Supplementary Material

Chapter 7: The Republican Era—Equality/Race/The Rise of Jim Crow

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Ratliff v. Beale, 74 Miss. 247 (1896)

W.T. Ratliff, a local sheriff in Mississippi, seized property owned by Ambus Beale in order to pay a poll tax Ratliff claimed Beale owed. The constitution of Mississippi at the time declared, "A uniform poll tax of two dollars, to be used in aid of the common schools, and for no other purpose, is hereby imposed upon every male inhabitant of this state between the ages of twenty-one and sixty years." Beale sought an injunction preventing Ratliff from selling his property to pay the tax. He insisted that persons who did not vote had no obligation to pay the poll tax. Ratliff insisted that the constitution required all males to pay the poll tax. The trial court granted Beale an injunction forbidding the sheriff from collecting the tax. Ratliff appealed to the Supreme Court of Mississippi.

The Supreme Court of Mississippi ruled that Ratliff could not seize the property. Chief Justice Cooper's unanimous opinion ruled that only persons who voted had to pay the poll tax. His opinion relies heavily on claims that the purpose of the Mississippi Constitution was to disenfranchise persons of color. Why did Cooper think this was constitutionally legitimate? How does his conclusion that the constitution of Mississippi was designed to disenfranchise persons of color support his conclusion that the poll tax was voluntary?

CHIEF JUSTICE COOPER

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It cannot be doubted that the question involved in the proper settlement of the electoral franchise had been the subject of more reflection and thought for a period of many years than was bestowed upon all other subjects as to which our constitution underwent material change. Not only in this state, but throughout our sister states, thoughtful and anxious men turned upon the solution of the question all the light to be gathered from history or speculation. Our unhappy state had passed in rapid succession from civil war through a period of military occupancy, followed by another, in which the control of public affairs had passed to a recently enfranchised race, unfitted by educational experience for the responsibility thrust upon it. This was succeeded by a semi-military, semi-civil uprising, under which the white race, inferior in number, but superior in spirit, in governmental instinct, and in intelligence, was restored to power. The anomaly was then presented of a government whose distinctive characteristic was that it rested upon the will of the majority, being controlled and administered by a minority of those entitled under its organic law to exercise the electoral franchise. The habitual disregard of one law not only brings it finally into contempt, but tends to weaken respect for all other laws. The most dangerous and insidious form in which this evil can exist is that which manifests itself in the disregard of public rather than private right, for not only are the consequences more widely diffused, and less rapidly eradicated, but, because no particular right of individuals is directly involved, resistance is less prompt, and the evil progresses to dangerous proportions before its existence is noted. Not only was the question of the franchise a most difficult one for solution by reason of its nature, but there was added to its treatment the limitations upon state action imposed by the amendments to the federal constitution. The difficulty, as all men knew, arose from racial differences. The federal constitution prohibited the adoption of any laws under which a discrimination should be made by reason of race, color, or previous condition of servitude.

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If we look at the map of the state, and at the census reports, showing the racial distribution of our population, and consider these in connection with the apportionment of the constitution, it will at once appear that, unless there shall be a great shifting of population, the control of the legislative department of the state is so fixed in the counties having majorities of whites as to render exceedingly improbable that it can be changed in the near future by the ordinary flow of immigration, or by the growth by births among our own people. The election of the chief executive of the state is also largely affected by the same means. It is in the highest degree improbable that there was not a consistent, controlling directing purpose governing the convention by which these schemes were elaborated and fixed in the constitution. Within the field of permissible action under the limitations imposed by the federal constitution, the convention swept the circle of expedients to obstruct the exercise of the franchise by the negro race. By reason of its previous condition of servitude and dependence, this race had acquired or accentuated certain peculiarities of habit, of temperament, and of character, which clearly distinguished it as a race from that of the whites,—a patient, docile people, but careless, landless, and migratory within narrow limits, without forethought, and its criminal members given rather to furtive offenses than to the robust crimes of the whites. Restrained by the federal constitution from discriminating against the negro race, the convention discriminated against its characteristics and the offenses to which its weaker members were prone. . . . Burglary, theft, arson, and obtaining money under false pretenses were declared to be disqualifications, while robbery and murder and other crimes in which violence was the principal ingredient were not.

. . . [T]he convention had before it for consideration two antagonistic propositions: One, to levy a poll tax as a revenue measure, and to make its payment compulsory; the other, to impose the tax as one of many devices for excluding from the franchise a large number of persons, which class it was impracticable wholly to exclude, and not desirable wholly to admit. In our opinion, the clause was primarily intended by the framers of the constitution as a clog upon the franchise, and secondarily and incidentally only as a means of revenue.

Having reached this conclusion, it follows as a corollary that, when the language used is susceptible of two constructions, it must be so construed as to carry into effect the purpose of the convention. It is evident that, the more the payment of the tax is made compulsory, the greater will be the number by whom it will be paid, and therefore the less effectual will be the clause for the purpose it was intended. It cannot be denied that it was the purpose of the convention to declare a different rule in reference to property subject to taxation and that which was exempt; and, when we consider the fact that a very large proportion of those it was thought desirable to exclude from the exercises of the franchise owned no other property than that which had for many years been exempted from taxation, the conclusion becomes irresistible that it was intended to leave the payment of the tax to the voluntary action of those who owned no other than nontaxable property.

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