

The Voting Rights Act of 1965

Between 1964 and 1965 the state of Alabama, like many southern states at the time, prepared a complicated system of voter registration in order to prevent African-Americans from registering to vote. The primary source attached to this packet is one of the several registration forms used during this time. Between 1964 and 1965 there was not one test. In order to make it difficult for people to "study" for the test there were variations used in a random fashion. Between August 1964-July 1965 the state had 100 different tests and the applicant was to choose one at random from a binder.

Task:

Read over the attached Alabama voter registration document with a partner.

- **FIRST:** Place a "√" next to the questions you think ask for valid information a state would need to register voters
- **SECOND:** Make an "X" next to the questions you think are specifically designed to prevent people from registering to vote.

Alabama Voter Registration Form

QUESTIONNAIRE

1. State your name, the date and place of your birth, and your present address
2. Are you single or married?
 - (a) If married, give name, resident and place of birth of your husband or wife, as the case may be:
3. Give the names of the places, respectively, where you have lived during the last five years; and the name or names by which you have been known during the last five years:
 - (a) If you have been employed, by another during the last five years, State the nature of your employment and the name or names of such employer or employers and his or their addresses:
4. Have you previously applied for and been denied registration as a voter?
 - (a) If so, give the facts:
5. Has your name been previously stricken [removed] from the list of persons registered?
6. Are you now or have you ever been a dope addict or a habitual drunkard?
 - (a) If you are or have been a dope addict or habitual drunkard, explain as fully as you can:
7. Have you ever been legally declared insane?
 - (a) If so, give details:
8. Give a brief statement of the extent of your education and business experience:
9. Have you ever been charged with or convicted of a felony or crime or offense involving moral turpitude?
 - (a) If so, give the facts:
10. Have you ever served in the Armed Forces of the United States Government?

11. Have you ever been expelled or dishonorable discharged from any school or college or from any branch of the Armed Forces of the United States, or of any other Country?
12. Will you support and defend the Constitution of the United States and the Constitution of the State of Alabama?
13. Are you now or have you ever been affiliated with any group or organization which advocates the overthrow of the United States Government or the government of any State of the United States by unlawful means?
14. Will you bear arms for your country when called upon it to do so?
15. Name some of the duties and obligations of citizenship:

Insert Part III (5) *(The following questions shall be answered by the applicant without assistance.)*

1. What is the chief executive of Alabama called?
2. Are post offices operated by the state or federal government?
3. What is the name of the president of the United States?
4. To what national lawmaking body does each state send senators and representatives?

Instructions "A"

The applicant will complete the remainder of this questionnaire before a Board member and at his instructions. The Board member shall have the applicant read any one or more of the following excerpts from the U. S. Constitution using a duplicate form of this Insert Part III. The Board member ... shall mark thereon the words missed in reading by the applicant.

EXCERPTS FROM THE CONSTITUTION

1. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized."
2. "Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed."
3. "Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."
4. "The senators and representatives before mentioned, and the members of the several legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution."

INSTRUCTIONS "B"

The Board member shall then have the applicant write several words, or more if necessary to make a judicial determination of his ability to write. The writing shall be placed below so that it becomes a part of the application. If the writing is illegible, the Board member shall write in parentheses beneath the writing the words the applicant was asked to write.

HAVE APPLICANT WRITE HERE, DICTATING WORDS FROM THE CONSTITUTION

Signature of Applicant _____

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By 1965, intensive efforts to break the grip of state efforts to restrict black voting had been under way for some time, but had achieved only modest success overall and in some areas had proved almost entirely ineffectual. The murder of voting-rights activists in Philadelphia, Mississippi, during Freedom Summer gained national attention, along with numerous other acts of violence and terrorism. Finally, the unprovoked attack on March 7, 1965, by state troopers on peaceful marchers crossing the Edmund Pettus Bridge in Selma, Alabama, en route to the state capitol in Montgomery, persuaded the President and Congress to overcome southern legislators' resistance to effective voting rights legislation. President Johnson issued a call for a strong voting rights law and hearings began soon thereafter on the bill that would become the Voting Rights Act.

Congress determined that the existing federal anti-discrimination laws were not sufficient to overcome the resistance by state officials to enforcement of the 15th Amendment. The legislative hearings showed that the Department of Justice's efforts to eliminate discriminatory election practices by litigation on a case-by-case basis had been unsuccessful in opening up the registration process; as soon as one discriminatory practice or procedure was proven to be unconstitutional and enjoined, a new one would be substituted in its place and litigation would have to commence anew.

President Johnson signed the **Voting Rights Act** into law on August 6, 1965.

- Section 2 of the Act applied a nationwide prohibition against the denial or abridgment of the right to vote on the basis of literacy tests.
- The Act contained special enforcement provisions targeted at those areas of the country where Congress believed the potential for discrimination to be the greatest.
 - Under Section 5, jurisdictions covered by these special provisions could not implement any change affecting voting until the Attorney General or the United States District Court determined that the change did not have a discriminatory purpose and would not have a discriminatory effect.
- In addition, the Attorney General could appoint a federal examiner to review the qualifications of persons who wanted to register to vote. In those counties where a federal examiner was serving, the Attorney General could request that federal observers monitor activities within the county's polling place.

In your own words, what did the Voting Rights Act do to protect the voting rights of all citizens?
