Black leaders in South Carolina formed the Progressive Democratic Party in order to challenge the white primary system used in South Carolina. In spite of the ruling handed down by the United States Supreme Court in *Smith v Allwright* (1940) which declared white primaries unconstitutional, a number of southern states continued to bar African Americans from the Democratic party.

African Americans, including George Elmore, tried to vote in the 1947 Democratic primary election but were barred from doing so. The head of the National Association for the Advancement of Colored People (NAACP) conference legal committee, Harold Boulware, filed a class-action law suit seeking to open the Democratic party to blacks.

**Historical Context**

The Fifteenth Amendment to the United States Constitution, the last of the Reconstruction Amendments, was ratified in 1870. The Amendment removed the impediments of race, color, and previous condition of servitude that kept black men from voting. (It should be noted, however, that the Fifteenth Amendment does not guarantee or confer suffrage to any group.) After its passage, black men went to the polls and all across the Old Confederacy, black men were elected to local, state and national offices.

Their success alarmed the white planter elite, who worked to find so-called legal ways of disfranchising black men. Soon the had enacted bevy of laws, including the eight-box ballot, property qualifications, literacy tests, poll taxes, the grandfather clause, and the white primary, lodging a full scale assault on black voting rights. Economic intimidation, violence and murder also helped thin the ranks of black male voters. By 1880, three years after the end of Reconstruction, black voters had all but disappeared from the electorate.

The white primary was especially effective in keeping black men from voting. Blacks were barred from joining the Democratic party as most states had set it up as a private club or voluntary organization. The Democratic party was the only political party in the South–the Republican party was anathema to whites as it was the party of Abraham Lincoln–and so the primary election was more important than the general election.

In 1944 the United States Supreme Court ruled in *Smith v Allwright* that the Democratic party was a voluntary organization, it used the apparatus of the Texas state government to select its leaders and conduct elections, and state courts had jurisdiction over all contested elections. It therefore engaged in state action and thus violated the Fifteenth Amendment. The party was ordered to open its membership to African Americans.
**Question**

Did barring blacks from membership in the Democratic party in Texas violated the Fifteenth Amendment?

**Conclusion**

In *Elmore v. Rice*, Judge J. Waties Waring sided with the black South Carolinians and ordered the primary election opened to all. South Carolina officials ignored his ruling, and Waring issued an injunction demanding that they open the Democratic party to everyone regardless of “race, color, creed, or condition.”

In order to circumvent Waring’s order, the executive committee of the white Democratic party then began requiring those who wanted to swear an oath to support the separation of the races across all aspects of society. Waring struck down the oath, and his ruling was upheld by the Fourth District United States Court of Appeals. South Carolina appealed to the United States Supreme Court, which refused to review the case. The Chairman of the white Democratic party ordered the organization to enroll all qualified voters.

**Contemporary Relevance**

Even before the Civil War was officially ended, the power elite in the Confederate states was scheming to return the South to its previous economic and social system. During Reconstruction, Radical Republicans in the United States Congress ushered in a series of federal laws and amendments to the Constitution to ensure the rights of newly freed slaves. Among those laws was the Fifteenth Amendment which made it illegal to deny men the right to vote based on race, color or previous condition of servitude—the Amendment does not confer nor guarantee suffrage—and the Enforcement Act of 1871 (also known as the Ku Klux Klan Act) which made it a crime to interfere with a person’s right to vote, run for and hold public office and serve on a jury or be entitled to the equal protection of the laws.

The federal government ceased to support the rigorous enforcement of these laws, and white southern states returned to home rule. The ranks of the Radical Republicans were thinned by retirement, death and electoral defeat. There was little sympathy in the North for the continued efforts of the federal government in assisting newly freed slaves.

By 1880 the southern states had—among other things—stripped from black men the privilege of voting through a variety of methods: the Eight Box Law, the white primary, the Grandfather clause, poll taxes, literacy tests, economic intimidation and violence. It was not until the passage of the Voting Rights Act of 1965 that millions of blacks in the south were able to vote.

Southern officials began immediate challenges of the Act and carried on a decade’s long campaign to gut this important piece of legislation. Questioning the legality of the act, increased
qualifications for candidacy, gerrymandering, at-large elections and making many offices appointive rather than elected were all tried with varying degrees of success.

Since 2010 forty eight of fifty states have stripped convicted felons of the right to vote, and because of the disproportionately large number of blacks in prisons, this has had a huge impact. A number of states, mostly in the south have passed onerous voter identification laws allegedly in response to voter fraud–something that is virtually nonexistent. In 2013 the United State Supreme Court overturned the key section of the Act which required the nine southern states with a history of voting discrimination to submit all changes in voting laws and procedures to the federal government for pre-clearance. In *Shelby v Holder (2013)*, the Court declared that this protection was no longer valid in the post-civil rights era. This will have a negative impact on blacks, Latinos and immigrants who usually vote for Democratic candidates.