

**Color No Bar to Voter.**

In a decision so broad as probably to annul "grandfather clause" enactments in every Southern State which has adopted such laws, the Supreme Court Monday held invalid Oklahoma and Maryland legislation aimed at restricting the colored vote. The decision was unanimous.

The decision, in short, was that it is a violation of the fifteenth amendment for a State to select arbitrarily a date, such as 1866, and provide that persons not qualified to vote on that date or whose ancestors were not so qualified are barred from voting, or must submit to voting tests not required of others.

For more than fifteen years the "grandfather clause" has been inserted in constitutions of Southern States. The most popular form has been to exempt from educational and property tests for voting those who could vote about 1866 or 1867 or 1868, thus leaving the tests to apply to those who did not vote at those dates.

In Maryland the clause was inserted in laws governing elections in various cities. In 1908 it was inserted in the law governing municipal elections in the city of Annapolis. It authorized the registration as voters of all taxpayers of the city assessed for at least \$500; all duly naturalized citizens 21 years of age, and "all citizens, who prior to January 1, 1868, were entitled to vote in the State of Maryland or any other State of the United States at a State election, and the lawful [male] descendants of any person who prior to January 1, 1866, were entitled to vote in the State of Maryland or in any other State of the United States at a State election."

The government's contention was that the clause necessarily divided the voters of the State into two classes, literate and illiterate, and while there was no discrimination against any literate citizens, there was a discrimination against the illiterate ones, namely, those illiterates whose ancestors did not have the right to vote prior to January 1, 1866. The government conceded that Oklahoma was entitled to apply a literary test to its citizens as a basis for suffrage, but that the manner in which it was applied made the whole clause unconstitutional.

The government also contended that as suffrage was a political, not a natural right, the words "entitled to vote" must necessarily refer to the laws under which "the ancestors" lived, not the actual fact whether the ancestors voted.

"The necessary effect and operation of the grandfather clause," the government attorneys argued, "is to exclude practically all illiterate negroes, and practically no illiterate white men, and from this its unconstitutional purpose may easily be inferred."

The government argued that if the clause was unconstitutional in so far as it deprived colored voters of their rights, it must be unconstitutional in its entirety.