

## II. The Voters

### Topic: II. The Voters

**What the students do:** Read about the history of voting rights and role-play a committee deciding to support or oppose modern voting restrictions.

[CA History-Social Science Standards:](#) 11.10.6, 11.10.7; 12.6.4, 12.6.6

[CMS Promising Approaches:](#) 1, 2, 6

**Thanks to:** [Constitutional Rights Foundation](#)

## Voting Rights in America: Past and Present

### Overview

In this lesson, students look at the history of voting rights in America. The lesson provides two different readings for teachers to select from: *Who Voted in Early America* or *Race and Voting in the Segregated South*. Teachers might elect to assign one or both readings, depending on the standards he/she wishes to address and class time. The activity, in which students work in small groups to examine modern restrictions on voting and decide whether to support or oppose these restrictions, is designed to support either or both readings.

### Objectives

Students will be able to:

- Explain typical requirements for voting in early America and/or post Reconstruction.
- Describe how voting rights have changed over time.
- Evaluate and decide whether modern restrictions on voting should remain in place.

### Materials/Preparation

Decide if you will have your students focus on voting rights in Early America and/or the Segregated South. Provide students with copies of the reading(s) you selected (**Handout 1: “Who Voted in Early America,” OR Handout 2: “Race and Voting in the Segregated South”**).

**Handout 3: “Who Should Not Be Allowed to Vote?”**—1 per student.

### Procedure

#### I. Focus Discussion

- A. Hold a brief discussion by asking students: What constitutional amendments have been passed regarding voting? (15th Amendment gave the vote to black males; 19th Amendment gave women the vote; the 24th banned the poll tax; and the 26th gave young people 18 and older the right to vote).
- B. Tell students that, historically, voting rights in our nation were much more restrictive than they are today.

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## II. Reading and Discussion—Voting Rights

- A. Distribute the handout **“Who Voted in Early America?” OR “Race and Voting in the Segregated South”** to each student. Ask students to read it and look for the restrictions on voting.
- B. When students finish reading, hold a discussion using the questions on the handout.

## III. Small-Group Activity—Who Should Not Be Allowed to Vote?

- A. Distribute **Handout 3: “Who Should Not Be Allowed to Vote?”** Divide the class into groups of 3–5 students.
- B. Review the instructions and answer any questions students may have.
- C. When students are ready, discuss each restriction. Ask for reasons for and against the restriction. Conclude by voting on whether to retain each of the five restrictions.

## Who Voted in Early America?

Coming from England, American colonists usually adopted the voter qualifications that they had known in England. Typically, a voter had to be a free, adult, male resident of his county, a member of the predominant religious group, and a “freeholder.” A freeholder owned land worth a certain amount of money. Colonists believed only freeholders should vote because only they had a permanent stake in the stability of society. Freeholders also paid the bulk of the taxes.

Becoming a freeholder was not difficult for a man since land was plentiful and cheap. Thus up to 75 percent of the adult males in most colonies qualified as voters. But this voting group fell far short of a majority of the people then living in the English colonies. After eliminating everyone under the age of 21, all slaves and women, most Jews and Catholics, plus those men too poor to be freeholders, the colonial electorate consisted of perhaps only 10 percent to 20 percent of the total population.

After declaring independence on July 4, 1776, each former English colony wrote a state constitution. About half the states attempted to reform their voting procedures. The trend was to do away with the freehold requirement and grant all taxpaying, free adult males the right to vote. Since few men escaped paying taxes, suffrage (the right to vote) expanded in these states.

Vermont’s constitution went even further. It granted universal manhood suffrage (i.e., all adult males could vote). Some states also abolished religious tests for voting. New Jersey’s new state constitution apparently accidentally permitted women to vote.

It granted the right to vote to “all inhabitants” of legal age (21) who owned property worth 50 English pounds and resided in a county for at least one year. Little comment on the possibility of women voting took place in the state for 20 years. Even so, one state election law passed in 1790 included the words “he or she.”

In 1797, a bitter contest for a seat in the New Jersey state legislature erupted between John Conduct, a Democratic Republican, and William Crane, a Federalist. Conduct narrowly won the election after Federalists turned out a large number of women to vote for Crane. This was probably the first election in U.S. history in which a substantial group of women went to the polls.

Newspaper coverage of women voting was widespread in the state. Newspapers debated whether the state constitution really intended for women to vote. Some argued that the words “all inhabitants” surely did not include children, slaves, and foreigners. If this were the case, they continued, women should not be allowed to vote either because they never had before. Others maintained that perhaps widows and single women who owned property worth 50 pounds should be able to vote. Married women were automatically excluded from voting since all property in a marriage legally belonged to the husband.

In 1806, voters in a New Jersey county voted on where to build a new county courthouse. During three days of voting, partisans from the two contending towns (Newark and Elizabeth) used legal and illegal devices to win the election. Men and boys, whites and blacks, citizens and aliens, residents and non-residents voted (often many times). Women and girls, married and single, with and without property, joined the election frenzy. Finally, males dressed up as females and voted one more time.

Newark, with 1,600 qualified voters, counted over 5,000 votes; Elizabeth, with 1,000 legal voters, counted more than 2,200 votes. Although Newark claimed victory, the voting was so blatantly fraudulent that the state legislature canceled the election.

The following year, the state legislature passed a new election law to make clear who was qualified to vote in New Jersey. The law declared that no persons were to be allowed to vote except free white men who either owned property worth 50 pounds or were taxpayers. Such voters would also have to be citizens and residents of the county where they voted. Thus, in 1807, the all-male state legislature ended the experiment with women suffrage in New Jersey.

### **Expanding the Right to Vote**

Despite New Jersey's limiting suffrage, the trend throughout U.S. history has been to expand the right to vote. At first, the main debate was over property tests. But by the Civil War, most states had replaced property requirements with universal white male suffrage.

With the end of slavery, reformers turned to securing the right to vote for black males. The 15th Amendment accomplished this in 1870, but another century passed before discrimination against black voters was finally ended. Women did not win the right to vote until the adoption of the 19th Amendment in 1920, over 100 years after women lost the vote in New Jersey.

In 1964, the 24th Amendment prohibited denying anyone the right to vote in federal elections for failing to pay a voting or any other tax. Finally, in 1971, the 26th Amendment reduced the legal voting age to 18 in all elections.

### **For Discussion**

1. Which groups of people were excluded from voting during the early years of American history? Why do you think they were excluded?
2. Why did women seemingly have the right to vote in New Jersey between 1776 and 1807? Why do you think women lost this right in 1807?

## Race and Voting in the Segregated South

After returning home from World War II, veteran Medgar Evers decided to vote in a Mississippi election. But when he and some other black ex-servicemen attempted to vote, a white mob stopped them. "All we wanted to be was ordinary citizens," Evers later related. "We fought during the war for America, Mississippi included. Now, after the Germans and Japanese hadn't killed us, it looked as though the white Mississippians would. . . ."

The most basic right of a citizen in a democracy is the right to vote. Without this right, people can be easily ignored and even abused by their government. This, in fact, is what happened to African American citizens living in the South following Civil War Reconstruction. Despite the 14th and 15th amendments guaranteeing the civil rights of black Americans, their right to vote was systematically taken away by white supremacist state governments.

### Voting During Reconstruction

After the Civil War, Congress acted to prevent Southerners from re-establishing white supremacy. In 1867, the Radical Republicans in Congress imposed federal military rule over most of the South. Under U.S. Army occupation, the former Confederate states wrote new constitutions and were readmitted to the Union, but only after ratifying the 14th Amendment. This Reconstruction amendment prohibited states from denying "the equal protection of the laws" to U.S. citizens, which included the former slaves.

In 1870, the 15th Amendment was ratified. It stated that, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

More than a half-million black men became voters in the South during the 1870s (women did not secure the right to vote in the United States until 1920). For the most part, these new black voters cast their ballots solidly for the Republican Party, the party of the Great Emancipator, Abraham Lincoln.

When Mississippi rejoined the Union in 1870, former slaves made up more than half of that state's population. During the next decade, Mississippi sent two black U.S. senators to Washington and elected a number of black state officials, including a lieutenant governor. But even though the new black citizens voted freely and in large numbers, whites were still elected to a large majority of state and local offices. This was the pattern in most of the Southern states during Reconstruction.

The Republican-controlled state governments in the South were hardly perfect. Many citizens complained about overtaxation and outright corruption. But these governments brought about significant improvements in the lives of the former slaves. For the first time, black men and women enjoyed freedom of speech and movement, the right of a fair trial, education for their children, and all the other privileges and protections of American citizenship. But all this changed when Reconstruction ended in 1877 and federal troops withdrew from the old Confederacy.

### Voting in Mississippi

With federal troops no longer present to protect the rights of black citizens, white supremacy quickly returned to the old Confederate states. Black voting fell off sharply in most areas because of threats by white employers and violence from the Ku Klux Klan, a ruthless secret organization bent on preserving white supremacy at all costs.

White majorities began to vote out the Republicans and replace them with Democratic governors, legislators, and local officials. Laws were soon passed banning interracial marriages and racially segregating railroad cars along with the public schools.

Laws and practices were also put in place to make sure blacks would never again freely participate in elections. But one problem stood in the way of denying African Americans the right to vote: the 15th Amendment, which guaranteed them this right. To a great extent, Mississippi led the way in overcoming the barrier presented by the 15th Amendment.

In 1890, Mississippi held a convention to write a new state constitution to replace the one in force since Reconstruction. The white leaders of the convention were clear about their intentions. "We came here to exclude the Negro," declared the convention president. Because of the 15th Amendment, they could not ban blacks from voting. Instead, they wrote into the state constitution a number of voter restrictions making it difficult for most blacks to register to vote.

First, the new constitution required an annual poll tax, which voters had to pay for two years before the election. This was a difficult economic burden to place on black Mississippians, who made up the poorest part of the state's population. Many simply couldn't pay it.

But the most formidable voting barrier put into the state constitution was the literacy test. It required a person seeking to register to vote to read a section of the state constitution and explain it to the county clerk who processed voter registrations. This clerk, who was always white, decided whether a citizen was literate or not.

The literacy test did not just exclude the 60 percent of voting-age black men (most of them ex-slaves) who could not read. It excluded almost all black men, because the clerk would select complicated technical passages for them to interpret. By contrast, the clerk would pass whites by picking simple sentences in the state constitution for them to explain.

Mississippi also enacted a "grandfather clause" that permitted registering anyone whose grandfather was qualified to vote before the Civil War. Obviously, this benefited only white citizens. The "grandfather clause" as well as the other legal barriers to black voter registration worked. Mississippi cut the percentage of black voting-age men registered to vote from over 90 percent during Reconstruction to less than 6 percent in 1892. These measures were copied by most of the other states in the South.

### **Other Forms of Voter Discrimination**

By the turn of the century, the white Southern Democratic Party held nearly all elected offices in the former Confederate states. The Southern Republican Party, mostly made up of blacks, barely existed and rarely even ran candidates against the Democrats. As a result, the real political contests took place within the Democratic Party primary elections. Whoever won the Democratic primary was just about guaranteed victory in the general election.

In 1902, Mississippi passed a law that declared political parties to be private organizations outside the authority of the 15th Amendment. This permitted the Mississippi Democratic Party to exclude black citizens from membership and participation in its primaries. The "white primary," which was soon imitated in most other Southern states, effectively prevented the small number of blacks registered to vote from having any say in who got elected to partisan offices—from the local sheriff to the governor and members of Congress.

When poll taxes, literacy tests, "grandfather clauses," and "white primaries" did not stop blacks from registering and voting, intimidation often did the job. An African-American citizen attempting to exercise his right to vote would often be threatened with losing his job. Denial of credit, threats of eviction, and verbal abuse by white voting clerks also prevented black Southerners from voting. When all else failed, mob violence and even lynching kept black people away from the ballot box.

### **The Voting Rights Act of 1965**

As a result of intimidation, violence, and racial discrimination in state voting laws, a mere 3 percent of voting-age black men and women in the South were registered to vote in 1940. In Mississippi, under 1 percent were registered. Most blacks who did vote lived in the larger cities of the South.

By not having the power of the ballot, African Americans in the South had little influence in their communities. They did not hold elected offices. They had no say in how much their taxes would be or what laws would be passed. They had little, if any, control over local police, courts, or public schools. They, in effect, were denied their rights as citizens.

Attempts to change this situation were met with animosity and outright violence. But in the 1950s, the civil rights movement developed. Facing enormous hostility, black people in the South organized to demand their rights guaranteed in the U.S. Constitution. They launched voter registration drives in many Southern communities.

In the early 1960s, black and white protesters, called Freedom Riders, came from the North to join in demonstrations throughout the South. In some places, crowds attacked them while white police officers looked on.

Medgar Evers, the black veteran stopped by a white mob from voting, became a civil rights leader in his native Mississippi. Because of his civil rights activities, he was shot and killed in front of his home by a white segregationist in 1963.

But through the efforts of local civil rights leaders like Medgar Evers and other Americans, about 43 percent of adult black men and women were registered to vote in the South by 1964. That same year, the 24th Amendment was ratified. It outlawed poll taxes in federal elections. (The U.S. Supreme Court later ruled that all poll taxes are unconstitutional.)

White supremacists, however, still fiercely resisted voting by African Americans. Black voter registration in Alabama was only 23 percent, while in neighboring Mississippi less than 7 percent of voting-age blacks were registered.

A major event in the civil rights movement soon brought an end to voting discrimination. Early in 1965, a county sheriff clamped down on a black voter registration campaign in Selma, Alabama.

Deputies arrested and jailed protesting black teachers and 800 schoolchildren. The leaders of the voter registration drive decided to organize a protest march from Selma to Montgomery, the capital of Alabama.

On March 7, 1965, about 600 black and white civil rights protesters passed through Selma and began to cross the Edmund Pettus Bridge spanning the Alabama River. They were met on the other side by a large force of Alabama state troopers, who ordered the marchers to return to Selma. When the marchers refused to turn back, the troopers attacked, some on horseback, knocking down people and beating them with clubs. This was all filmed by TV news cameras and shown that evening to a shocked American public.

The Selma march pushed the federal government to pass legislation to enforce the right of black citizens to vote. A few days after the violence at Selma, President Lyndon Johnson introduced the Voting Rights Act of 1965 before a joint session of Congress. Johnson declared, "it is not just Negroes, but it's really all of us who must overcome the crippling legacy of bigotry and injustice."

The Voting Rights Act, signed into law by President Johnson on August 6, 1965, suspended literacy and other tests in counties and states showing evidence of voter discrimination. These counties and states also were prohibited from creating new voter requirements that denied citizens their right to vote. Moreover, in the areas covered by the act, federal examiners replaced local clerks in registering voters.

The Voting Rights Act of 1965 ended the practices that had denied African Americans the right to vote in Southern states. Registration of black voters in the South jumped from 43 percent in 1964 to 66 percent by the end of the decade. This represented an increase of more than a million new African American voters who could finally claim their right to vote.

### **For Discussion and Writing**

1. What legal devices did Southern states use to exclude most of their black citizens from voting? What other methods were used to stop blacks from voting?
2. What was unfair about the way literacy tests were used for voter registration in the South from 1890 to 1965?
3. What were the consequences to African Americans of being excluded from voting in the segregated South?

## Who Should Not Be Allowed to Vote?

All states still have some voting restrictions. Are they necessary? You have been asked by Suffrage USA, a national non-profit, non-partisan (hypothetical) organization to sit on a special committee.

Your committee will review five traditional restrictions on the right to vote and decide whether you think Suffrage USA should support or oppose each of these restrictions. Before making a decision on each restriction, discuss and write answers to these two questions:

1. What are some reasons favoring the restriction?
2. What are some reasons against the restriction?

### Restrictions on the Right to Vote

In order to vote, you must:

- A. Reside in a voting district for at least one month.
- B. Be at least 18 years of age.
- C. Not be in prison or on parole for a felony conviction.
- D. Be a U.S. citizen.
- E. Be registered to vote.