulty assimilating because their “former habits in life neither qualify or fit them for labours in the field”¹⁷³ and farming was “arduous beyond description.”¹⁷⁴

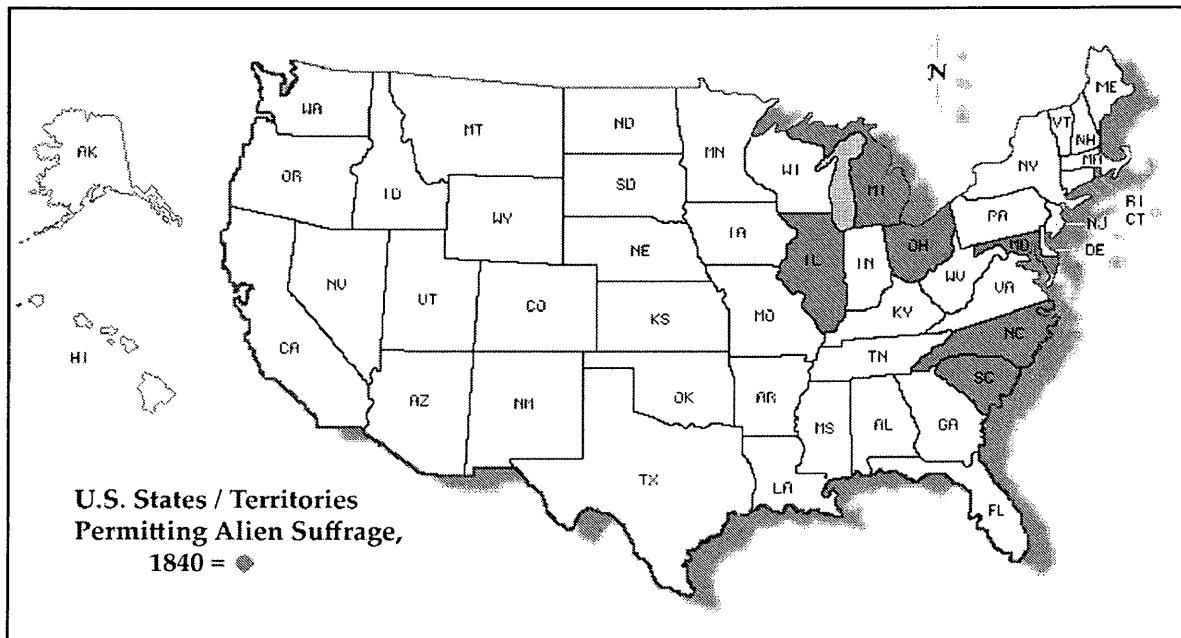


Figure 5. U.S. States / Territories Permitting Alien Suffrage, 1840.

Once colonies and territories became states and no longer needed to woo immigrants with suffrage and state citizenship, however, they stopped granting suffrage to the “new settlers.”¹⁷⁵ Figure 5, which shows the states and territories that

¹⁷⁰ Gary Gerstle and John Mollenkopf, eds., *E Pluribus Unum: Contemporary and Historical Perspectives on Immigrant Political Incorporation* (New York: Russell Sage Foundation, 2001) 37.

¹⁷¹ Oscar Ameringer, *If You Don't Weaken: The Autobiography of Oscar Ameringer* (New York: Henry Holt and Company, 1940) 284.

¹⁷² Maureen A. Flanagan, *America Reformed: Progressives and Progressivisms, 1890s-1920s* (New York: Oxford University Press, 2007) 95.

¹⁷³ Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 1995) 86.

¹⁷⁴ *Ibid.*

¹⁷⁵ John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick: Rutgers University Press, 1955) 98.

permitted alien suffrage in 1840, for instance, contrasts with the 1800 map. Except for Maryland, which eliminated alien suffrage in 1851, and the Carolinas, which had relatively small European immigrant populations and relied heavily on chattel slavery, none of the states that allowed noncitizens to vote in 1800 still allowed noncitizens to vote in 1840. The Northwest Territory, the Ohio Territory and the Illinois Territory, which became the three new states permitting alien suffrage in 1840, all needed infusions of immigrants to satisfy statehood expectations. And Michigan's constitution came within one vote of requiring citizenship, but Henry Clay missed his mark on April 1, 1836, and the new state granted suffrage to "aliens who were residents previous to the adoption of that constitution."¹⁷⁶ Wisconsin, which granted aliens suffrage in 1848, also moved away from completely unhindered alien suffrage. "All males 21 years old, residents of the State for one year next before the election, who are white citizens of the United States, or white foreigners who have declared their intention to become citizens according to the United States naturalization laws . . . may vote,"¹⁷⁷ the 1848 Wisconsin constitution stated. Like the frontier constitutions of Indiana, Michigan and Oregon, the Wisconsin constitution eschewed property and income requirements for the "new settlers"¹⁷⁸ but required that aliens "have declared their intention to become citizens."¹⁷⁹

¹⁷⁶ "Domestic," *Boston Recorder* 15 Apr. 1836: 63.

¹⁷⁷ "XXX. Wisconsin," *American Almanac and Repository of Useful Knowledge*, 1849: 307.

¹⁷⁸ John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New Brunswick: Rutgers University Press, 1955) 98.

¹⁷⁹ M. W. Cluskey, ed., *The Political Text-Book or Encyclopedia: Containing Everything Necessary for the Reference of the Politicians and Statesmen of the United States*, 12th ed., (Philadelphia: James B. Smith & Co., 1860) 31-32; see also "Notices of New Publications," *Bankers*, Sept. 1859: 199.

Alien suffrage thrived on the American political scene in the mid-nineteenth century in spite of “nativist reaction to Irish Catholics in the 1850s”¹⁸⁰ and the wellspring of fear: fear of immigrants, fear of the Pope, fear of the Democratic Party. “Popery!”¹⁸¹ “Democracy!”¹⁸² Such animosity plagued the anti-immigrant rhetoric of the first half of the nineteenth century. Within two decades of a Pennsylvania Supreme Court ruling that located legal justification for alien suffrage within the principles of “natural justice,”¹⁸³ anti-immigrant forces began to coalesce around shared opposition to the “prophetic eye of Jefferson”¹⁸⁴ and ramped up criticisms of the newest immigrants. Despite the tenuous connections between Irish immigrants, the Pope, and the Democratic Party, the American Party enjoyed early success. “That *Protestantism* favours *Republicanism*, while *Popery* as naturally supports *Monarchical* power.”¹⁸⁵ Combining vaguely racialized, anti-Catholic language with the brooding language of conspiracy theorists, the Americanists protested “foreign influence.”¹⁸⁶ For Know Nothings, opposing alien suffrage became a cause célèbre.

Although some people, such as Joshua A. Spencer, a state senator from New York and a member of the Whig party, had “no fear of the foreign vote”¹⁸⁷ and sought immigration compromises, American Party members preferred xenophobic

¹⁸⁰ Steven P. Erie, *Rainbow's End: Irish-Americans and the Dilemmas of Urban Machine Politics, 1840-1985* (Berkeley: University of California Press, 1988) 33.

¹⁸¹ Samuel F. B. Morse, *Imminent Dangers to the Free Institutions of the United States Through Foreign Immigration, and the Present State of the Naturalization Laws* (New York: E.B. Clayton, Printer, 1835) 8.

¹⁸² *Ibid.* at 10.

¹⁸³ *Stewart v. Foster*, 2 Binn. 110 (1809).

¹⁸⁴ Samuel F. B. Morse, *Imminent Dangers to the Free Institutions of the United States Through Foreign Immigration, and the Present State of the Naturalization Laws* (New York: E.B. Clayton, Printer, 1835) 14.

¹⁸⁵ *Ibid.* at 8.

¹⁸⁶ *Ibid.* at 9.

¹⁸⁷ “Legislature of New York,” *Emancipator* 25 Feb. 1846: 174.

rhetoric to rationality. “Surges of xenophobia accompanied robust immigration,”¹⁸⁸ one historian writes, “with Catholic newcomers the most frequent target of nativist hostility.”¹⁸⁹ Conflicts between members of the American Party and longtime members of the Whig and Democratic parties quickly devolved into name-calling and shouting matches. Critics of the American Party, its rituals and its secret order, bitingly called Americanism “Whiggery in disguise.”¹⁹⁰ They sought to portray the American Party as a fringe political party of anti-immigrant, deceptive demagogues. They heralded the “unanimous vote of the slaveholders of the Senate in favor of the alien-disenfranchising clause in the Nebraska Bill.”¹⁹¹ They used the newspapers to denounce “the noisy discussion of the question of alien suffrage in the Territories [as a] trick of the opposition. A prejudice is first aroused against the foreigner, and then it is represented to the people as a fact involving the existence of the confederacy that unnaturalized foreigners are permitted to vote in the Territories. . . . In the hands of rabble rousing politicians, this fact is swelled to monstrous proportions.”¹⁹²

The politically pragmatic and unemotional defenses of alien suffrage by statesmen who viewed alien suffrage as “tend[ing] to multiply free laborers and free States, and circumscribe the system of slave labor”¹⁹³ were no match for the vociferous xenophobia of the Know Nothings, yet alien suffrage survived. The Lawrence, Kansas *Herald of Freedom*’s defense of alien suffrage on the grounds that

¹⁸⁸ Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton: Princeton University Press, 2002) 56.

¹⁸⁹ *Ibid.*

¹⁹⁰ W. Darrell Overdyke, *The Know-Nothing Party in the South* (Binghamton, N.Y.: Louisiana State University Press, 1950) 81.

¹⁹¹ “Disfranchisement and Proscription of Aliens,” *National Era* 23 Mar. 1854: 46.

¹⁹² “Alien Suffrage in the Territories,” *Clarksville Standard* 12 Sept. 1857: 1.

¹⁹³ “Disfranchisement and Proscription of Aliens,” *National Era* 23 Mar. 1854: 46.

“the wages of labor are now, and have been, in Oregon, double what they are on the Atlantic coast; and I ask would it be expedient or wise for Oregon to drive away from her borders the emigration from Europe, on which she has to rely for developing the resources of the country?”¹⁹⁴ was far too neutral to compete with the *Easton Gazette*’s statement that “on [the Minnesota land bill] the Republicans and Democrats joined hands [and] will in the course of time be allied openly together under the banner of the ‘Alien Party’ against the conservative, national and Americanized principles of the American Party.”¹⁹⁵ In response to Senator A.G. Brown’s statement, “enunciated . . . with expanded nostrils and flashing eyes,”¹⁹⁶ that he “never would vote to place *the offscourings of the earth*, upon equality with American born citizens,”¹⁹⁷ all the *Ripley Bee* could do was to reprint Brown’s offensive statements and urge the leaders of the Locofocoism party to “drive him out of its ranks.”¹⁹⁸ And no newspaper responded when the conservative *New York Times* complimented Justice Benjamin Curtis for disenfranchising “two thousand alien voters in Massachusetts,”¹⁹⁹ and attacked Kentucky election officials where the “present Representative, if our impression is not erroneous, secured his majority of Mr. Letcher by alien suffrages on the Railroads.”²⁰⁰ In spite of the nativists’ triumphant rhetoric, alien suffrage quietly continued to yield votes for labor.

¹⁹⁴ “Speech of Bill Thayer on the Admission of Oregon,” *Herald of Freedom*, 11 June 1859.

¹⁹⁵ “The Minnesota Land Bill,” *Easton Gazette*, 4 Apr. 1857: 2.

¹⁹⁶ “A Heretic in the Party,” *Ripley Bee*, 1857.

¹⁹⁷ *Ibid.*

¹⁹⁸ *Ibid.*

¹⁹⁹ “Judge Curtis and Naturalization,” *New York Times*, 12 Dec. 1854.

²⁰⁰ *Ibid.*

CHAPTER THREE: VOTES FOR LABOR

Alien suffrage spread across the frontier in the 1850s, 1860s, and 1870s like wildfire, gaining ground in states ranging from Oklahoma to Oregon, from Alabama to Nebraska. As the remaining territories between the Atlantic and the Pacific applied for and were granted statehood, constitutional drafters shared an “insatiable appetite for cheap labor.”²⁰¹ As before, state lawmakers sought to encourage immigration due to economic and political motivations, whether in order to boost the state’s population or to attract white, “cheap labor.”²⁰² Following the Civil War, even southern states sought to attract “the white man”²⁰³ from Europe. An Alabaman wrote in a Montgomery newspaper in 1865 that “the inventive, intelligent, educated, white man is the best auxiliary to enable us to contend successfully against the threatened domination of the freed black man. . . . It is no stretch of the imagination to predict that the absence of slavery will lead the southern states to a policy the very reverse of what they have hitherto though wise, as regards foreigners. . . . We want no Chinese wall around us to hold the Negroes, or prevent the white man from entering the state.”²⁰⁴ Unlike the Confederate States of America, which had explicitly outlawed “alien suffrage at all levels of government”²⁰⁵ by declaring that “no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for

²⁰¹ Page Smith, *The Rise of Industrial America: A People’s History of the Post-Reconstruction Era* (New York: Penguin Books, 1984) 332.

²⁰² Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 25.

²⁰³ Malcolm Cook McMillan, *Constitutional Development in Alabama, 1798-1901: A Study in Politics, the Negro, and Sectionalism* (Chapel Hill: University of North Carolina Press, 1955) 107.

²⁰⁴ *Ibid.*

²⁰⁵ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 18.

any officer, civil or political, State or Federal,”²⁰⁶ post-war constitutions in Alabama, Arkansas, Louisiana, and Texas all restored alien suffrage. Representative of post-war, southern constitutions, Article VII of the 1868 Arkansas constitution granted a vote to any twenty-one year old resident alien who “has legally declared his intention to become a citizen of the United States.”²⁰⁷ The Alabama convention of 1875 even explained that the drafters intended “that immigration shall be encouraged.”²⁰⁸

Although reformers and judges became increasingly concerned in the second half of the nineteenth century about “Tammany’s naturalization mill,”²⁰⁹ “the severance of political power from intelligence and property,”²¹⁰ and other “mischievous struggles . . . on the eve of an election, to manufacture votes for the occasion,”²¹¹ the courts generally held alien suffrage and related state grants of rights and privileges to be constitutional. One after another, the high courts of frontier states, followed by the Supreme Court of the United States, ruled that alien suffrage was constitutional and separable from American citizenship. The Supreme Court of Illinois determined that “it would seem to be wholly unnecessary to enquire whether the [allegedly illegal] elector was a citizen of the United States.”²¹² The high court in Indiana noted that “states may confer privileges on those who are not citizens.

²⁰⁶ Charles Robert Lee, Jr., *The Confederate Constitutions* (Chapel Hill: University of North Carolina Press, 1963) 172; *see also* “The National Question,” *New York Times* 28 Nov. 1866.

²⁰⁷ Franklin Benjamin Hough, *American Constitutions: Comprising the Constitution of Each State in the Union, and of the United States: with the Declaration of Independence and the Articles of Confederation*, vol. 1 (Albany: Wee, Parsons, 1872) 103.

²⁰⁸ Malcolm Cook McMillan, *Constitutional Development in Alabama, 1798-1901: A Study in Politics, the Negro, and Sectionalism* (Chapel Hill: University of North Carolina Press, 1955) 194.

²⁰⁹ Steven P. Erie, *Rainbow’s End: Irish-Americans and the Dilemmas of Urban Machine Politics, 1840-1985* (Berkeley: University of California Press, 1988) 53.

²¹⁰ Michael E. McGerr, *The Decline of Popular Politics: The American North, 1865-1928* (New York: Oxford University Press, 1986) 46..

²¹¹ *State v. Cloksey*, 37 Tenn. (5 Sneed) 482 (1858).

²¹² *Spragins v. Houghton*, 3 Ill. (2 Scam.) 377 (1840).

[Declarant aliens] are not citizens of the United States; nor can they become so till after five years' residence therein.”²¹³ Similarly, the Wisconsin Supreme Court ruled, in two 1863 cases involving noncitizen voters, that “it may be possible for the state to confer the right of voting on certain persons without making them citizens, yet I should think it would require very strong evidence of a contrary intention to overcome the inference of an intention to create a citizenship when the right of suffrage is conferred,”²¹⁴ and that “in all cases where the state confers the right of state citizenship on aliens who have declared their intentions to become citizens of the United States, the act of voting is conclusive proof of an acceptance of such state citizenship by them.”²¹⁵ Just as in Michigan, where August Albert earned both suffrage and state citizenship but not American citizenship, “a resident alien, who has declared his intention to become a citizen of the United States . . . becomes thereby a citizen of the State of Wisconsin.”²¹⁶ Even the Supreme Court of the United States affirmed both the existence and the constitutionality of alien suffrage, noting in its otherwise annulled *Dred Scott* decision that “a person may be entitled to vote by the law of the State, who is not a citizen even of the State itself. And in some of the States of the Union foreigners not naturalized are allowed to vote.”²¹⁷ The Court reaffirmed in *Minor v. Happersett* the historical reality that “citizenship has not in all cases been made a condition precedent to the enjoyment of the right of

²¹³ *Thomasson v. Indiana*, 15 Ind. 449 (1860).

²¹⁴ *In re Wehlitz*, 16 Wis. 443 (1863).

²¹⁵ *Conway v. Gibbons*, 17 Wis. 526 (1863).

²¹⁶ *McCarthy v. Froelke*, 63 Ind. 507 (1878).

²¹⁷ *Dred Scott v. Sandford*, 60 U.S. 393, 422 (1856).

machines.”²²¹ Although “many native-born Americans [viewed new immigrants as] a threat to the ‘American’ race and to democracy,”²²² many new immigrants appreciated the political machines for providing social services without asking too many questions: “I think there’s got to be in every ward a guy that any bloke can go to when he’s in trouble and get help.”²²³ For Jews, “ethnic and economic interests could combine to create a powerful *esprit de corps*.”²²⁴ Bloc voting surfaced not only in cities but also in places as remote as southwestern Texas, where “The Germans of southwestern Texas comprised the largest bloc of immigrant Southern Republicans helping to send to Congress Edward Degener, a San Antonio grocer and refugee from the failed revolution of 1848.”²²⁵ Crafting what Jane Addams termed “new kind of democracy,”²²⁶ many immigrants took the next step, joined a union, and organized for “better wages, hours, and working conditions.”²²⁷ Some immigrants even became “political radicals,”²²⁸ although this had the unfortunate consequence of solidifying the perception that immigrants were not only radical “but dangerous to society.”²²⁹

²²¹ Harold U. Faulkner, *Politics, Reform and Expansion: 1890-1900* (New York: Harper and Row, 1959) 25.

²²² Maureen A. Flanagan, *America Reformed: Progressives and Progressivisms, 1890s-1920s* (New York: Oxford University Press, 2007) 107.

²²³ *Ibid.*

²²⁴ Oscar Handlin, *Adventure in Freedom: Three Hundred Years of Jewish Life in America* (New York: McGraw-Hill Book Company, 1954) 130.

²²⁵ Eric Foner, *A Short History of Reconstruction, 1863-1877* (Grand Rapids: Harper & Row, 1990) 131.

²²⁶ Maureen A. Flanagan, *America Reformed: Progressives and Progressivisms, 1890s-1920s* (New York: Oxford University Press, 2007) 107.

²²⁷ Edward L. Ayers, *The Promise of the New South: Life After Reconstruction* (New York: Oxford University Press, 1992) 216.

²²⁸ Gary Gerstle, *Working-Class Americanism: The Politics of Labor in a Textile City, 1914-1960* (Cambridge: Cambridge University Press, 1989) 1.

²²⁹ David Montgomery, *Beyond Equality: Labor and the Radical Republicans, 1862-1872* (New York: Alfred A. Knopf, 1967) 335.

With a majority of the states allowing white, male aliens or declarant aliens to vote in 1880, and with alien suffrage “unquestionably constitutional,”²³⁰ the practice of alien suffrage began to come under intense scrutiny in the national press, in statehouses, and in old union halls. In Nashville in 1868, a lawmaker introduced a bill to prevent qualified immigrants from voting because the “newly enfranchised foreigners, almost to a man, voted the Conservative ticket.”²³¹ In Washington in 1884, renowned poet Joaquin Miller facetiously proposed giving different people different numbers of votes because “the ignorant and lazy negro, the newly landed immigrant, the worthless tramp of whatever race or place . . . ought not to be permitted to put in a ballot that will stand equal to and cancel the vote of a Calhoun, a Cleveland or a Blaine.”²³² A civics magazine described a more serious proposal to extend the naturalization waiting period from five to fifteen years as a “much-needed reform.”²³³ The *New York Times* editorialized that the rapid spread of alien suffrage was “a menace to the perpetuity of our free institutions.”²³⁴ The *Washington Post*, meanwhile, editorialized that “in many of the States the door is almost wide open to a class of foreign and ignorant voters, who have barely settled in the country and who know next to nothing of its institutions, laws, or even language.”²³⁵ Three years later, the same editorial page protested that “in some of the States there are thousands

²³⁰ Kirk H. Porter, *A History of Suffrage in the United States* (Chicago: University of Chicago, 1918) 121; see also *Minor v. Happersett*, 88 U.S. (21 Wall.) 162, 177 (1874).

²³¹ “Doings at Nashville,” *Daily Memphis Avalanche*, 18 Jan. 1868: 2.

²³² Joaquin Miller, “Reforms of the Ballot,” *Washington Post*, 3 Aug. 1884: 3.

²³³ “Civics in General,” *American Magazine of Civics*, June 1896: 663.

²³⁴ “The Suffrage in New States,” *New York Times*, 27 July 1889; see also “Crimes Against the Suffrage,” *New York Times*, 3 Nov. 1893.

²³⁵ “Immigration and Citizenship,” *Washington Post*, 25 July 1891: 4.

of voters who are as unfit for suffrage as machines or cattle,”²³⁶ and followed up with the cynical report that “the naturalization mills in a number of large cities are already being put in good working order to manufacture voting material for the November election.”²³⁷ Sounding similar notes of “flag-waving patriotism,”²³⁸ not even the American Federal of Labor stood with the alien laborer by the early 1900s.

But even as the expansion of alien suffrage to so many states by the 1880s prompted widespread calls for investigation and reform, “the demand for cheap labor grew [even more] insatiable,”²³⁹ boosting immigration to record highs. Xenophobia, however, dominated the national press and newspaper after newspaper called for the drastic curtailment not just of alien suffrage, specifically, but also of immigration, generally. In a role reversal, “middle-class anxiety”²⁴⁰ about alien suffrage began to influence the national debate over immigration policy. In the midst of the congressional debate over the Chinese Exclusion Act of 1882, a bill that “suspended immigration of Chinese laborers for 10 years, except for those who were [lawfully] in the country on November 17, 1880,”²⁴¹ for instance, the *Washington Post* turned the emerging democratic norm on its head by arguing that “no people will be admitted to citizenship except those of the Caucasian and African races [so] that

²³⁶ “Political Prophets,” *Washington Post*, 11 Aug. 1894: 4.

²³⁷ “The Mills About to Grind,” *Washington Post*, 13 Sept. 1894: 4.

²³⁸ David Brody, *Labor Embattled: History, Power, Rights* (Urbana: University of Chicago Press, 2005) 34.

²³⁹ James R. Green, *The World of the Worker: Labor in Twentieth-Century America* (New York: Hill and Wang, 1980) 4.

²⁴⁰ Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000) 136.

²⁴¹ United States Commission on Civil Rights, *The Tarnished Golden Door: Civil Rights Issues in Immigration* (Report of the U.S. Commission on Civil Rights, 1980) 8; see also Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882* (New York: Hill and Wang, 2004) 19.

“Corruption of the elective franchise and a distrust of alien suffrage have been bringing in for some years an era of ballot legislation,”²⁴⁵ the *Morning Oregonian* reported in June of 1895. The Portland newspaper’s prediction that alien suffrage would face increasingly stiff “ballot legislation,”²⁴⁶ in state capitols across the country came true. Figure 7, a map of states and territories that permitted alien suffrage in 1920, reveals the “steady decline”²⁴⁷ of alien suffrage between 1880 and 1920. Spurred by resurgent nativism and the rise of the Ku Klux Klan, efforts to antagonize the latest, darker-skinned waves of immigrants and to prevent them from having a say in the nation’s governance reached fruition. At the same time, nativists published a slew of racist and xenophobic books, along with a few less venomous immigration reform tomes. Books such as Madison Grant’s *The Passing of the Great Race*,²⁴⁸ John Commons’ *Races and Immigrants in America*,²⁴⁹ Emory Bogardus’ *Essentials of Americanization*,²⁵⁰ and Henry Pratt Fairfield’s *The Melting-Pot Mistake*²⁵¹ set the backdrop for the final decline and elimination of alien suffrage. Combining racialized nativism with pseudo-biological arguments for ascriptive discrimination, Grant and other prominent nativists struck fear in the hearts of white,

²⁴⁵ “Election-Law Tendencies,” *Morning Oregonian* 4 June 1895.

²⁴⁶ *Ibid.*

²⁴⁷ Leon E. Aylsworth, “The Passing of Alien Suffrage,” *American Political Science Review* 25 (1931): 114.

²⁴⁸ Madison Grant, *The Passing of the Great Race, or, The Racial Basis of European History* (New York: Charles Scribner’s Sons, 1923).

²⁴⁹ John R. Commons, *Races and Immigrants in America* (New York: The MacMillan Company, 1911).

²⁵⁰ Emory S. Bogardus, *Essentials of Americanization*, 3rd ed., (Los Angeles: University of Southern California Press, 1923).

²⁵¹ Henry Pratt Fairchild, *The Melting-Pot Mistake* (Boston: Little, Brown and Company, 1926).

middle-class Americans also reading Lincoln Steffens' *The Shame of the Cities*,²⁵² the Dillingham Commission's 42 volume *Reports of the Immigration Commission*,²⁵³ Peter Roberts' *The New Immigration*,²⁵⁴ and Philip Davis' *Immigration and Americanization*.²⁵⁵ Culturally, this list of books illustrates the mounting attempts to control immigration in ever more selective ways. Alien suffrage served as a proxy for the uncontrollable in debates over immigration policy and immigrant politics.

Culturally empathic concepts, such as "inbetweenness,"²⁵⁶ which have replaced traditional notions of how "'new' immigration differed from the 'old,'"²⁵⁷ are relevant to alien suffrage insofar as they provide insight into the extremely negative sentiments that many elites felt toward the waves of immigration in the early twentieth century. Eugenics offered an extension of Grant's claim that "race mixing produced a hybrid race that reverted to a 'more ancient, generalized and lower type.'"²⁵⁸ Even though Grant's eugenics faded into oblivion, "racialists [became] more pessimistic than assimilationists about America's capacity to

²⁵² Lincoln Steffens, *The Shame of the Cities* (New York: McClure, Phillips & Co., 1904).

²⁵³ U.S. Immigration Commission, *Reports of the Immigration Commission*, 42 vols., (Washington: Government Printing Office, 1911).

²⁵⁴ Peter Roberts, *The New Immigration: A Study of the Industrial and Social Life of Southeastern Europeans in America* (New York: The MacMillan Company, 1914).

²⁵⁵ Philip Davis, ed., *Immigration and Americanization: Selected Readings* (Boston: Ginn and Company, 1920).

²⁵⁶ David R. Roediger, *Working Toward Whiteness: How America's Immigrants Became White* (New York: Basic Books, 2005) 13.

²⁵⁷ Maldwyn Allen Jones, *American Immigration* 2nd ed., (Chicago: University of Chicago Press, 1992) 154.

²⁵⁸ Alan M. Kraut, *The Huddled Masses: The Immigrant in American Society, 1880-1921* (Arlington Heights, Illinois: Harlan Davidson, 1982) 153; see also Chilton Williamson, Jr., *The Immigration Mystique: America's False Conscience*, (New York: Basic Books, 1996).

overcome Old World differences,”²⁵⁹ and tried a new way of guarding the ascriptive notion of “European descent”²⁶⁰ by seeking to repeal alien suffrage in every state.

Even before World War I, when anti-immigrant fervor soared, the *Morning Oregonian* had predicted the decline of alien suffrage due to “ballot legislation.”²⁶¹ Starting in the late 1880s, not a single state expanded noncitizen voting rights and state after state narrowed or eliminated it altogether. In addition to general anti-immigrant sentiment arising from foreign wars, domestic resentment toward immigrant labor, and the explosive resurgence of the Ku Klux Klan, various editors and commentators targeted alien suffrage for their wrath. The *Youth’s Companion* titled an editorial “Voting and Citizenship” that began by highlighting the existence in 1903 of “thousands of unnaturalized aliens [who] vote at every election.”²⁶² A minister from Indiana pointed to “twelve or thirteen states in which an alien may vote”²⁶³ in a letter to the *Christian Advocate*. Moreover, the *Washington Post* began a crusade against alien suffrage that spanned at least half a decade and included more than seven masthead editorials on the subject. In November of 1901, the editors condemned alien suffrage as “anomalous and undesirable.”²⁶⁴ Later that month, the editors said that the situation was “urgent, because the quality of immigrants is deteriorating.”²⁶⁵ In April of 1902, the editors turned an article on a judge’s rejection

²⁵⁹ Cheryl Shanks, *Immigration and the Politics of American Sovereignty, 1890-1990* (Ann Arbor: University of Michigan Press, 2001) 76.

²⁶⁰ Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997) 447.

²⁶¹ *Ibid.*

²⁶² “Voting and Citizenship,” *Youth’s Companion* 10 Sept. 1903: 422.

²⁶³ Semans, R.L., “Alien Voters,” *Christian Advocate* 23 Mar. 1905: 461.

²⁶⁴ “Aliens as Voters,” *Washington Post* 5 Nov. 1901: 6.

²⁶⁵ “Naturalization and Immigration,” *Washington Post* 22 Nov. 1901: 6.

of a naturalization applicant for language reasons into an editorial against alien suffrage, concluding that “it queerly happens that thousands of men whom our government regards as aliens take part in controlling our government.”²⁶⁶ In July of 1902, the editors posed this question: “If there is anything more absurd than [alien suffrage] in any government under the sun, what and where is it?”²⁶⁷ In 1903, the editors called alien suffrage an “absurdity,”²⁶⁸ in 1906 raised the prospect that unnaturalized immigrants could “turn the scales in a closely contested Presidential canvass,”²⁶⁹ and in 1907 called noncitizen voting “a glaring inconsistency in our treatment of aliens.”²⁷⁰ Lawmakers would not likely have missed all seven anti-alien suffrage editorials in the capital’s oldest newspaper.

World War I and the struggle for women’s suffrage brought further animosity toward immigrant men. Some suffragettes expressed public disapproval of alien suffrage in order to make the votes of women seem purer and more controlled, by comparison. “We do not ask the German, the Frenchman, the Englishmen, and the dozens of other classes of immigrants if they are going to improve conditions if we give them the ballot. Then why should we hold up our hands in holy horror for fear that women will not improve conditions if they get the ballot?”²⁷¹ In 1918, Rep. Henry Flood, Chairman of the Committee on Foreign Affairs, introduced a bill that would have federally barred any noncitizen, including declarant aliens, from voting

²⁶⁶ “Not Fit for Citizenship,” *Washington Post* 4 Apr. 1922: 6.

²⁶⁷ “For Intelligent Suffrage,” *Washington Post* 29 July 1902: 6.

²⁶⁸ “Frauds in Naturalization,” *Washington Post* 21 Feb. 1903: 6.

²⁶⁹ “Calls Us All Foreigners,” *Washington Post* 24 June 1906: E4.

²⁷⁰ “Always Near the Front,” *Washington Post* 1 July 1907: 6.

²⁷¹ “Mrs. Clark Turns Poetess in ‘Votes for Women’ Campaign,” *Washington Post* 14 Mar. 1913: 2; see also “Mute Women See Aliens Get Votes,” *New York Times* 9 June 1915.

if the United States was at war with that alien's nation of origin. Although the official purpose of the bill was "to prevent alien enemies from voting,"²⁷² the bill failed to distinguish between *enemy* aliens and other aliens, and highlighted the willingness of at least some members of Congress to discriminate against particular ethnic groups in the wartime context. But neither Congress nor the President ever issued a blanket ban on alien suffrage and the end of alien suffrage coincided not with World War I but with the passage of women's suffrage. Texas, ironically, actually tacked the bland sounding "alien suffrage provision"²⁷³ onto the joint resolutions that added women's suffrage to the lone star state's constitution. Also in 1919, the Arkansas legislature voted to place a constitutional amendment to eliminate alien suffrage on the 1920 general election ballot. The constitutional amendment, which stated that "the purpose of this amendment [is] to deny the right of suffrage to aliens,"²⁷⁴ passed with "87,237 in the affirmative and 49,757 in the negative."²⁷⁵ But because a 1915 Arkansas Supreme Court decision required "a majority of the electors voting at such election,"²⁷⁶ the amendment did not become law until the court reversed itself in 1925²⁷⁷ and 1926.²⁷⁸ Shortly after the Arkansas Supreme Court reiterated its reversal, the secretary of state issued an opinion that

²⁷² "Bill to Bar Votes of 250,000 Aliens," *New York Times* 12 Mar. 1918.

²⁷³ "Texas Senate for Suffrage," *Kansas City Times* 23 Jan. 1919: 4.

²⁷⁴ *Henderson v. Gladish*, 128 S.W.2d 257 (Ark. 1939).

²⁷⁵ Leon E. Aylsworth, "The Passing of Alien Suffrage," *American Political Science Review* 25 (1931): 115.

²⁷⁶ *Hildreth v. Taylor*, 175 S.W. 40 (Ark. 1915).

²⁷⁷ *Brickhouse v. Hill*, 268 S.W. 865 (Ark. 1925).

²⁷⁸ *Combs v. Gray*, 281 S.W. 918 (Ark. 1926).

“the amendment [to deny aliens suffrage] became a part of the constitution of the state of Arkansas on November 2, 1920, and is now a part of the constitution.”²⁷⁹

CHAPTER FOUR: CONCLUSION

The history of noncitizen voting, or alien suffrage, dates back to 1704, before the founding of the United States. Once the colonies declared independence, constitutional drafters made alien suffrage a part of most new colonial and state constitutions. Nearly all early states permitted alien suffrage until the early 1800s, when nativism swept the nation. Just when alien suffrage seemed on the verge of disappearing in the 1840s, however, desires for bodies and cheap labor made declarant alien suffrage critical to territorial expansion. Alien suffrage again became a political staple by the 1870s and 1880s. But from the 1890s until the 1920s, no new states legalized alien suffrage and Arkansas ended, in 1926, a practice that an American diplomat called an “absurdity”²⁸⁰ that “ought to be at once and forever abandoned.”²⁸¹ The timeline of the expansion and restriction of alien suffrage, however, only tells part of the story. The origins of the expansion of noncitizen voting in the early colonial and Reconstruction periods lie in the racial and economic incentives for political and industrial leaders, the Boss Tweeds, and the frontier lawmakers to turn alien suffrage into a recruiting tool. For instance, “concern about immigrant voters in the Northeast was mounting at precisely the same time that

²⁷⁹ Leon E. Aylsworth, “The Passing of Alien Suffrage,” *American Political Science Review* 25 (1931): 116.

²⁸⁰ Scruggs, William L. “Citizenship and Suffrage.” *North American Review* 177 (1903): 837.

²⁸¹ *Ibid.*

many Midwestern states were extending the franchise.”²⁸² Although many nineteenth century ballots were signed,²⁸³ but citizenship status was not recorded at the polls, it is impossible to know how many unnaturalized immigrants exercised the right to vote. What is clear is that expansion, xenophobia, and urbanization dominated the world of the immigrant throughout the nineteenth and early twentieth centuries.

Although no state has permitted noncitizens to vote in state or federal elections in over four decades, whether noncitizens should have the right to vote in the United States has reemerged as a subject of debate among scholars and activists. Political scientist Ron Hayduk, in *Democracy for All*, has crafted the only book devoted entirely to noncitizen voting in the United States. He argues that “immigrants’ taxation without representation not only challenges the legitimacy of America’s mantle of democratic governance and political tolerance, but also provides a rationale and foundation on which to organize progressive politics.”²⁸⁴ Cognizant that “a growing number of countries and some American cities now allow all legal residents to participate in elections,”²⁸⁵ and that “an estimated 12 million votes potentially hang in the balance,”²⁸⁶ Hayduk makes the case that all immigrants should be permitted to vote, at least in school board and city council elections.

Because immigrants pay taxes—“the typical immigrant pays an estimated \$80,000

²⁸² Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000) 67.

²⁸³ See “1848 Whig Party General Election Ballot, Taylor/Fillmore Ticket.” College of William & Mary: Special Collections; see also “1852 Democratic Party General Election Ballot, Pierce/King Ticket.” College of William & Mary: Special Collections.

²⁸⁴ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 83.

²⁸⁵ Ron Hayduk, “Immigrant Voting Rights Receives More Attention,” Migration Information Source 1 Nov. 2004. <http://www.migrationinformation.org>.

²⁸⁶ *Ibid.*

more in taxes than they receive in federal, state, and local benefits over their lifetimes”²⁸⁷—the right of immigrants to vote is “an extension of the civil rights movement.”²⁸⁸ According to law professor Jamin Raskin, “It is said that immigrants’ rights are the civil rights of the 1990’s. By that logic, noncitizen voting is the suffrage movement of the decade.”²⁸⁹ Citing Benjamin Franklin for the proposition that “they who have no voice nor vote in the electing of representatives do not enjoy liberty, but are absolutely enslaved to those who have votes,”²⁹⁰ noncitizen voting rights proponents liken the taxation of unnaturalized immigrants to undemocratic “taxation without representation.”²⁹¹ They also invoke Thomas Paine, a self-declared “citizen of the world,”²⁹² for his commitment to universal rights. Most frequently, though, noncitizen voting rights proponents point to the fact that “the idea of noncitizen voters is not new for America,”²⁹³ and that “from the founding of the nation until the early 20th century, immigrants had a civic voice that many citizens, including blacks and women, did not.”²⁹⁴ Early constitutional provisions that granted noncitizens the vote, recent laws making citizenship a prerequisite to suffrage, and

²⁸⁷ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 63.

²⁸⁸ Robert F. Worth, “Push is On to Give Legal Immigrants a Vote in the City,” *New York Times* 8 Apr. 2004.

²⁸⁹ Deborah Sontag, “Noncitizens and Right to Vote; Advocates for Immigrants Explore Opening Up Balloting,” *New York Times* 31 July 1992.

²⁹⁰ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 3.

²⁹¹ Larry Tung, “A New Push to Let Non-Citizens Vote,” *Gotham Gazette* 29 Sept. 2008. <http://www.gothamgazette.com>.

²⁹² Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 3.

²⁹³ “A Citizen’s Right,” *New York Times* 19 Apr. 2004.

²⁹⁴ Deborah Sontag, “Noncitizens and Right to Vote; Advocates for Immigrants Explore Opening Up Balloting,” *New York Times* 31 July 1992.

current meanings of suffrage and citizenship all factor into Hayduk's argument that restoring noncitizen voting rights should be a tenet of modern progressive politics.

The fundamental thing to remember about immigrant voting is that "groups can be more easily subordinated and discriminated against by depriving them of the vote, and, conversely, can attain greater freedoms when they possess the right to vote."²⁹⁵ Because "most of the estimated 12 million legal permanent residents cannot vote although they may work, pay taxes, send their children to school, and serve in the military,"²⁹⁶ unnaturalized immigrants have an interest in benefits and services such as education, health care, and public assistance, but often face increased barriers "as a result of nativist moves against immigrant political rights."²⁹⁷ In this way, noncitizens get punished twice for choosing to be born abroad. First, they are denied the right to vote and participate in the democratic process. Second, they are denied services and benefits that they might have gained or retained had they been permitted to vote. Moreover, those immigrants who are eligible to gain citizenship status are all too frequently stymied by "backlogs in processing applications and increased requirements . . . [that] produce a cumbersome naturalization process that is significantly more difficult, time consuming, and costly than it was in earlier times in the U.S."²⁹⁸ Even the *New York Times*, which opposes noncitizen voting on the basis that "extending the most important benefits of citizenship to those still hold their first

²⁹⁵ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 66.

²⁹⁶ Ron Hayduk, "Immigrant Voting Rights Receives More Attention," Migration Information Source 1 Nov. 2004. <http://www.migrationinformation.org>.

²⁹⁷ Joseph E. Ryan, Letter, "Noncitizens Should Again Have the Vote," *New York Times* 21 Aug. 1992.

²⁹⁸ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 49.

allegiance to another country seems counterproductive,”²⁹⁹ supports “speed[ing] up a citizenship process that has slowed to a crawl in this country.”³⁰⁰

If noncitizen voters were to fail to support pro-immigrant politicians at significantly greater levels than “natural born”³⁰¹ citizens, however, it would simultaneously undermine efforts to create a “progressive political majority”³⁰² while making noncitizen voting more palatable to traditionally anti-immigrant legislators who view it “as a left-wing hobbyhorse.”³⁰³ Although “it is not at all clear that the new voters would favor one party over the other,”³⁰⁴ it is unlikely that noncitizens would fail to seek public benefits, social services, and legal recognition. The question of how noncitizens would vote, if given the opportunity, cannot be separated from the cultural views of immigrants themselves. “The palpable discomfort—and outright conflict—of African Americans with many of the newcomers who they perceive as undermining hard-won gains are no small obstacles,”³⁰⁵ Hayduk acknowledges. The racial divisions that prevented the extension of voting rights to noncitizen parents in Los Angeles school board elections, however, might not exist in cities where “the immigrant population is more

²⁹⁹ “A Citizen’s Right,” *New York Times* 19 Apr. 2004.

³⁰⁰ *Ibid.*

³⁰¹ U.S. CONST. art. II, § 4.

³⁰² Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 12.

³⁰³ Robert F. Worth, “Push is On to Give Legal Immigrants a Vote in the City,” *New York Times* 8 Apr. 2004.

³⁰⁴ *Ibid.*

³⁰⁵ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 84.

diverse.”³⁰⁶ New York, for instance, has decades of experience allowing noncitizen parents to vote in community school board elections, “a radical move [that] went largely unnoticed.”³⁰⁷ Contemporary advocates of noncitizen voting seek to either “extend the vote to legal immigrants who are eligible to become citizens”³⁰⁸ or to “anyone who pays taxes.”³⁰⁹ On the other end of the political spectrum, opponents of noncitizen voting believe that “if you divorce citizenship and voting, citizenship stops having any meaning at all.”³¹⁰ Conversely, supporters of noncitizen suffrage believe that “not to be heard is not to exist, to have no visibility and no place politically.”³¹¹ Especially if “we are in the midst of the largest mass migration of people in human history,”³¹² noncitizen voting deserves to be revisited.

So does citizenship confer suffrage or does suffrage confer citizenship? Judith Shklar astutely notes that “citizenship in America has never been just a matter of agency and empowerment, but also of social standing as well.”³¹³ We must constantly ask who should vote and who should not, who is a citizen and who is not. Questions of citizenship and suffrage arising from alien suffrage endure. Efforts to

³⁰⁶ Deborah Sontag, “Noncitizens and Right to Vote; Advocates for Immigrants Explore Opening Up Balloting,” *New York Times* 31 July 1992.

³⁰⁷ *Ibid.*

³⁰⁸ Robert F. Worth, “Push is On to Give Legal Immigrants a Vote in the City,” *New York Times* 8 Apr. 2004.

³⁰⁹ *Ibid.*

³¹⁰ Deborah Sontag, “Noncitizens and Right to Vote; Advocates for Immigrants Explore Opening Up Balloting,” *New York Times* 31 July 1992.

³¹¹ Judith N. Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, Massachusetts: Harvard University Press, 1991) 59.

³¹² Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 39.

³¹³ *Ibid.*

attract “cheap labor”³¹⁴ by conferring suffrage on aliens came at a price. Noncitizens turned their ballots into power, which made aliens into enemies. Hidden in plain sight, the history of alien suffrage in the United States connects the dots in a broader narrative of immigration, labor and “civic racialism.”³¹⁵ The curious case of August Albert, who ultimately won the right to return home to Michigan after being “held for special inquiry,”³¹⁶ highlights how the meanings of suffrage and citizenship have changed depending on the value of noncitizens to the body politic. What made alien suffrage unique is that it created voters in a foreign land.

³¹⁴ Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Routledge, 2006) 25.

³¹⁵ Maureen A. Flanagan, *America Reformed: Progressives and Progressivisms, 1890s-1920s* (New York: Oxford University Press, 2007) 107.

³¹⁶ “S.S. Hamburg: Record of Aliens Held for Special Inquiry.” *Statue of Liberty-Ellis Island Foundation* 28 Aug. 1905. <http://www.ellisland.org>.

Table 1. U.S. States / Territories Permitting Alien Suffrage, 1704-1926.

(Sources: Hayduk 2006; Keyssar 2000; assorted state constitutions.)

	First Year Permitted	Last Year Permitted
Alabama	1868	1901
Alaska	-	-
Arizona	-	-
Arkansas	1874	1926
California	-	-
Colorado	1876	1902
Connecticut	1776	1819
Delaware	1776	1831
District of Columbia	-	-
Florida	1868	1894
Georgia	1868	1877
Hawaii	-	-
Idaho	1863	1890
Illinois	1818	1848
Indiana	1851	1921
Iowa	-	-
Kansas	1854	1918
Kentucky	1789	1799
Louisiana	1879	1898
Maine	-	-
Maryland	1776	1851
Massachusetts	1780	1822
Michigan	1835	1894
Minnesota	1849	1896
Mississippi	-	-
Missouri	1865	1921
Montana	1864	1889
Nebraska	1854	1918
Nevada	1848	1864
New Hampshire	1792	1814
New Jersey	1776	1820
New Mexico	-	-
New York	1776	1804
North Carolina	1704	1856
North Dakota	1861	1909
Ohio	1802	1851
Oklahoma	1850	1907
Oregon	1848	1914
Pennsylvania	1790	1838
Rhode Island	1762	1842
South Carolina	1790	1896
South Dakota	1850	1918
Tennessee	1796	1834
Texas	1869	1921
Utah	-	-
Vermont	1767	1828
Virginia	1776	1818
Washington	1850	1889
West Virginia	-	-
Wisconsin	1848	1908
Wyoming	1850	1899

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