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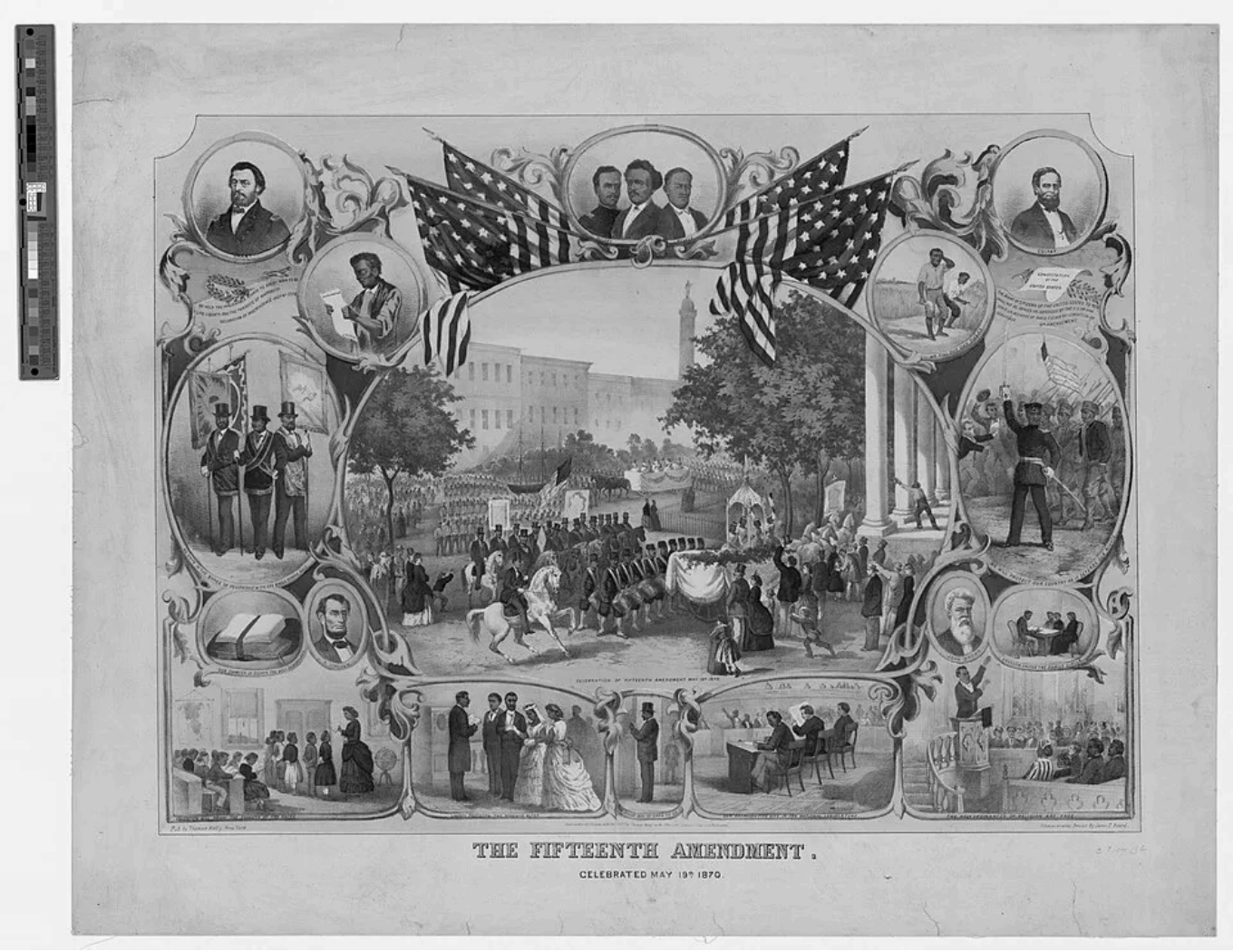
The Arguments For and Against the Fifteenth Amendment

The Amendment Black Americans Fought For, and Keep Fighting to Retain



William Spivey Follow 9 min read · 2 days ago

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Kelly, Thomas, active 1871–1874, publisher; Beard, James Carter, 1837–1913, artist, Public domain, via Wikimedia Commons

I've recently written about the first two Reconstruction Amendments, the 13th and 14th. I'd be remiss not to cover the 15th and the 19th, all of which have been weakened, if not gutted, by the Supreme Court over time.

The Arguments For and Against the Thirteenth Amendment | by William Spivey | Jun, 2026 | Medium

The Arguments For and Against the Fourteenth Amendment: "A Revolution in the Constitution" | by William Spivey | The Polis | Jun, 2026 | Medium

Here are the Congressional arguments for and against the 15th Amendment, and what the Supreme Court has done since to render it almost useless.

ARGUMENTS FOR THE FIFTEENTH AMENDMENT

1. To secure the results of the Civil War

Sen. William Stewart (R–NV) warned that without federal protection, Southern states would recreate slavery politically:

> "If you leave this question to the States, they will *reconstruct slavery under some other name*."

Rep. George Boutwell (R–MA) tied Black suffrage to the Union victory:

> "The Government which they have helped to save must not be taken from them."

2. Black military service justified political rights

Sen. Henry Wilson (R–MA) invoked the sacrifice of Black soldiers:

> "They have marched under your flag; they have fought your battles; they have died for your country. And now you propose to deny them the rights of citizens?"

Rep. John Logan (R–IL) added:

> "The men who bared their breasts to the storm of battle shall not be told they are unfit to vote."

3. To protect Black voters from white supremacist violence

Congress had extensive testimony about Klan terror.

Rep. John Bingham (R–OH):

> "Without this amendment, loyal men will be murdered at the polls and no power can protect them."

Sen. Charles Drake (R–MO):

> "The ballot is the only shield the freedman has against the assassin's bullet."

4. To prevent Southern states from nullifying emancipation

Sen. Oliver Morton (R–IN):

> "If you do not protect the right to vote, the old master class will rule, and the freedman will be a slave in everything but name."

Rep. William Kelley (R–PA):

> "The States that made treason respectable cannot be trusted to make liberty secure."

5. To strengthen Reconstruction and the Republican Party

Republicans were candid about the political stakes.

Sen. Morton again:

> “The safety of the Republican Party depends upon the enfranchisement of the negro.”

Rep. Benjamin Butler (R–MA):

> “If we mean to preserve the results of the war, we must enfranchise those who were loyal.”

6. Moral and constitutional consistency

Sen. Charles Sumner (R–MA), the moral center of Radical Republicanism:

> “Equality of rights is the first of rights. The ballot is the one right that protects all others.”

Rep. George Hoar (R–MA):

> “A government of the people must include *all* the people.”

ARGUMENTS AGAINST THE FIFTEENTH AMENDMENT

Opposition came from three different camps:

1. White supremacist Democrats
2. Conservative/moderate Republicans
3. Radical Republicans who thought the Amendment was too narrow

1. WHITE SUPREMACIST DEMOCRATS (THE LOUDEST OPPOSITION)

A. “Black people are unfit for suffrage”

Sen. Garrett Davis (D–KY):

> “You are about to place the ballot in the hands of *barbarians*.”

Rep. Fernando Wood (D–NY):

> “This amendment means *Negro domination*.”

Sen. James Bayard (D–DE):

> “The African race is incapable of self-government.”

B. States’ rights

Sen. Thomas Hendricks (D–IN):

> “If the States cannot regulate suffrage, then the States are gone.”

Rep. Samuel Randall (D–PA):

> “This is centralization run mad.”

C. Claim that Black suffrage would provoke violence

Democrats blamed Black voters for white terrorism.

Sen. Willard Saulsbury (D–DE):

> “You will drench the South in blood if you force the negro into politics.”

D. “Punishing the South”

Rep. Michael Kerr (D–IN):

> “This amendment is but another lash laid upon the backs of the Southern people.”

2. MODERATE/CONSERVATIVE REPUBLICANS WHO THOUGHT IT WENT TOO FAR

A. Fear of alienating Northern white voters

Several Northern states had recently rejected Black suffrage.

Rep. James Garfield (R–OH) (initially hesitant):

> “We must beware of pressing the people faster than they will go.”

Sen. Lyman Trumbull (R–IL):

> “The people of the North are not prepared for universal negro suffrage.”

B. Fear of federal overreach

Rep. William Lawrence (R–OH):

> “The Constitution never intended that Congress should regulate suffrage.”

3. RADICAL REPUBLICANS WHO THOUGHT IT DIDN’T GO FAR ENOUGH

A. They wanted universal manhood suffrage

Sen. Charles Sumner, who voted *against* the Amendment because it was too narrow:

> "I cannot consent to this *compromise of human rights*."

He wanted a ban on discrimination based on race, color, nativity, property, or literacy.

B. They wanted women included

Rep. Benjamin Butler (R–MA):

> "If you are to make a great constitutional amendment, why not make it complete?"

Sen. Henry Wilson (R–MA) (sympathetic to women's suffrage):

> "I would gladly strike the word 'male' from every constitution in the land."

Outside Congress, Susan B. Anthony and Elizabeth Cady Stanton condemned the Amendment as:

> "An aristocracy of sex."

THE DEBATE IN ONE SENTENCE

The Fifteenth Amendment was supported as the final guarantee of Black freedom and opposed either because it was "too radical," "not radical enough," or — most loudly — because white supremacists feared Black political power.

I. 1870s–1900: The Court Immediately Guts the Amendment's Enforcement Power

The Fifteenth Amendment prohibits denying the vote "on account of race." But the Court quickly ruled that:

- Congress could not aggressively enforce it
- states could use "race-neutral" tools to disenfranchise Black voters
- private violence was outside federal reach

This was the first great dismantling.

1. United States v. Reese (1876)

The Court struck down key parts of the Enforcement Act of 1870, which Congress passed to protect Black voters from intimidation and fraud.

The Court held that the law was too broad because it punished officials who denied votes for *any* reason, not only racial ones.

Impact:

- Made it nearly impossible to prosecute officials who blocked Black voters
- Signaled that the Court would read the Fifteenth Amendment *narrowly*
- Opened the door to literacy tests, poll taxes, and grandfather clauses

This was the first major blow.

2. United States v. Cruikshank (1876)

This case arose from the Colfax Massacre, where dozens of Black men were murdered for defending their right to vote.

The Court ruled:

- The Fifteenth Amendment only prohibits *state* action
- The federal government cannot punish private individuals for racial violence

Impact:

- Effectively legalized Klan terror
- Removed federal protection for Black voters
- Allowed white supremacist paramilitaries to suppress elections

This decision is one of the most devastating in U.S. history.

3. Williams v. Mississippi (1898)

The Court upheld:

- literacy tests
- poll taxes
- "understanding clauses"

The Court said these laws were constitutional because they were "race-neutral," even though everyone knew they were designed to

disenfranchise Black voters.

Impact:

- Gave judicial approval to Jim Crow
- Allowed Southern states to disenfranchise nearly all Black voters
- Reduced Black voter registration in some states to 0%

II. 1900–1960: The Court Continues to Approve Disenfranchisement

4. Giles v. Harris (1903)

A Black man in Alabama sued because the state's constitution disenfranchised Black voters.

Justice Holmes wrote that the Court could not fix a "political wrong" and essentially told Black voters to seek help from the same state that disenfranchised them.

Impact:

- The Court refused to enforce the Fifteenth Amendment
- Allowed states to maintain all-white electorates
- Cemented Jim Crow for another 60 years

Holmes's opinion is often described as the Court's open abandonment of Black voters.

5. Grovey v. Townsend (1935)

The Court upheld white-only primaries, ruling that political parties were private organizations not bound by the Fifteenth Amendment.

Impact:

- Excluded Black voters from the only elections that mattered in the one-party South
- Maintained white political control

This was not overturned until Smith v. Allwright (1944).

III. 1960s: The Court Finally Enforces the Fifteenth Amendment — Briefly

The Warren Court (1953–1969) is the *only* era in which the Court robustly enforced the Fifteenth Amendment.

6. Gomillion v. Lightfoot (1960)

The Court struck down a Tuskegee gerrymander that excluded nearly all Black voters.

7. South Carolina v. Katzenbach (1966)

The Court upheld the Voting Rights Act of 1965, calling it a legitimate use of Congress's Fifteenth Amendment enforcement power.

This was the high-water mark.

IV. 1970s–2000s: The Court Begins Narrowing Voting Rights Again

8. City of Mobile v. Bolden (1980)

The Court ruled that plaintiffs must prove intentional racial discrimination — not just discriminatory effect — to win a Fifteenth Amendment claim.

Impact:

- Made it nearly impossible to challenge discriminatory voting systems
- Forced Congress to amend the Voting Rights Act in 1982

This decision weakened the Fifteenth Amendment by imposing a nearly impossible burden of proof.

V. 2013–Present: The Court Guts the Voting Rights Act — the Fifteenth Amendment's Enforcement Mechanism

This is the modern dismantling.

9. Shelby County v. Holder (2013)

The Court struck down the VRA's preclearance formula, disabling federal oversight of states with histories of discrimination.

Impact:

- States immediately enacted voter ID laws, purges, closures, and gerrymanders.
- Black voter access declined in multiple states

- The Fifteenth Amendment lost its enforcement teeth

Shelby is widely considered the most damaging voting rights decision since the 19th century.

10. Brnovich v. DNC (2021)

The Court made it far harder to challenge discriminatory voting laws under Section 2 of the VRA.

The majority said that:

- “mere inconvenience” is not discrimination
- historical discrimination is not relevant
- states have broad power to restrict voting

Impact:

- States gained wide latitude to pass laws that disproportionately harm Black voters
- The Fifteenth Amendment’s protections were further hollowed out

11. Merrill v. Milligan (2022–2023)

The Court initially allowed Alabama to use a racially discriminatory map for the 2022 election, despite a lower court finding a clear Fifteenth Amendment violation.

Although the Court later upheld Section 2 in a narrow ruling, the signal was unmistakable: discriminatory maps can survive for at least one election

cycle.

12. Louisiana v. Callais (2026)

Louisiana v. Callais (2026) weakened the Fifteenth Amendment by raising the evidentiary burden required to prove racial vote dilution under Section 2 of the Voting Rights Act — the primary federal tool for enforcing the Amendment. For decades, plaintiffs only needed to show that a voting rule or district map had a discriminatory *effect* on Black voters. Callais rejected that standard. The Court held that plaintiffs must now meet a far more demanding threshold, requiring near-perfect demographic proof and, in practice, something close to explicit discriminatory intent. This shift makes most modern vote-dilution cases nearly impossible to win, even when the racial impact is obvious. By redefining what counts as racial discrimination in voting, the Court effectively narrowed the Fifteenth Amendment's reach without touching its text.

The ruling also instructed federal courts to defer heavily to state legislatures, even when maps or voting rules produce extreme racial disparities in representation. This deference allows states to dismantle minority opportunity districts, consolidate Black voters into fewer districts, or disperse them to dilute their political power — all while claiming race-neutral motives. In effect, Callais hollowed out the Fifteenth Amendment's enforcement mechanism, echoing the logic of *Shelby County v. Holder* (2013) and continuing the Court's long pattern of weakening federal oversight of elections. The Amendment technically remains intact, but the ability to enforce it — especially for Black voters in the Deep South — has been sharply curtailed.

VI. The Pattern: How the Court Has Weakened the Fifteenth Amendment

Across 150 years, the Court has:

1. Narrowed the Amendment's scope

- Only bans explicit racial discrimination
- Allows "race-neutral" tools that have racist effects

2. Limited Congress's enforcement power

- Reese
- Cruikshank
- Shelby County
- Louisiana v. Callais

3. Required proof of discriminatory intent

- Bolden

4. Allowed private violence to escape federal reach

- Cruikshank

5. Upheld nearly every major tool of disenfranchisement

- poll taxes
- literacy tests
- white primaries
- gerrymanders
- voter purges

- restrictive ID laws

6. Gutted the Voting Rights Act

- Shelby County
- Brnovich
- Louisiana v. Callais

7. Refused to treat the Fifteenth Amendment as self-executing

The Court has never recognized a broad, affirmative right to vote.

VII. The Bottom Line

The Supreme Court has never fully enforced the Fifteenth Amendment. Instead, it has:

- gutted federal enforcement
- allowed states to disenfranchise Black voters through "race-neutral" means
- required impossible burdens of proof
- dismantled the Voting Rights Act
- permitted modern voter suppression to flourish

The Fifteenth Amendment remains on the books — but without enforcement, it is a promise without power. The Supreme Court has occasionally taken a right that Congress recognized or protected and interpreted it more broadly than Congress originally did. These moments are rare, but they exist — and they reveal something important about the

Court's relationship to congressional power. What SCOTUS is best at is taking away powers, especially from women and minorities. That is the area where they excel.

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