



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

AP[®] United States History

Voting Rights since the Fifteenth Amendment



Voting Rights since the Fifteenth Amendment

**The U.S. Constitution Series in Partnership with
the National Constitution Center**

About the College Board

The College Board is a mission-driven not-for-profit organization that connects students to college success and opportunity. Founded in 1900, the College Board was created to expand access to higher education. Today, the membership association is made up of over 6,000 of the world's leading educational institutions and is dedicated to promoting excellence and equity in education. Each year, the College Board helps more than seven million students prepare for a successful transition to college through programs and services in college readiness and college success — including the SAT® and the Advanced Placement Program®. The organization also serves the education community through research and advocacy on behalf of students, educators, and schools.

For further information, visit www.collegeboard.org.

About the National Constitution Center

The National Constitution Center was established by Congress to “disseminate information about the United States Constitution on a nonpartisan basis in order to increase the awareness and understanding of the Constitution among the American people.” The center hosts interactive exhibitions, constitutional debates, and other activities to increase awareness and understanding of the United States Constitution.

National Constitution Center and the College Board

In partnership with the National Constitution Center, the College Board has developed a series of classroom lessons and materials related to the U.S. Constitution. This series includes resources to support instruction in AP U.S. Government and Politics, AP Comparative Government and Politics, AP U.S. History, and AP English Language. These lessons and resources are available to AP teachers via the course homepages at AP Central and to all teachers through the National Constitution Center's website (<http://constitutioncenter.org>).

Acknowledgements

AP U.S. History Curriculum and Instruction Team

John R. Williamson, Vice President, AP Curriculum, Assessment, and Instruction

Lawrence Charap, Senior Director, AP Curriculum, Assessment, and Instruction, History and Social Sciences

Christopher Budano, Director, AP Instructional Design, History and Social Sciences

National Constitution Center Team

Jeffrey Rosen, President and CEO

Kerry Sautner, Vice President of Visitor Experience and Education

Tom Donnelly, Senior Fellow in Constitutional Studies

Mike Adams, Manager of Education

© 2016 The College Board. College Board, Advanced Placement Program, AP, SAT, and the acorn logo are registered trademarks of the College Board. AP World History is a trademark owned by the College Board. All other products and services may be trademarks of their respective owners. Visit the College Board on the Web: www.collegeboard.org

Voting Rights since the Fifteenth Amendment

Plan

The purpose of this lesson is to provide students 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. Students will use primary sources to examine the historical context of movements for and against expanded voting rights in the nineteenth and twentieth centuries. Students 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. Using the National Constitution Center's *Interactive Constitution* site, students will study the historical roots and current understandings described by two experts in their "Common Interpretation" of the Fifteenth Amendment. Students will then analyze the distinct arguments regarding each scholar's interpretations of the amendment and how it has been applied in various situations.

This lesson offers strategies to help students integrate analytical reading skills with knowledge of the history of the Constitution to draw conclusions about how the Fifteenth Amendment has been understood and applied in American history.

The main connection to the AP U.S. History course is through the following course learning objective:

NAT-2.0 Explain how interpretations of the Constitution and debates over rights, liberties, and definitions of citizenship have affected American values, politics, and society.

The lesson also connects to the following key concept statements in the AP U.S. History course:

4.1.I The nation's transition to a more participatory democracy was achieved by expanding suffrage from a system based on property ownership to one based on voting by all adult white men, and it was accompanied by the growth of political parties.

5.3.II.A The Thirteenth Amendment abolished slavery, while the Fourteenth and Fifteenth amendments granted African American citizenship, equal protection under the laws, and voting rights.

5.3.II.E Segregation, violence, Supreme Court decisions, and local political tactics progressively stripped away African American rights, but the Fourteenth and Fifteenth amendments eventually became the basis for court decisions upholding civil rights in the 20th century.

7.1.II.B On the national level, Progressives sought federal legislation that they believed would effectively regulate the economy, expand democracy, and generate moral reform. Progressive amendments to the Constitution dealt with issues such as prohibition and woman suffrage.

8.2.I.B The three branches of the federal government used measures including desegregation of the armed services, *Brown v. Board of Education*, and the Civil Rights Act of 1964 to promote greater racial equality.

Using the National Constitution Center Resources: Interactive Constitution

The National Constitution Center, in partnership with the American Constitution Society, the Federalist Society, and the John Templeton Foundation, developed the Interactive Constitution to promote discussion about and understanding of the Constitution and its meaning today. On the site, constitutional scholars interact to explore the Constitution's history and its place in our society. For each article and amendment of the Constitution, scholars from across the ideological spectrum discuss what they agree and disagree about. For more information about the Interactive Constitution, visit <http://constitutioncenter.org/interactive-constitution>.

Learning Goals

Students will be able to:

- ▶ Describe the Fourteenth and Fifteenth Amendments and how they relate to issues of voting rights;
- ▶ Explain how voting rights changed as a result of the Civil War and Reconstruction;
- ▶ Explain the Common Interpretation of the Fifteenth Amendment as written by two scholars;

-
- ▶ Compare and evaluate the main ideas and arguments presented by the two scholars in the Matters of Debate sections of the National Constitution Center's Interactive Constitution; and
 - ▶ Apply understandings of the Fifteenth Amendment to debates over voting rights in American history.

Key Takeaways

- ▶ Enacted following the Civil War, the Fifteenth Amendment was intended to prevent the states from discriminating on the basis of race in providing voting rights.
- ▶ The end of Reconstruction brought about a curtailment of African American voting rights through a variety of legal and extralegal means.
- ▶ Following nearly a century of racial discrimination in voting, the Voting Rights Act of 1965 attacked the most pernicious tools of discrimination at the ballot box.
- ▶ The enactment of the Voting Rights Act of 1965 has not ended debates over the role of the federal government in guaranteeing voting rights.

Materials

- ▶ Student handouts
- ▶ National Constitution Center's Interactive Constitution (<http://constitutioncenter.org/interactive-constitution>)

AP U.S. HISTORY

STUDENT EDITION

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?

Voting Rights since the Fifteenth Amendment | 3

Teach

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?

Focus

At the start of the lesson, ask students to brainstorm what they know about voting rights. Ask them:

- ▶ Who is able to vote in U.S. elections?
- ▶ Who is not able to vote?

Chart the answers they provide for "able to vote" (citizens, men, women, those over 18) and "not able to vote" (children, undocumented immigrants, felons [depending on the state and their familiarity with the issue]). Follow up with the question: Why do you think some people can vote while others can't? Ask students to identify and describe the values at stake in the question of who does and does not get to vote.

Ask students to read the news article about voting in Arizona (also found at www.azcentral.com/story/news/politics/elections/2016/04/04/doj-maricopa-county-helen-purcell-presidential-preference-election/82625974/). When they have finished, discuss the three questions provided. Why do they think the individuals in Arizona expected to be able to vote in a timely way?

Explain that the class will examine and discuss what the Constitution says about voting rights and how expansion of access to the right to vote has changed over time in American history.

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?

Arizona voters encountered long lines and had to wait for many hours to vote after the number of polling places was drastically reduced for the 2016 primary election. Some voters may have felt that waiting as long as five hours to vote was an unfair and possibly illegal burden on their rights.

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

Many Americans do not simply expect that they have the right to vote, but that the government should take steps to ensure voting is convenient and accessible.

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:

Acquire

Before engaging students in this lesson, take time to have them practice navigating the Interactive Constitution site and accessing different sections of the Constitution. Refer to the Student Edition instructions for how to explore the Interactive Constitution with your students.

TEACHER TIP

If you do not have access to enough computers for all of your students to use at the same time, students can be paired or placed into small groups. The Common Interpretation and the Matters of Debate articles can also be printed and distributed to students.

Once you and your students are comfortable navigating the Interactive Constitution, ask them to read Article I, section 2, with the goal of answering the questions shown. Have them research and discuss the meaning of any terms or phrases they do not fully understand in the context presented. As an alternative, you can prepare a short vocabulary quiz to ensure that students understand potentially confusing terms.

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

This section establishes the House of Representatives and ensures that it will be popularly elected, instead of indirectly elected (as with the Senate and the presidency in the original Constitution).

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

This section follows the definitions for voting rights established by the individual states. It also requires that the "Qualifications requisite for Electors of the most numerous Branch of the State Legislature" be used in determining voting rights.

Guiding Questions for Discussion of Civil War Amendments

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

The victory of the Union army and the debate over Reconstruction caused many Northerners to rethink the proper balance of power between the federal government and the states, including in the context of voting. The growing Northern belief that the war was being fought to end slavery also challenged ideas about white racial supremacy and renewed debates over African American citizenship.

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

Because it only banned laws explicitly denying voting rights on account of race, the amendment left open the possibility that states would deny voting rights on other grounds in ways that would still be discriminatory. It also did not grant voting rights to women despite the movement for greater women's equality favored by some Northern abolitionists at the time.

To set the stage for student engagement with the Civil War-era materials that follow, introduce the following questions. Ask students to think about how they might answer them as they read through the cartoons that follow and the amendments. At the end of the lesson, you can return to these questions for discussion or have students write answers to these questions as a check on their understanding, as shown here.

Guiding Questions

1. How did the Civil War affect ideas about citizenship and voting rights?
2. What voting rights issues did the wording of the Fifteenth Amendment leave unresolved, and why?

Show the students Cartoon 1 and think aloud as you analyze it.

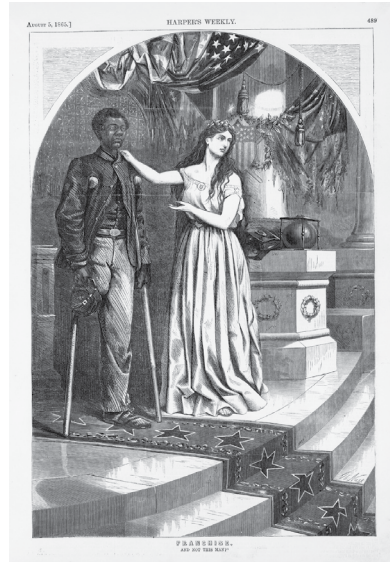
- ▶ Identify the key figures in the cartoon and describe what they are meant to represent.
- ▶ Explain your thinking about why the artist may have drawn the cartoon as he did.
- ▶ Discuss what the cartoon means and what message the artist was trying to convey.
- ▶ Then, answer the questions that follow and encourage students to take notes as you talk through your responses.

After discussing the questions that follow the first cartoon, ask: Why did the cartoonist link the issues of the Civil War, emancipation, and voting rights in this cartoon?

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/).



"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?

A figure of Columbia, representing the United States, gestures to a wounded soldier, representing African American veterans.

AP U.S. HISTORY

STUDENT EDITION

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

The cartoon appeared just a few months after the end of the war and into Andrew Johnson's presidency, when long-term questions about Reconstruction and citizenship for African Americans were being debated in the North. Harper's Weekly appealed to the kind of middle- and upper-class Northern readers who might be sympathetic to an argument about African American veterans.

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

Nast is arguing that the wartime sacrifice of African Americans should entitle them to citizenship and the "franchise," or voting rights — at least as much as for white Southerners who had fought for the Confederacy.

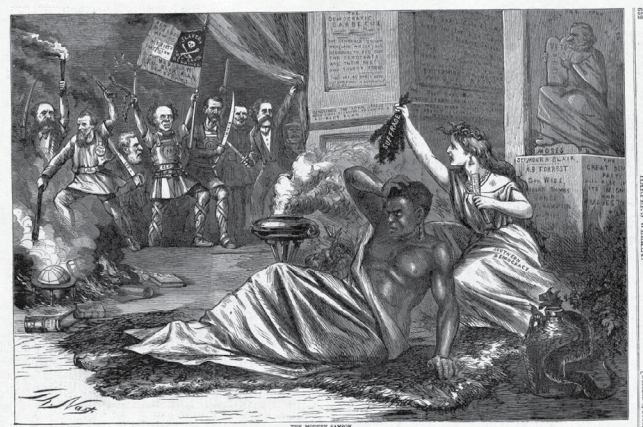
Present the second cartoon and ask the first question to the whole class. If students do not mention the story of Samson and Delilah from Judges 16, explain it, then ask again.

Next, have students work with a partner to analyze Cartoon 2 and answer the questions that follow it.

After students discuss the questions that follow the second cartoon, ask: Why did the cartoonist link the issues of the Civil War, emancipation, and voting rights in this cartoon? How is this cartoon different in its message and meaning from the previous cartoon?

Cartoon 2

Analyze the image below and then discuss the following questions (image at https://en.wikipedia.org/wiki/The_Modern_Samson#/media/File:ModernSamson.jpg):



Thomas Nast, "The Modern Samson," Harper's Weekly, October 3, 1868

Based on your knowledge of this time period, what are the images within this cartoon? Who do they represent?

A mob of white Southerners, represented by the Confederate flag, cheers on "Southern Democracy" (the Democratic Party) as it removes "suffrage" from African Americans. A bust of Andrew Johnson looks down on the scene.

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

The cartoon appeared in 1868, after clashes between Congressional Republicans and Andrew Johnson over Reconstruction and rights for African Americans in the South. Harper's Weekly appealed to middle- and upper-class Northern readers who were hostile to Johnson and sympathetic to African Americans.

AP U.S. HISTORY

STUDENT EDITION

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

Nast depicted the conflict over African American voting rights as an allegory, similar to the story of Samson and Delilah from the Bible. Nast saw the Southern Democrats depriving African Americans of their voting rights as part of a plot against their safety and civil rights. Nast wanted his readers to feel outrage over these actions.

Now that students have examined the historical context of Reconstruction, they are ready to explore how the Fourteenth and Fifteenth Amendments addressed the question of the right to vote. Students read independently and then work with a partner to discuss the rationale and meaning for each amendment in its historical context. The whole class concludes with a discussion of how the amendments sought to address racial discrimination at this time.

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:

States that deny the right to vote will have their representation reduced in Congress. The "three-fifths clause" of the Constitution is superseded.

Fifteenth Amendment:

The right to vote cannot be denied on account of race.

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?

The Fourteenth Amendment was ratified in July 1868 when the conflict between congressional Republicans and President Johnson was at its peak. The Fifteenth Amendment was ratified in February 1870 when congressional Reconstruction had been implemented under Grant's administration. They can be seen as distinct and sequential attempts to address the need for African American citizenship and voting rights.

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

The Fourteenth Amendment provides that states that restrict voting will lose representation in the House of Representatives.

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

The Fifteenth Amendment explicitly prohibits discrimination in voting on account of race, an issue not addressed in the Fourteenth Amendment.

AP U.S. HISTORY

STUDENT EDITION

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

The Framers of the amendment may have wanted only to deal with the issue of racial discrimination and did not wish to supersede state authority in other areas.

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

By empowering Congress to enact legislation supporting it, the amendment recognizes a role for Congress in enforcing the Fifteenth Amendment's sweeping guarantee of the right to vote free of racial discrimination. It also anticipates the need to legitimize the use of federal officials or the military to enforce giving African Americans voting rights in the face of violent opposition from Southern whites.

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.

Practice

Guided Practice

Assign students to small groups to read and discuss the Common Interpretation for the Fifteenth Amendment based on the five reading questions. Each member in the group should write out answers to the questions based on input from other group members in order to be ready to discuss them with the whole class. Alternatively, you could ask students to read the passages for homework, compose responses, and share them in small group discussions during the next class meeting.

Debrief with the entire class after each group has had the opportunity to read the Common Interpretation and respond to the questions. Check for student understanding and correct any misunderstandings.

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?

Making a federal right to vote at the time of the Constitution's framing would have been too controversial, since state standards for voting varied widely and were heavily restricted by property, religion, and other qualifications to vote.

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

As a result of Supreme Court decisions allowing discrimination against African Americans in voting rights if done without an explicitly racial basis, it was not an effective means for guaranteeing the right to vote in the late nineteenth century. However, it did provide authority for congressional action on voting rights in the twentieth century.

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

The court began to change previous assumptions about the limits of federal power in guaranteeing a right to vote, in such cases as Harper v. Virginia Board of Elections. Meanwhile, the Voting Rights Act of 1965 attempted to end voting discrimination by establishing federal oversight of the voting process.

What is the "one-vote, one-person" doctrine?

During the 1960s, the court established in such cases as Baker v. Carr the general principle that the Fourteenth Amendment mandates congressional districts of roughly equal population within each state.

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

It does not directly affect most aspects of voting rights law in the courts but does play an important role in establishing the power of the federal government to ensure that the right to vote cannot be denied on the basis of race.

AP U.S. HISTORY

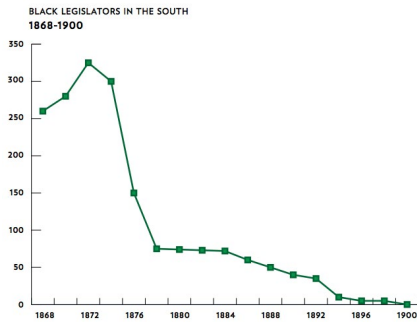
STUDENT EDITION

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?

The peak is reached in the early 1870s, then declines substantially by the late 1870s. The numbers stay relatively low but stable until the 1890s when they decline to zero by 1900.

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

African American legislators reached their peak during the years when congressional Reconstruction and federal troops were used to ensure African American voting rights. Violence, legal measures to deprive African Americans the right to vote, and the unwillingness of white Americans to vote for African Americans at the time, drove the number of African American legislators down in the 1880s until their near disappearance with the enactment of segregation and voting restrictions across the South by the late 1890s.

Independent Practice

Post the essential question and explain that you will be asking this question again at the end of the lesson.

Begin by having a whole group discussion about the findings of the graph. The Common Interpretation from the Interactive Constitution should have provided students with background understanding for this period, which you may or may not have already covered with textbooks or instruction prior to this lesson. In analyzing the graph, students might mention such issues as the poll tax, literacy tests, the “grandfather clause,” the rise of the Ku Klux Klan, the growth of formal segregation, and economic inequality.

Next, break students into small groups for a “jigsaw” activity. Each group should read and analyze one primary source, and then answer the questions given on the graphic organizer below. After all groups have completed their work, each group should report out their answers, with the rest of the class taking notes. After all groups have reported, ask the whole class the essential question: How and why did the right to vote change in the South in the years after Reconstruction? Students should be able to point not only to specific changes in the law but also shifts in Northern public opinion, as demonstrated in the Cruikshank case, which accepted racial discrimination in the South as an accomplished fact.

This activity can also be assigned as a DBQ (document-based question)-style assessment, with the prompt taking the form of the essential question.

TEACHER TIP

Understanding why information is presented the way in which it is can help students better analyze and use the information. Line graphs are one way of presenting data visually, and they are often useful for showing trends and changes over time.

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)

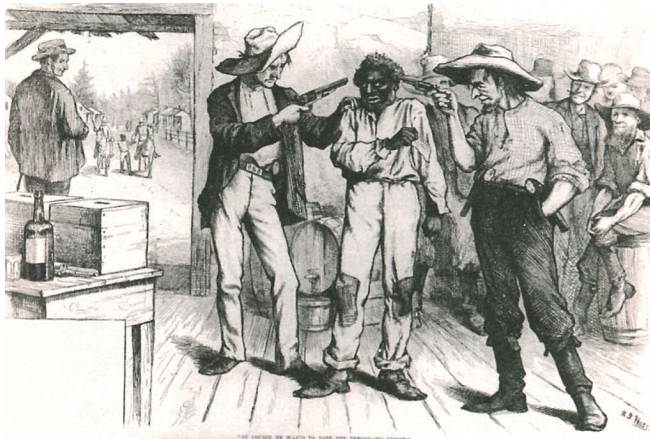
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled... [t]hat it shall be the duty of every person and officer to give to all citizens of the United States the same and equal opportunity ... to become qualified to vote without distinction of 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....

AP U.S. HISTORY

STUDENT EDITION

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.

AP U.S. HISTORY

STUDENT EDITION

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>Source 1: Twenty-Fourth Amendment to the Constitution (1964)</p> <p>Section 1. 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><i>The poll tax that became prevalent in many Southern states in the late 19th century was used to disenfranchise many poor African Americans and whites.</i></p>
<p>Voting Rights Act (1965)</p> <p>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.</p>	<p><i>The law expands the definition of voting rights to include practices and procedures that might be discriminatory in practice.</i></p>
<p>Voting Rights Act (1965)</p> <p>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 ... 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>	<p><i>The federal government has officials overseeing the operation of local and state election rules in order to guarantee equality in voting practices.</i></p>

Guided Practice

Provide students with the passages on the handouts and have a volunteer read each passage aloud. Because each passage is written in complicated legal language, ask students to pause after each reading and discuss the plain meaning of the passage, writing their answers to the questions shown. As students practice “translating into English,” they learn not only how the Twenty-Fourth Amendment and Voting Rights Act worked, but in greater depth what historical practices these measures were attempting to outlaw.

What does this section mean? What specific practice discussed earlier in this lesson does this seem to address?	
<p>Voting Rights Act (1965)</p> <p>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 ... 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><i>This section outlaws the literacy tests that were applied unfairly and used to exclude many African American voters.</i></p>
<p>Voting Rights Act (1965)</p> <p>SEC. 5 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><i>States and localities governed by the law need to apply to the federal government when changing election practices in order to show that they will not have a discriminatory effect.</i></p>
<p>Voting Rights Act (1965)</p> <p>SEC. 11. (a) 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) 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>	<p><i>Voting officials, not just states, are required to apply equality of voting rights.</i></p> <p><i>The federal government will take action against the kinds of extralegal violence and voter intimidation tactics used in the post-Reconstruction South</i></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.

Comparing Perspectives

Direct students to read the two perspectives on the Fifteenth Amendment and answer the questions associated with the readings. To assist with their analysis, they should create a prewriting diagram or outline that summarizes each perspective on the meaning and application of the Fifteenth Amendment based on the two commentaries. A diagram is included with this lesson plan for students to use if needed.

Students should then write a thesis statement that takes a position on which commentary is more persuasive and outline evidence to support their thesis.

After concluding their diagrams and thesis statements, ask students to exchange diagrams/outlines in order to engage in peer review and discussion. Then, ask for a few volunteers to share their ideas with the whole class. Address issues of misunderstanding in terms of the commentaries and evidence students cite from each author in their argumentation essay. This should be used to diagnose student understanding and not to assess student performance. At the conclusion of this activity, you can return to the Guiding Questions on page L-7 to wrap up the lesson and review your students' understandings.

TEACHER TIP

Students may find it more difficult to identify the author's thesis or claim when reading secondary sources than when reading primary sources. One reason for the difficulty may be due to the nature of arguments in different disciplines. It may help for students to understand these stylistic differences when analyzing texts from different disciplines.

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:

AP U.S. HISTORY

STUDENT EDITION

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:

Assess

Direct students to respond to the following prompt in a 35-minute long essay.

This prompt follows the form of an AP long essay question. The rubric used in scoring this question can be found at <https://secure-media.collegeboard.org/digitalServices/pdf/ap/rubrics-ap-histories-historical-thinking-skills.pdf>.

MISUNDERSTANDING ALERT

Students often only address change in their responses to continuity and change questions. Emphasize to students that their responses must address both continuities and changes in order to be successful with these questions.

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)