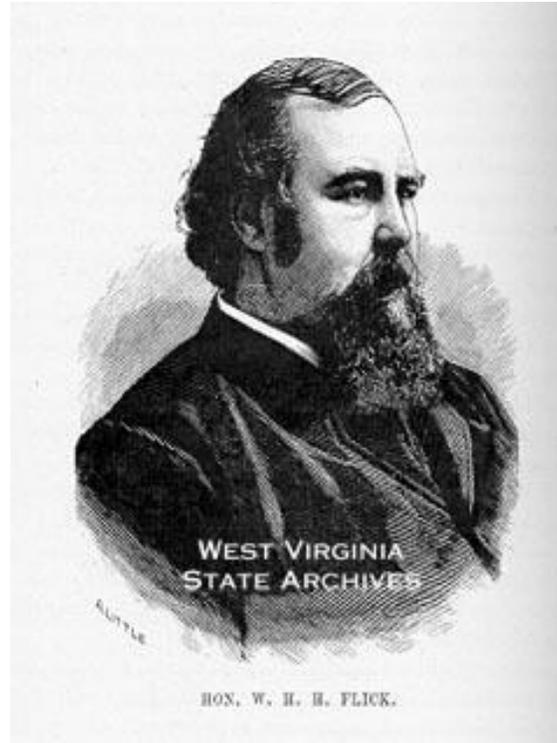


ON THIS DAY IN WEST VIRGINIA HISTORY APRIL 27



On April 27, 1871, West Virginia voters approved the Flick Amendment, which restored voting rights to former Confederate supporters.

CSO: SS.8.23, SS.8.4

Investigate the Document: (Attorney General, Fifteenth Amendment, Ar1724, 37; Senate Joint Resolution No. 6, Flick Amendment, Ar1725, 170; Governor's Proclamation, Flick Amendment, Ar1725, 170)

1. What word was replaced with “male” in the amended version of the Flick Amendment? For what reason?
2. What is the result of any state law which contradicts the U.S. Constitution? What clause within the Constitution confirms that Federal law is the “supreme law of the land?”
3. How would you summarize the opinion of the Attorney General regarding the inquiry of Governor Stevenson?

Think Critically: Considering the 15th Amendment assured the voting rights of African Americans; the Flick Amendment ironically became centered around the re-enfranchisement of whom? How do you think the re-enfranchisement of these individuals should have been handled? Over a period of time? Immediately? Both Democrats and Republicans had to concede something they did not wish to concede for the revision of the Flick Amendment—what were the concessions of each party?

The State of West Virginia,
EXECUTIVE DEPARTMENT.

37

Charleston ~~Monday~~, April 13th 1870.

Hon. W. E. Stevenson
Governor of West Va.

Dear Sir

In reply to your inquiry, whether the fifteenth amendment of The Constitution of The United States, entitles The colored people of West Virginia, to vote, without a previous amendment of our state constitution, I have the honor of submitting The following opinion -

When The fifteenth amendment became valid, as a part of The Constitution of The United States, by The Official announcement of its ratification on The 30th of March last, the word "white" in The first section of The third article of The Constitution of West Virginia, from that moment, became inoperative, and in effect, ceased to be a part thereof - To all who recognize The Supremacy of The Constitution of The United States. This result must be apparent, from The language of the second section of The sixth article of that instrument, which declares, that it is The Supreme Law

of the land, any thing in the Constitution or laws of any State, to the contrary notwithstanding" — Conceding, that the section of the State Constitution, above referred to, limits the exercise of the right of suffrage, to the white male Citizens, ^{of the State,} yet, as such one of said fifteenth amendment. Expressly provides, that "The right of Citizens of the United States to vote, shall not be denied or abridged by the United States, or any State, on account of race, color, or previous condition of servitude," it is manifest, that the former, is repugnant to the latter, and being so, is, as we have seen, superseded by it, to the full extent of the repugnance —

In this opinion, I am fully sustained, not only by the Constitution of the United States, in declaring its own Supremacy, but by the Courts of the United States, and of the several States, which have uniformly held, any thing in the Constitution, or laws of a State, repugnant to the Constitution of the United States, to be utterly null and void —

Very Respectfully
Yours &c.

A. B. Caldwell

Atty. Gen.

S. J. R. No. 6.

No

A Joint Resolution agreeing to the proposed amendment to the ^{Constitution of the} State Constitution

Whereas the legislature of this State at its last session in conformity to the Constitution agreed to the following proposed Amendment to the Constitution of this State, to be substituted for Section one (1) of Article three (3) thereof; ^{to the same part of the said Constitution, when ratified according to the provisions thereof,} namely:

The male citizens of the State shall be entitled to vote at all elections held within the election districts in which they respectively reside, but no person who is a minor, or of ^{unsound} insane mind, or a pauper, or who is under conviction of treason, felony or bribery in an election, or who has not been a resident of the State for one year, and of the County in which he offers to vote for thirty (30) days next preceding such offer, shall be permitted to vote while such disability continues, and whereas due notice thereof having been given therefore - Resolved by the Legislature of West Virginia - that the said proposed Amendment is hereby agreed to:

A Proclamation
By the Governor

In Conformity with Joint Resolution No
19 of the Legislature, ~~passed~~ adopted
February 15th 1871; ^{held thereby, ~~passed~~ that} An election will be
held at every place of voting, within the
State of West Virginia, on the fourth
Thursday in April 1871, being the 27th
day thereof, to ascertain the Sense of the
qualified voters on the ratification or
rejection, of the following amendment to
the Constitution of the State, as a substitute
for section one of article three thereof, namely:
"The male Citizens of the State shall be
entitled to vote at all elections held
within the election district in which they
respectively reside; but no person who is
a Minor, of unsound mind, or a pauper,
or who is under Conviction of Treason,
Felony or bribery in an election, or who
has not been a resident of the State for one
year, and of the County in which he offers
to vote for thirty days next preceding
such offer, shall be permitted to vote
while such disability continues".

For this purpose, Supervisors and Inspectors
of elections throughout the State are directed
to open polls, at their respective places of
voting on the day aforesaid:-

In testimony whereof, I have hereunto set my hand and
caused the Seal of the State to be ^{at Charleston} affixed, this the
18th day of March 1871.