

# CONSTITUTIONAL RIGHTS FOUNDATION

## *Bill of Right in Action*

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### **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 over-taxation 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?

### **For Further Reading**

[The Voting Rights Act of 1965:](http://hcl.chass.ncsu.edu/garson/dye/docs/votrit65.htm) This site displays the full text of the Voting Rights Act of 1965. (<http://hcl.chass.ncsu.edu/garson/dye/docs/votrit65.htm> )