



The U. S. Constitution Series  
In Partnership with the National Constitution Center

# AP<sup>®</sup> United States History

Voting Rights since the Fifteenth Amendment



# **Voting Rights since the Fifteenth Amendment**

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**Student Handbook**

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For further information, visit [www.collegeboard.org](http://www.collegeboard.org).

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## Voting Rights since the Fifteenth Amendment

The purpose of this lesson is to provide you with the opportunity to investigate how and why the right to vote has changed in the United States since the passage of the Fifteenth Amendment to the Constitution. You will use primary sources to examine the historical context of movements for and against expanded voting rights in the nineteenth and twentieth centuries. Using the National Constitution Center's Interactive Constitution site, you will study the historical roots and current understandings described by two experts in their "common interpretation" of the Fifteenth Amendment, as well as the distinct interpretations made by each scholar of the Fifteenth Amendment. You will also explore how controversies over voting rights have continued to affect definitions of citizenship, equality, and democracy in the United States to the present day.

### Essential Questions

What does the Constitution say about the individual right to vote?

How and why have definitions of the right to vote changed since Reconstruction?

Why have controversies continued over the right to vote?

**Directions: Read the news article below. As a class, discuss the questions that follow.**

Michael Kiefer, "Justice Department to Investigate Maricopa County in Election Fiasco," *Arizona Republic*, April 5, 2016

"The Civil Rights Division of the U.S. Department of Justice informed the Maricopa County [Arizona] Recorder's Office on Friday that it was investigating how the office handled the March 22 Presidential Preference Election. County Recorder Helen Purcell and her elections director, Karen Osborne, seriously misjudged voter turnout for the races pitting Donald Trump against Ted Cruz and Hillary Clinton against Bernie Sanders. After the number of polling places was cut to 60 from a 2012 total of 200, voters waited in line for up to five hours to vote. Some polling places stayed open until after midnight to accommodate voters who were already in line at 7 p.m. when the polls officially closed.

"In a letter dated April 1, Chris Herren, chief of the DOJ's Civil Rights Voting Section, asked for information to be turned over by April 22. ...

"Purcell and Osborne told the Maricopa County Board of Supervisors last week that they anticipated voter turnout of 23 percent based on the number of eligible voters and the number of early voting ballots. But more than twice as many voters turned out, in part because independent voters were no longer able to participate in the primary election unless they registered as Democrats, Republicans or Green Party members. Snags with mail-in ballots — including candidates on the ballot who were no longer in the race — also prompted more than the expected number of voters to go to polling locations. The misjudgment triggered protests at the state Legislature and Maricopa County Board of Supervisors meetings."

What problems with voting are described in the article? According to the article, why did people protest these problems?

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Based on the article, what are the public's expectations about the right to vote?

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## The National Constitution Center's Interactive Constitution

In this activity, we will use the National Constitution Center's Interactive Constitution to investigate how the Constitution defines voting rights and how different amendments, particularly the Fifteenth Amendment, reflect those definitions.

First, let's explore the Interactive Constitution.

- ▶ Navigate your browser to the Interactive Constitution website: (<http://constitutioncenter.org/interactive-constitution>).
- ▶ Click on the "Explore It" link near the bottom of the page to go to the main page of the *Interactive Constitution*.
- ▶ The page includes a link in the top right-hand corner of the page to the Articles of the Constitution, titled "Article," and a link to the numbers and titles of the amendments, titled "Amendments"
- ▶ Click on the "Article" link and choose one of the articles (e.g., Article I).
- ▶ The main page of the article contains the text of the article, as well as links to various sections of the article.
- ▶ Back on the main page, choose one of the amendments (e.g., Amendment VII) and click on the title of the amendment.
- ▶ The link takes you to the main page for the amendment. Included on this page is the text of the amendment, as well as the Common Interpretation, which was written by two scholars who are experts in the interpretation and application of the amendment. The scholars were recommended by the leading progressive and conservative legal organizations in the country - the American Constitution Society and the Federalist Society. There are also links to the two Matters of Debate articles; each scholar has written one of these articles.
- ▶ In some cases (e.g., Amendment I), the amendment has multiple clauses, and therefore multiple Common Interpretations and Matters of Debate articles. The main page for the amendment has links to the articles for each clause.
- ▶ Click on the "Menu" link in the bottom left-hand corner of the page to return to the list of amendments.
- ▶ You can also use the "Home" link (which looks like a house) in the bottom right-hand corner of the page to return to the front page of the *Interactive Constitution*.
- ▶ Now, navigate to Article I, section 2, of the Constitution. After reading it, answer the following questions:

Based on your knowledge of the process of drafting the Constitution, what were the Constitution's Framers attempting to do with this section?

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What does this section of the Constitution say about who has the right to vote?

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**Guiding Questions for Discussion of Civil War Amendments**

1. How did the Civil War affect ideas about citizenship and voting rights?

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2. What voting rights issues did the wording of the Fifteenth Amendment leave unresolved, and why?

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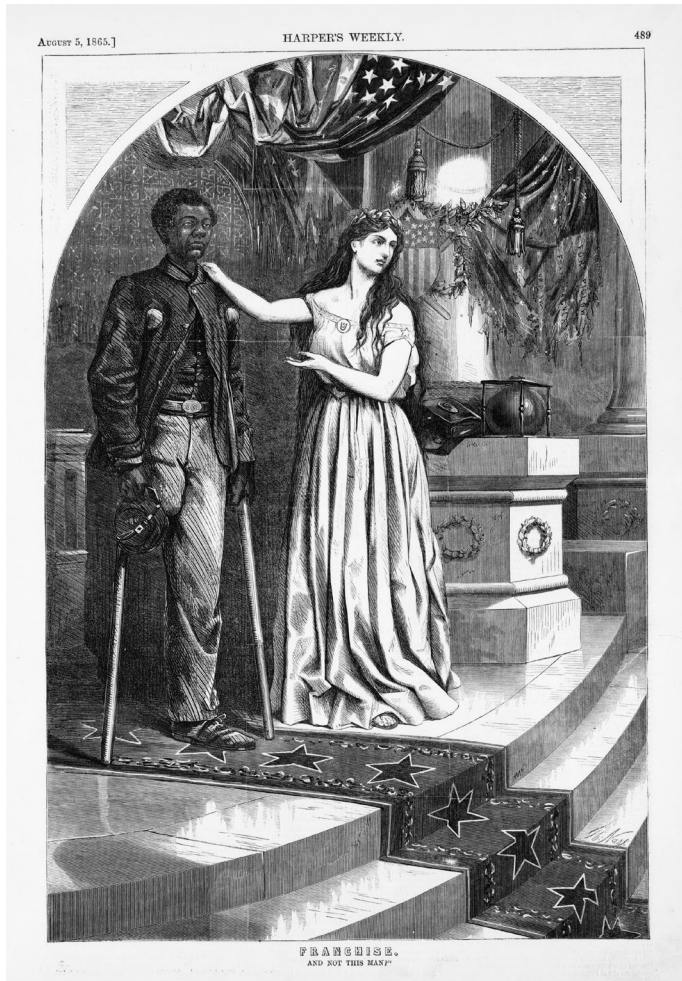
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## Cartoons on Voting Rights after the Civil War

### Cartoon 1

Together we'll analyze the image below and then discuss the following questions (image at [www.loc.gov/pictures/item/91705053/](http://www.loc.gov/pictures/item/91705053/)).



"Franchise — And Not This Man?" Harper's Weekly, August 5, 1865

Based on your knowledge of this time period, what do the images in this cartoon represent?

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What was the context in which the cartoon was created? Who is the implied audience for the cartoon?

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What argument is the author of this cartoon making? What was his purpose?

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What argument is the author of this cartoon making? What was his purpose?

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## The Fourteenth and Fifteenth Amendments and Voting Rights

Navigate to Amendment XIV, section 2, of the Interactive Constitution, and then to Amendment XV. After reading these sections, answer the following questions:

### Reading Questions

3. Paraphrase the key provisions of each amendment.

Fourteenth Amendment, section 2:

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Fifteenth Amendment:

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Next, working with a partner or small group, answer each of these questions:

When was each of these amendments ratified? Using the *Interactive Constitution* and your knowledge of Reconstruction, what is going on that might have affected how these amendments are worded?

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What does the Fourteenth Amendment say about who can vote? What is the relationship between voting and representation in Congress?

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What is the difference between the Fourteenth and Fifteenth amendments in defining who can vote?

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Based on your knowledge, why might Congress have chosen to phrase the Fifteenth Amendment as a negative ("shall not be denied ...")?

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Why is section 2 included in the Fifteenth Amendment? What does it mean, and what does it imply?

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Class discussion:

How does Cartoon 1 relate to the context in which the Fourteenth Amendment was proposed and ratified? How does Cartoon 2 relate to the context in which the Fifteenth Amendment was proposed and ratified?

Record your notes from our discussion in the space below.

Working in small groups, read the Common Interpretation of the Fifteenth Amendment on the Interactive Constitution website. As you read, keep these reading questions in mind and be prepared to discuss them. Write answers to the questions below.

Why did the original Constitution not guarantee the right to vote?

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How effective has the Fifteenth Amendment been in guaranteeing the right to vote?

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How did laws and Supreme Court decisions in the 1960s revolutionize the idea of the right to vote?

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What is the “one-vote, one-person” doctrine?

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What role does the Fifteenth Amendment play in voting rights law today?

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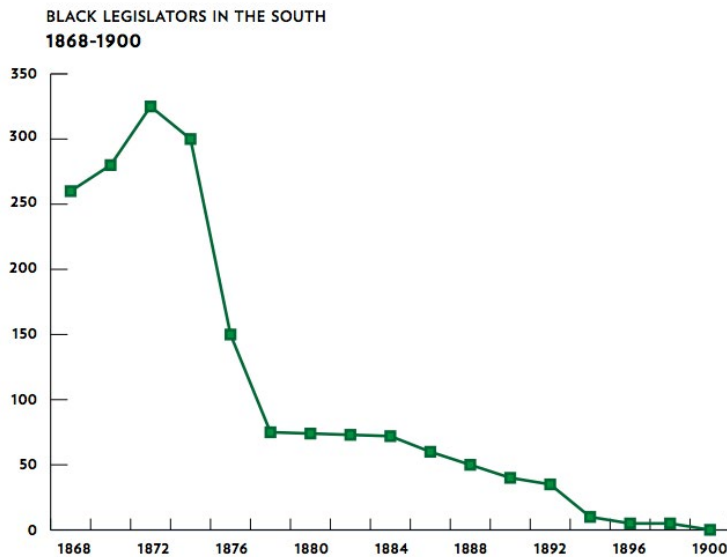


## Voting Rights after Reconstruction

Now that you have read two scholars' interpretations of the meaning and history of the Fifteenth Amendment, you will analyze a series of historical sources to get a better understanding of how the law and practice of voting rights changed between 1870 and 1900.

Essential question: How did the right to vote change in the South in the years after Reconstruction?

To begin, examine the graph below and answer the following questions as a class:



Source: Adapted from information from the U.S. Department of Justice

In what years does the number of African American legislators reach its peak? In what years does it decline?

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Based on your knowledge of this period, what are some possible reasons for this decline?

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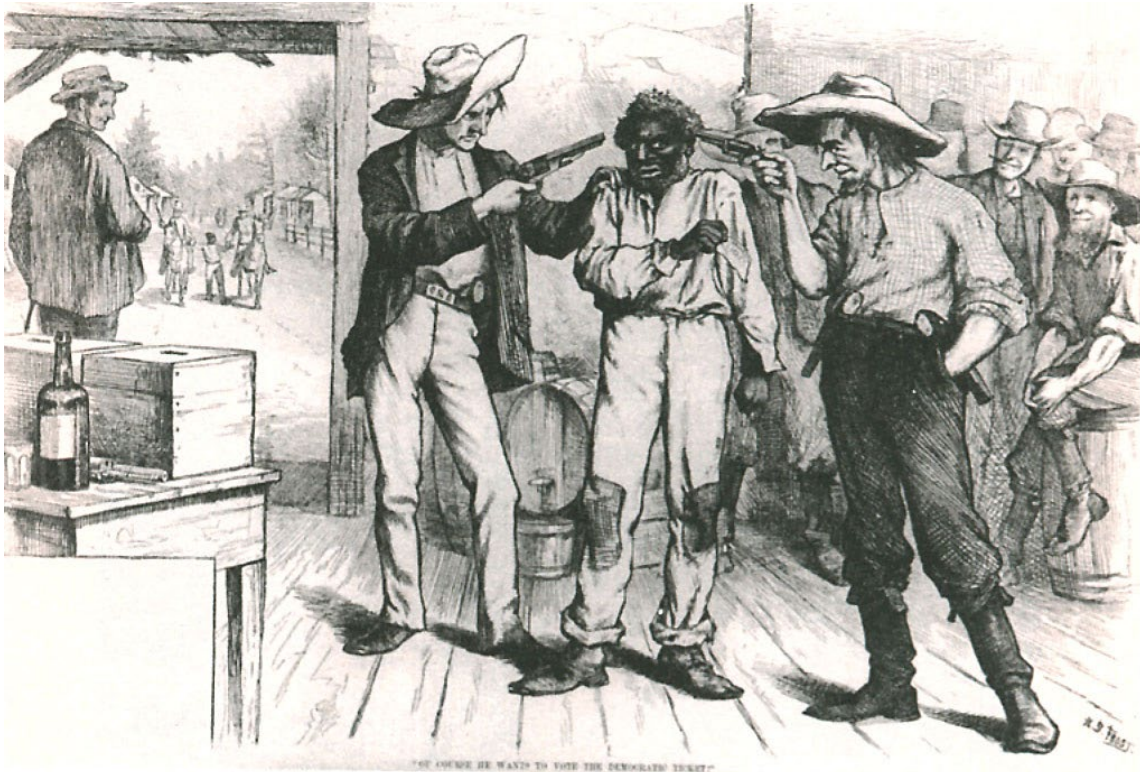
**Directions:** Your group should read and analyze one of the following primary sources, and then answer the questions given on the attached graphic organizer. You will then report out your answers, with the rest of the class taking notes. After all groups have reported, we will conclude with a whole-class discussion.

**Source 1:** Civil Rights Act (Enforcement Act), Sections 1, 2, and 6 (1870)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled... [t]hat it shall be the duty of every person and officer to give to all citizens of the United States the same and equal opportunity ... to become qualified to vote without distinction of race, color, or previous condition of servitude; and if any person or officer shall refuse or knowingly omit to give full effect to this section, he shall ... be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than five hundred dollars, or be imprisoned not less than one month and not more than one year, or both, at the discretion of the court.

... [B]e it further enacted, That if two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States, or because of his having exercised the same, such persons shall be held guilty of felony, and, on conviction thereof, shall be fined or imprisoned, or both....

**Source 2:** Thomas Nast, "Of Course He Wants to Vote the Democratic Ticket," Harper's Weekly (1876) (image at <http://dcc.newberry.org/items/of-course-he-wants-to-vote-the-democratic-ticket>)



Of Course He Wants to Vote the Democratic Ticket,  
Harper's Weekly, October 21, 1876.

**Source 3:** Supreme Court majority decision in *United States v. Cruikshank* (1876)

The very highest duty of the States, when they entered into the Union under the Constitution, was to protect all persons within their boundaries in the enjoyment of these "unalienable rights with which they were endowed by their Creator." Sovereignty, for this purpose, rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State, than it would be to punish for false imprisonment or murder itself. ...

[T]he Constitution of the United States has not conferred the right of suffrage upon anyone, and ... the United States have no voters of their own creation in the States.... The right to vote in the States comes from the States. ... Certainly it will not be claimed that the United States have the power or are required to do mere police duty in the States. If a State cannot protect itself against domestic violence, the United States may... lend their assistance for that purpose. This is a guaranty of the Constitution (art. 4, sect. 4), but it applies to no case like this.

**Source 4:** Mississippi Constitution, Sections 241, 243, 244 (1890)

Sec. 241. Every male inhabitant of this State, except idiots, insane persons and Indians not taxed, who is a citizen of the United States, twenty-one years old and upwards, who has resided in this State two years ... and who has paid, on or before the first day of February of the year in which he shall offer to vote, all taxes which may have been legally required of him ... is declared to be a qualified elector. ...

Sec. 243. A uniform poll tax of two dollars ... is hereby imposed on every male inhabitant of this State between the ages of twenty-one and sixty years. ...

Sec. 244. [E]very elector shall, in addition to the foregoing qualifications, be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof.

**Source 5:** J. Allen Kirk, "A Statement of the Facts Concerning the Bloody Riot in Wilmington, N.C." (1898)

Wednesday [November 8, 1898, the day after Election Day,] there was a great Jubilee march by the Democrats through the City, probably five hundred in number, and report after report could be heard from their guns. The cheers and loud hurrahs and shrieks in the streets were enough to intimidate and demoralize all peaceful citizens and to send fear and terror to the hearts of the Negroes inhabiting the City of Wilmington. ... They marched down to the Love and Charity Hall, went in, threw out the press into the street and the building burned down. ... Firing began, and it seemed like a mighty battle in war time. The shrieks and screams of children, of mothers, of wives were heard, such as caused the blood of the most inhuman person to creep. Thousands of women, children and men rushed to the swamps and there lay upon the earth in the cold to freeze and starve. The woods were filled with colored people. The streets were dotted with their dead bodies. ... This riot not only touched the Negro, but it touched the Republican party, for it compelled the Republican Mayor, Chief of Police, their Aldermen, their policemen, and all to resign their offices and be sent away from the city; that is to say, the Mayor and other prominent white leaders.

**Source 6:** Excerpts from Alabama Literacy Test (1965)

23. Name two levels of government which can levy taxes:
27. For security, each state has a right to form a \_\_\_\_\_.
28. The electoral vote for President is counted in the presence of two bodies. Name them:
39. If it were proposed to join Alabama and Mississippi to form one state, what groups would have to vote approval in order for this to be done?
42. The only laws which can be passed to apply to an area in a federal arsenal are those passed by \_\_\_\_\_ provided consent for the purchase of the land is given by the \_\_\_\_\_.
46. Name two things which the states are forbidden to do by the U.S. Constitution.
47. If election of the President becomes the duty of the U.S. House of Representatives and it fails to act, who becomes President and when?
50. Check the offenses which, if you are convicted of them, disqualify you for voting: \_\_\_\_\_ Murder \_\_\_\_\_ Issuing worthless checks \_\_\_\_\_ Petty larceny \_\_\_\_\_ Manufacturing whiskey
52. Name two of the purposes of the U.S. Constitution.
54. All legislative powers granted in the U.S. Constitution may legally be used only by \_\_\_\_\_.
57. If an effort to impeach the President of the U.S. is made, who presides at the trial?
58. On the impeachment of the chief justice of the Supreme Court of the U.S., who tries the case?
59. Money is coined by order of: \_\_\_\_\_ U.S. Congress \_\_\_\_\_ The President's Cabinet \_\_\_\_\_ State Legislatures
62. If a person flees from justice into another state, who has authority to ask for his return?
64. If the two houses of Congress cannot agree on adjournment, who sets the time?
65. When presidential electors meet to cast ballots for President, must all electors in a state vote for the same person for President or can they vote for different persons if they so choose?
66. After the presidential electors have voted, to whom do they send the count of their votes?

**Voting Rights after Reconstruction – Graphic Organizer**

Source	According to the source, who should have the right to vote?	What does this source seek to establish or change about the right to vote?
Civil Rights Act of 1870		
Nast, "Of Course..." 1876		
United States v. Cruikshank, 1876		
Mississippi Constitution, 1890		
Kirk, Wilmington Riots, 1898		
Alabama Literacy Test, 1901		

**Class Discussion:** How and why did the right to vote change in the South in the years after Reconstruction?

## Changes to Voting Rights in the 1960s

**Directions:** Read each source below. After completing each source, stop and discuss its meaning, as well as what specific practice discussed earlier in this lesson this section of this law seems to address.

	What does this section mean? What specific practice discussed earlier in this lesson does this seem to address?
<p><b>Source 1: Twenty-Fourth Amendment to the Constitution (1964)</b></p> <p><b>Section 1.</b> The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.</p> <p>Section 2. The Congress shall have power to enforce this article by appropriate legislation.</p>	
<p><b>Voting Rights Act (1965)</b></p> <p><b>SEC. 2.</b> 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.</p>	
<p><b>Voting Rights Act (1965)</b></p> <p><b>SEC. 3.(a)</b> 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 ... 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....</p>	



	What does this section mean? What specific practice discussed earlier in this lesson does this seem to address?
<p><b>Voting Rights Act (1965)</b></p> <p><b>SEC. 4. (a)</b> 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 ... with the effect of denying or abridging the right to vote on account of race or color. ... The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.</p>	
<p><b>Voting Rights Act (1965)</b></p> <p><b>SEC. 5</b> Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color....</p>	
<p><b>Voting Rights Act (1965)</b></p> <p><b>SEC. 11. (a)</b> No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.</p> <p><b>(b)</b> No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote....</p>	

## Comparing Perspectives on the Fifteenth Amendment

Read Richard H. Pildes, “The Fifteenth Amendment: The Right to Vote Today” and Bradley A. Smith, “The Future of Voting Rights: Finding the Right Balance,” the Competing Interpretations about the Fifteenth Amendment on the Interactive Constitution site.

After you read, discuss the following questions with a partner:

1. According to each author, how and why have definitions of the right to vote changed for Americans since the passage of the Fifteenth Amendment?
2. What does each think should be the role of the federal government in guaranteeing this right? How do these authors differ?
3. Which scholar do you think has the more persuasive argument? Note that the more persuasive argument does not mean the argument with which you agree. It is the argument that you believe makes the most sense and is best supported by the evidence.
4. To what extent does the scholar address historical roots of discrimination in voting access and their relevance to the present?

To assist in your evaluation, you are to create an outline or diagram to identify:

- ▶ Each scholar’s main argument;
- ▶ At least two pieces of reasoning and evidence that each scholar uses to support his argument; and
- ▶ Whether and to what degree the federal government should have a role in guaranteeing voting rights today.

Then, write a thesis statement for an essay in which you would argue that one scholar has the more persuasive argument. Outline the evidence you would use to support your thesis.

Once you finish your outline/diagram and thesis statement, exchange papers with a partner. Discuss your thesis and how you would support it in an essay.

Pildes's Main Argument:

Reasoning and Evidence:

Reasoning and Evidence:

Reasoning and Evidence:

According to Pildes, how and why have definitions of the right to vote changed for Americans since the passage of the Fifteenth Amendment? What does Pildes think the role of the federal government should be in guaranteeing the right to vote? Explain.

Thesis Statement:

Smith's Main Argument:

Reasoning and Evidence:

Reasoning and Evidence:

Reasoning and Evidence:

According to Smith, how and why have definitions of the right to vote changed for Americans since the passage of the Fifteenth Amendment? What does Smith think the role of the federal government should be in guaranteeing the right to vote? Explain.

Thesis Statement:

## Assessment

### Long Essay Question

**Directions:** Write a response to the long essay question below. In your response you should do the following:

- ▶ **Thesis:** Present a thesis that makes a historically defensible claim and responds to all parts of the question. The thesis must consist of one or more sentences located in one place, either in the introduction or the conclusion.
- ▶ **Application of Historical Thinking Skills:** Develop and support an argument that applies historical thinking skills as directed by the question.
- ▶ **Supporting the Argument with Evidence:** Use specific examples of evidence to fully and effectively substantiate the stated thesis or a relevant argument.
- ▶ **Synthesis:** Extend the argument by explaining the connections between the argument and ONE of the following:
  - › A development in a different historical period, situation, era, or geographical area; or
  - › A course theme and/or approach to history that is not the focus of the essay (such as political, economic, social, cultural, or intellectual history).

How have Americans' understanding of voting rights changed in the United States since 1865, both in law and in popular belief? In the development of your argument, explain the reasons for historical continuity AND change over time. (Historical thinking skill: Continuity and Change over Time)