

## The Voting Rights Act of 1965

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### Goals

By analyzing first-person accounts from Mississippi, students discover why the act was needed and learn how literacy tests, harassment, and violence disenfranchised Black residents. They then analyze key provisions of the act and examine challenges to voting rights in the United States today.

### Central Questions

Why was the law necessary? Why hadn't most African Americans registered and voted in the South before 1965? What does the law say? How did it change voting patterns?

### Background information

The 14th and 15th amendments to the Constitution, passed just after the Civil War, tried to ensure equal protection under the law and protect the right to vote for African Americans. After the federal government abandoned the South in 1877, many states passed explicit segregationist laws. In 1896, the US Supreme Court upheld these laws in its *Plessy v. Ferguson* decision. For decades, millions of African Americans were denied their basic civil rights all across the United States, including the right to vote.

Literacy tests, poll taxes (taxes that essentially charged a fee for voting), harassment, and terrorist attacks discouraged Black residents from registering to vote. In Mississippi, all the people who tried to register had their names published in the local newspaper for two weeks. Black residents often found themselves evicted from their homes, fired from their jobs, and threatened with violence after they attempted to register. Those who tried to organize voters or teach voter education classes were sometimes arrested, tortured, or driven out of the state. By 1960, more than 90 percent of eligible Black voters in Mississippi were not registered, even in counties where African Americans were a majority.

In 1964, Congress passed a new Civil Rights Act with a section guaranteeing the right to vote, but it had no provision for the federal government to enforce it and was widely ignored. After the murder of three Freedom Summer workers in June 1964 and television coverage of unprovoked attacks on marchers in Selma, Alabama, in March 1965, Congress finally passed the Voting Rights Act. It outlawed poll taxes and literacy tests, and explicitly gave federal officials power to occupy local courthouses and take over registration in counties that showed a pattern of discrimination.

Within 18 months, the majority of eligible Black voters in the South had registered. Many ran for local office, and both national political parties began to see African Americans as an important constituency.

### Documents Used in This Lesson:

1. Violence against Black Mississippi residents who tried to vote, 1963-1964 (from sworn affidavits in a legal case that led up to the act.)  
<http://wihist.org/1w0WuWU>
2. A Freedom Summer worker describes Mississippi's voter test, 1964.  
<http://wihist.org/12wQyt2>
3. Voting Rights Act of 1965 (excerpts).  
<http://wihist.org/1vzUWn8>

Document 1: Violence against Black Mississippi residents who tried to vote, 1963-1964 (from sworn affidavits in a legal case that led up to the act).

<http://wihist.org/1w0WuWU>

June 9, 1963: Fannie Lou Hamer and five other registration workers were arrested in Winona on their way home from a registration workshop in Charleston, S.C. They were held in the Winona jail for four days during which time they were severely beaten with nightsticks and fists by policemen and with leather straps by prison trustees under the direction of police officers.

October 30, 1963: A voter registration worker was arrested by Clarksdale police who slugged him and broke his glasses as he was being taken to jail.

November 2, 1963: Three shots were fired at a voter registration worker in Tate County as he drove away from a Freedom Vote poll site.

April 1, 1964: A Negro making his fifth attempt to register to vote in Greenwood was told by a white official to go home before he was arrested. As he was leaving the courthouse, a policeman told him "If I catch you in that line, I will shoot your damn head off."

Document 2: A Freedom Summer worker describes Mississippi's voter test, 1964.

<http://wihist.org/12wQyt2>

In Mississippi one must fill out a form with 18 questions on it to get on the voting rolls. The 18th question is the kicker. It asks the applicant to read any section of the state constitution the registrar chooses and then to interpret it in simple language to the satisfaction of the registrar. Of course no Negro can satisfy him. We were told that he would sometimes add questions such as, "How many bubbles in a bar of soap?" And he would disqualify anyone for the least error such as putting "M" instead of "Male" on the form. Also, any applicant has his name published in the paper which allows his employer to fire him or informs the local toughs where to lob their bombs.

## Questions

### Document 1: Violence against Black Mississippi residents who tried to vote, 1963-1964.

1. Read the accounts of what happened to people who tried to register to vote. Who was trying to stop them? Why do you think those people acted the way that they did?
2. What surprised you in those four stories? What did you realize that you hadn't known before?
3. You will be 18 soon (if you're not already). Do you plan to vote in local and national elections? Would you register to vote if you thought someone might treat you the way the people in the four affidavits were treated?

### Document 2: A Freedom Summer worker describes Mississippi's voter test, 1964.

1. Could you have passed the Mississippi voter test? Restate this section of the Wisconsin Constitution in your own words: "The members of the assembly shall be chosen biennially, by single districts, on the Tuesday succeeding the first Monday of November in even-numbered years, by the qualified electors of the several districts, such districts to be bounded by county, precinct, town or ward lines, to consist of contiguous territory and be in as compact form as practicable." Assume the person judging your answer wants you to fail.
2. Some Black Mississippi residents took the test several times, as they repeatedly tried to register. What qualities must they have possessed? List five adjectives that describe someone who refused to be scared away.

**Document 3: The Voting Rights Act of 1965 (excerpts).**

SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision, the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment.

SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State...

## Questions

### Document 3: The Voting Rights Act of 1965 (excerpts).

1. Rephrase each paragraph in your own words. What does each one mean, in a short sentence or phrase?

Sec. 2:

Sec. 3:

Sec. 4:

2. Some people argue that the Voting Rights Act of 1965 is no longer needed because times have changed. What do you think would happen if there were no federal law guaranteeing the right to vote?

3. Other people claim that the law is too broad, and that voters should have to have a state-issued photo ID, like a driver's license. Their opponents point out that many people who are poor and live in large cities don't have cars or driver's licenses, and that getting them is a hardship. Since many of those people are also African American, opponents see the ID requirement as exactly the sort of "prerequisite to voting, or standard, practice, or procedure" that the law prohibits.

What do you think? Should every voter need a government-issued photo ID? Why or why not? Does requiring one violate the 1965 law? Explain your answers.