

CHARTING SOCIAL CHANGE THROUGH THE CITY OF NASHVILLE'S ELECTIONS AND GOVERNMENTAL SYSTEMS

Since its incorporation as a city in 1806, Nashville, Tennessee has served as a keystone for military activity, political breakthroughs, and social justice.¹ Although Tennessee is often given the connotation of a “red state”—or one in which the population of the state is a conservative, Republican political majority—Nashville, and specifically Davidson County, has steadily become a Democratic political haven. Next to Shelby County and the surrounding suburbs of the city of Memphis, Tennessee, Davidson County is the only other county in the state that had a majority populous vote for the Democratic candidate in the recent 2012 United States Presidential elections.² Bearing this in mind, as well as the relationship between liberalism and the Democratic party, has controversy surrounding social issues been the primary cause for changes in Nashville elections and governance? Or has the political process itself been an agent change for these social issues? Given the findings of a primary source analysis of Nashville's political history, the answer is clear: the restructuring of governmental systems and mechanisms is what leads to social change.

Although the city of Nashville was incorporated in 1806, the Tennessee General Assembly did not first meet until 1853, shortly after the Capitol Building had been completely constructed.³ Thus, it wasn't until the late 1800's before a formal election process was put into place for the state of Tennessee, let alone the city of Nashville. As noted in the November 2nd, 1884, *Nashville Tennessean* article entitled “The Election Laws”, which outlined the basic

¹ Smeltzer, Becky, "Capital Cities of Tennessee," Capital Cities of Tennessee, Accessed April 16, 2016, <http://web.utk.edu/~rsmeltze/IT/IT575/eportfolio/exerI.html>.

² "2012 Tennessee Presidential Results," POLITICO, Accessed April 16, 2016, <http://www.politico.com/2012-election/results/president/tennessee/>.

³ "Overview," Nashville Historic Inc, Accessed April 16, 2016, <http://www.historicnashvilleinc.org/history/>.

procedure followed within state elections for all of the counties within the state. Interestingly, a number of components for the election process were noted in this periodical. First, each county held a popular election, that was overseen by the Sheriff of the respective county, and assisted by deputies in the area. If a Sheriff or deputies could not attend, the election was to be held by the local Coroners or other individuals as appointed by the County Court. Next, it is written that “every male person 21 years old and a citizen of the United States, and who has been a resident of this state for one year” is allowed to vote.⁴

Already, the election for this calendar year creates limitations for not only the manner of voting, but also concerning who can participate in the elections. As far as the voting process, vesting Sheriffs and the local law enforcement agents with full authority for holding a popular election indicates that there would not be many polling locations for a given county—as the number of law enforcement agents would be proportionally small in comparison to the general population. This is taken into account by giving the County Court the capability to appoint further election superintendents, but the potential for having fewer polling locations than is necessary for giving every legally-capable citizen would pose a problem for representation of individuals who lived in underserved locations. Yet, representation is already problematic under the voting rule criteria, since only male citizens over the age of twenty-one who are citizens of the United States would actually have the right to vote in the state elections. In fact, at the time of the periodical publication—Nov. 2nd, 1884—African-Americans were still disenfranchised under the Dred Scott ruling of 1857⁵ and merely one day later, on Nov. 3rd, the Supreme Court

⁴ "THE ELECTION LAWS," 1884, *Daily American (1875-1894)*, Nov 02, 12, <http://teach.belmont.edu:2048/login?url=http://search.proquest.com/docview/939925813?accountid=8570>.

⁵ "Dred Scott Case," PBS, Accessed April 16, 2016, <http://www.pbs.org/wgbh/aia/part4/4h2933.html>.

ruled in *Elk v. Wilkins* that Native Americans were not considered citizens and therefore, were not to be granted the right to vote.⁶

Despite these restrictions on representation of individuals, changes were beginning to stir within the Nashville and Tennessee election systems. In 1909, three election bills came to pass after a Governor's veto. These three bills were intended to make primary elections compulsory, establish a state election board, and county election commission. Unfortunately, all three were vetoed by then Governor Malcolm R. Patterson, but the Senate and House voted to override this veto and pass each bill. Legalized compulsory primaries require citizens to vote in elections or attend a polling place on voting day.⁷ The state election board and county election commission measures were to create a more uniform and methodical approach to the voting process for interstate and intercounty elections, which had previously been discrepant in practice.⁸ While these pieces of legislation did not cause a marked change on the social norms of the state of Tennessee as a result of the elections process, they did spark a conversation about the way in which elections could have a significant impact on the way government represented its citizens. Ultimately, it was not until this point that Tennesseans realized the importance of elections, which led to much more media attention, hence the explanation for the vast number of newspaper articles being published during this time. The main concern that was voiced was the representation of individuals, and so solutions to correct elections and government were now beginning to be explored.

⁶ "Elk v. Wilkins 112 U.S. 94 (1884)," Justia Law, Accessed April 12, 2016, <https://supreme.justia.com/cases/federal/us/112/94/case.html>.

⁷ "COUNTY ELECTION BOARDS ARE ALL COMPLETE," 1913, *Nashville Tennessean and the Nashville American (1910-1920)*, Jul 22, 12, <http://proxy.lib.utk.edu:90/login?url=http://search.proquest.com.proxy.lib.utk.edu:90/docview/906665945?accountid=14766>.

⁸ Ibid.,

A few years later, in 1913, there was dispute about two conflicting election boards who both claimed to be the legitimate and authentic voting authority for Davidson County, which was a proposed solution to the election problem.⁹ Both elections boards staked claim to be adhering to the legal, constitutional way in which elections were to be conducted according to the Election Law of 1913. However, that same law— which was the point of contention— was deemed unconstitutional by several lawyers and faced a pending decision from the Court. The issue with two distinctly separate election boards was that if both were to conduct elections simultaneously, all results would be completely void.¹⁰ Tennesseans were in uproar about this predicament at the governmental level, especially in given election board reform of recent years. “The people who are to do the voting and the candidates who are offering for office all deserve to have this matter settled in a way that they may be assured that the election will be final and not in question. They deserve to have a valid and constitutional election.”¹¹

The Election Law of 1913 that this newspaper references is the 17th Amendment of the Constitution, which established the direct election of senators.¹² The Amendment states “The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.”¹³ The 17th amendment was pivotal for elections because of the manner in which it

⁹ "A SOLUTION OF THE ELECTION PROBLEM," 1913, *Nashville Tennessean and the Nashville American (1910-1920)*, Aug 06, 6, <http://teach.belmont.edu:2048/login?url=http://search.proquest.com/docview/904794032?accountid=8570>.

¹⁰ Ibid.,

¹¹ Ibid.,

¹² *Amendment 17: Elections of U.S. Senators*, Films On Demand, 1998, Accessed April 14, 2016, fod.infobase.com/PortalPlaylists.aspx?wID=98092&xtid=8125.

¹³ "17th Amendment," LII / Legal Information Institute, Accessed April 10, 2016, <https://www.law.cornell.edu/constitution/amendmentxvii>.

set specific boundaries for elections in states, as was the case with Tennessee. In particular, it changed patterns of election-seeking and legislative voting behavior.¹⁴ Therefore, the 17th Amendment is a specific example of direct social change because of government involvement. If it were not for the recent restructuring of Nashville's election process which aimed to make Tennessee voting more streamlined, the 17th Amendment of the Constitution would not have been implemented as effortlessly as it was.¹⁵ Several years later, not only were elections challenged, but Nashville's governance— in the midst of formal chartering— would rewrite the way in which certain individuals could vote.

Nashville had been operating as a city for many years, but it was not until the Nashville City charter of 1913¹⁶ that a series of procedures and outlined policies for day-to-day government operations were acknowledged in a document that the city would officially follow.¹⁷ Within this city charter, there was no language that provided for a woman's right to vote. At the time the city charter was implemented, the 19th Amendment was ratified, and Tennessee was the final state to approve its ratification. However, while the 19th Amendment gave women the right to vote, the Nashville City charter granted women the same right to cast their vote, but with limitations. In the charter's language, it stated that if women were to vote in elections, they would have to pay a poll tax. Already, this put a good portion of women at a disadvantage, as many could not afford to pay a poll tax. In addition, it was a direct violation of the United States Constitution.

¹⁴ "17th Amendment to the U.S. Constitution," U.S. National Archives and Records Administration, <https://www.archives.gov/legislative/features/17th-amendment/>.

¹⁵ Ibid.,

¹⁶ Drafted as a municipal corporation in 1913, formally amended as the "Private Acts" with significant detail in 1921.

¹⁷ Washington Moore, J, *The Charter of the City of Nashville*, Compiled by Morton B, Adams.

This led to Nashvillians bringing the city charter to the Attorney-General's attention, requesting that the Attorney-General review the poll tax on women, posing the question:

“Did the bill, as passed in both the House and the Senate, and as it was enrolled, contain a provision requiring 1920 poll taxes to be paid by women as a prerequisite to their voting in the city elections called for March 31st and April 14th under the bill, and if such a provision was a bill, did it not disfranchise the women in the city elections of Nashville, since no poll tax could be assessed against them for the year 1920 according to a recent decision of the Supreme Court?”¹⁸

Attorney-General Thompson reached the decision that the bill did in fact disenfranchise women in the city elections, and would render the statute to be completely invalid.

Thus, the poll tax on Nashville women was removed, and government once again directly effected a social change. The poll tax was a social injustice against human rights, which is what led the government to push for a change. A change which made society better than it was, and directly affected social change within Nashville. This has continued to be a constant theme throughout Nashville's history. Even with all of this social change, Nashville has faced many more issues throughout the years. In Nashville's history, the Metropolitan Charter also brought on another onslaught of social change. In fact, if not for governmental policies, much of Nashville's social change would not have occurred.

Still, one of the biggest governmental changes that immensely affected social issues in Nashville was the Metropolitan Charter of 1962, which created a consolidated government. The purpose for the creation of the Metropolitan Charter was to stifle a gradual shift of people and economic resources outside city limits. This urban sprawl, or population movement from urban

¹⁸ "NASHVILLE CHARTER BILL SIGNED AFTER MORE AMENDMENTS," 1921, *Nashville Tennessean* (1920-1922), Feb 12, 1.

areas to suburban areas, was an effective economic decision for the individuals— many of whom worked within the city limits— who often saved money by living in the surrounding areas of Davidson County. However, this same movement often negatively impacted the city’s focus on each constituent of Davidson county and how future governance would, directly or indirectly, affect them. These problems, however, were only a part of the concern of Nashville’s government.

As a metaphorical “theater of war” in the Civil Rights movement, Nashville, Tennessee was the focal point for lunch counter sit-ins¹⁹, the emergence of nonviolent protest leaders such as Diane Nash²⁰, desegregation of Nashville city schools through *Kelly v. Board of Education of Nashville*²¹, and urban sprawl, and these were all a cause of rifts and inequalities within the entirety of Nashville and the surrounding area.²² As a means of remedying the aforementioned issues, the Mayor and his city commission recommended the unification of Nashville and Davidson County as a consolidated metropolitan government. Thus, consolidation of city and county government allowed for instrumental social progress all across Davidson county within Nashville’s city limits.²³ If not for this, Nashville would have likely taken a very different course throughout the city’s history. If not for the push for governmental change, which led to societal change, Nashville may very well not be the progressive city that it is today.

Overall, Nashville’s political history has been closely intertwined with the will of its citizens. Moreover, one factor has remained true throughout the years: changes in election processes and governmental structures has directly influenced social issues within the city. While

¹⁹ Historic Nashville Inc, "Nashville's Civil Right's Movement," Nashville Historic Inc, Accessed April 16, 2016, <http://www.historicnashvilleinc.org/>.

²⁰ Ibid.,

²¹ Ibid.,

²² Patel, Reena, *The Charter Of The Metropolitan Government Of Nashville and Davidson County, Tennessee*.

²³ Ibid.,

not all of Nashville's history is positive, long-run circumstances still allowed Nashville to empower its citizens. All of the change came about as a result of the dynamics of the political system, which Nashvillians directly involved themselves in through public discourse.

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