

## NO WHITE MAN TO LOSE HIS VOTE IN VIRGINIA.

**This Assurance Given by Men Who Are Most Competent to  
Speak with Authority.**

A Meeting was Held in Richmond on October 17, 1901, at which Chairman Ellyson Presided and Hon. John Goode and Mr. Montague Made Speeches—All Three Declared the Policy of the Convention in Language That Cannot Be Mistaken. Great Enthusiasm Aroused.

### STATE CHAIRMAN ELLYSON.

“The best men in this Commonwealth have been selected as the representatives of their people in the convention. They will not fail to be responsive to the wishes of their constituents, for every Democrat in that convention knows that the convention would never have been held but for the desire of the white people of this Commonwealth to have enacted such a constitutional provision as would take away from the negro the right to vote, and at the same time preserve to the white men of the Commonwealth their right of suffrage.

“I have enjoyed the best opportunities for frequent conferences and consultation with the members of the convention on this question. I think I know their views as well as any other man in the State, and I do not hesitate to give to you and through you to the white men of this Commonwealth both my personal and official assurance that that convention has the fixed and unalterable intention of enacting a clause which will accomplish the end I have just mentioned and which will forever remove the negro as a factor in our political affairs and give to the white people of this Commonwealth the conduct and control of the destinies which they have the right to shape and determine.

“The Democrats of Virginia have always kept the pledges made to the people and they will not fail to do so in this instance.”—Hon. J. Taylor Ellyson, Chairman of the State Democratic Committee.

### HON. JOHN GOODE.

“The Democratic party is pledged in its platform to eliminate the ignorant and worthless negro as a factor from the politics of this State without taking the right of suffrage from a single white man, and speaking for my colleagues in the convention, I solemnly declare to you that they will keep that pledge to the letter.”—President Goode of the Constitutional Convention.

HON. A. J. MONTAGUE

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"The Democratic party, through its representatives in the convention, is slowly, but surely, framing a law that will so effectually exclude the idle, shiftless and illiterate of the negro race from the suffrage that the gates of republican wrath cannot prevail against it. The trouble with our opponents is that they realize now that we will accomplish this and keep the pledge that no white man will be disfranchised. I stand here and declare it, for I do know it is the truth."—Hon. A. J. Montague, Democratic nominee for Governor.

the primary objective of the 1902 state constitution was to limit the ability of black men to vote

Source: Broadside 1901.N68, Special Collections Department, University of Virginia, [1901 Flyer--"No White Man to Lose His Vote"](#)

Virginia's political elite decided to write a new state constitution after the Supreme Court legalized separate-but-equal treatment of blacks, including the 1896 *Plessy v. Ferguson* decision. The *Williams v. Mississippi* decision in 1898 made clear that the Supreme Court would allow voter discrimination, provided the tools used to suppress black voting were written in a race-neutral manner.<sup>1</sup>

The Democratic Party, with a white supremacist agenda, gained control of the General Assembly from the biracial Readjuster Party in 1883. After the Democrats won all statewide offices in 1885, the Readjuster Party dissolved. The racist perspective of the Democratic Party at the time was reflected in a comment by one delegate to the 1901-1902 constitutional convention:<sup>2</sup>

*There is but one spot in Virginia where the negro can make himself useful and not come into conflict with the superior race... That spot is in the corn field and on the tobacco ground as an agricultural laborer.*

The General Assembly and governor proceeded to "redeem" control, finding ways to bypass the 15th Amendment. Mississippi started the process of changing a state constitution to require voters to pass literacy tests and pay poll taxes, tools which were used to discriminate against blacks and squeeze them out of the political process. By 1899, though blacks formed the majority of the state's population, 82% of white males and only 9% of black males were registered to vote.

Other states mimicked Mississippi and established mechanisms for segregation in new state constitutions - South Carolina (1895), Louisiana (1898), North Carolina (1900), Alabama (1901), Virginia (1901), Georgia (1908), and Oklahoma (1910).<sup>3</sup>

Virginia voters authorized a constitutional convention in 1900. On May 24, 1901, 100 delegates were elected to what has ended up being Virginia's last general constitutional convention. The delegates met from June 12, 1901-June 26, 1902.

The 1902 constitution created stricter voting requirements, substantially reducing the number of potential voters. Carter Glass made clear that the objective was to exclude black voters from the democratic process, using legal authorities according to the Supreme Court decisions:<sup>4</sup>

*By fraud, no; by discrimination, yes.*

One delegate said equally bluntly that the:<sup>5</sup>

*...great underlying principle of this Convention movement, the one object and cause which assembled this body, was the elimination of the negro from the politics of the state.*

Local and state officials used the new controls created in the 1902 constitution to block many blacks (and poor whites) from registering to vote. The US Supreme Court interpreted the Fifteenth Amendment to prohibit disfranchising voters simply by race, but did allow restricting who could vote by administrative procedures. Poll taxes and the unequal application of literacy tests were effective tools for discrimination. Political leader W. Gordon Robertson said:<sup>6</sup>

*The best thing we can do to get around the Fifteenth Amendment is to appoint men in every county who will use favoritism towards the white man as against the black man.*

The political machine of Governor and then Senator Harry Byrd ensured the poll tax of his supporters was paid so they could vote. By the 1940's, Virginia's political process was considered to be so unrepresentative that the state was described as a "*museum of democracy*."<sup>7</sup>

The 1902 constitution recognized the distinction between counties and independent cities. The new constitution also gave the governor more authority. That followed a pattern that started in 1830. It also created the State Corporation Commission, replacing the Board of Public Works. The State Corporation Commission was somewhat independent of the General Assembly, which was under the control of railroad lobbyists.

The constitutional convention declared the new constitution to be in effect as of July 10, 1902; it was not ratified by voters. The legitimacy of the new constitution was tested in a lawsuit. In 1903, the Virginia Supreme Court of Appeals determined in *Taylor v. Commonwealth* (1903) that the new constitution was legitimate.<sup>8</sup>

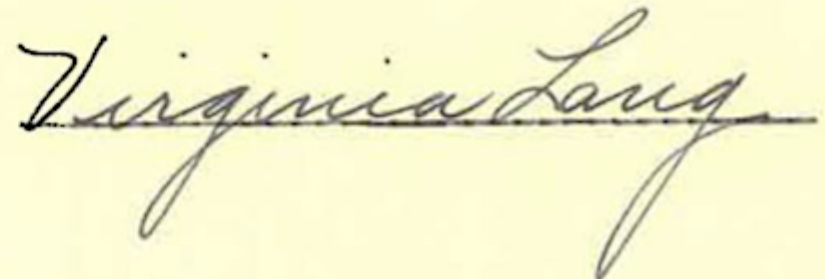
Article XV in the 1902 constitution made it easier to approve amendments. It modified the requirement created in the 1870 constitution that a proposed amendment had to be approved by a second General Assembly, after a general election for both houses, before submission to the voters for ratification. Instead, amendments could be approved at a second meeting of the General Assembly after an election for just the House of Delegates. Since delegates served two-year terms and state senators served four-year terms, the change in the 1902 constitution potentially accelerated approval of an amendment by two years.

Since 1902, no general constitutional convention has produced a document to replace - rather than amend - the 1902 constitution. The substantial amendments incorporated into the 1928 and the 1971 constitutions, other more-limited amendments, and the revisions proclaimed by limited constitutional conventions in 1945 and 1956 are all changes to (but not replacements of) the 1902 constitution.

## Constitutions of Virginia

County of Fairfax,  
State of Virginia to wit

I do solemnly swear that I will support the Constitution of  
the United States, and the Constitution of the State of Virginia  
ordained by the Convention which assembled in the City of Richmond,  
on the 12th day of June, Nineteen hundred and one, and that I will  
faithfully, impartially discharge and perform all the duties incumbent  
on me as registrar, according to the best of my ability, so help me  
God.

A handwritten signature in cursive script, reading "Virginia Lang", written over a horizontal line.

voting registrars (including women after 1920) swore to uphold the 1902 state constitution that was ordained rather than ratified by voters  
Source: Fairfax Circuit Court Historic Records Center, [Found in the Archives](#) (February 2020)

## Links

- Constitutions of Virginia
  - 1776
    - [Virginia Declaration of Rights; June 12, 1776](#)
    - [The Constitution of Virginia; June 29, 1776](#)
    - [Jefferson's Draft of the Virginia Constitution](#)

- for Virginians: Government Matters - [Virginia Constitution, 1776](#)
  - West Virginia Archives and History - [1776 Virginia Constitution](#)
- 1830
  - for Virginians: Government Matters - [Virginia Constitution, 1830](#)
  - West Virginia Archives and History - [1830 Virginia Constitution](#)
- 1851
  - for Virginians: Government Matters - [Virginia Constitution, 1851](#)
  - West Virginia Archives and History - [1851 Virginia Constitution](#)
- 1861
  - [proposed revision by Richmond convention](#) (rejected in popular vote, 1862)
- 1864
  - [Constitution of the State of Virginia, and the ordinances adopted by the Convention which assembled at Alexandria, on the 13th day of February, 1864](#)
  - Encyclopedia Virginia - [Virginia Constitutional Convention \(1864\)](#)
- 1870
  - Virginia Memory - [Virginia Constitution, 1868](#)
  - for Virginians: Government Matters - [Virginia Constitution, 1870](#) (Underwood Constitution)
- 1902
  - [1901-02 Constitutional Convention](#) (from "Race and Place - An African-American Community in the Jim Crow South: Charlottesville, Virginia")
  - Virginia Encyclopedia - [Virginia Constitutional Convention \(1901-1902\)](#)
  - for Virginians: Government Matters - [Virginia Constitution, 1902](#)
- 1928
  - [Constitution of Virginia, As Amended June 19, 1928, November 7, 1944, May 3, 1945, November 5, 1946, November 2, 1948, and November 7, 1950](#)
- 1971
  - for Virginians: Government Matters - [Virginia Constitution, 1971 and Today](#)
- [Current Constitution](#)
- **The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the States and Territories now or heretofore forming the United States of America** (compiled and edited by Francis Newton Thorpe, 1909)
  - [Volume VII: Virginia-Wyoming-Index](#)
- [Constitution Project](#)
- **The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the States and Territories now or heretofore forming the United States of America** (compiled and edited by Francis Newton Thorpe, 1909)
  - [Volume VII: Virginia-Wyoming-Index](#)
- *The Virginia Magazine of History and Biography*
  - [The Virginia Constitutional Convention of 1901-1902: A Reform Movement Which Lacked Substance](#) (January, 1968)

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3. "The Mississippi Constitution of 1890," Mississippi History Now, <http://mshistorynow.mdah.state.ms.us/articles/103/mississippi-constitution-of-1890>; "Mississippi - Subversion of the Right to Vote," Student Nonviolent Coordinating Committee, Civil Rights Movement Archive, 1964, pp.9-10, <https://www.crmvet.org/docs/msrv64.pdf>; "Nov. 1, 1890: Mississippi Constitution," Zinn Education Project, <https://www.zinnedproject.org/news/t dih/mississippi-constitution/> (last checked December 21, 2020)
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5. John J. Dinan, **The Virginia State Constitution**, Oxford University Press, 2011, p.15, <https://books.google.com/books?id=fe9MAgAAQBAJ> (last checked June 23, 2019)
6. John J. Dinan, **The Virginia State Constitution**, Oxford University Press, 2011, pp.16-17, <https://books.google.com/books?id=fe9MAgAAQBAJ> (last checked June 23, 2019)
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8. John J. Dinan, **The Virginia State Constitution**, Oxford University Press, 2011, pp.17-18, <https://books.google.com/books?id=fe9MAgAAQBAJ> (last checked June 23, 2019)
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[Virginia Government and Politics](#)

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