

DEFINING MOMENTS THE VOTING RIGHTS ACT OF 1965



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Chapter One

THE JIM CROW SOUTH



Keep the black man from the ballot and we'll treat him as we please.

With no means for protection, we will rule with perfect ease.

—Lizelia Augusta Jenkins Moorer, "The Negro Ballot,"
in *Prejudice Unveiled and Other Poems*, 1907

Voting rights are the foundation of American democracy. When U.S. citizens vote to elect people to represent their interests in government, it gives them a voice in the way the country is run. Partly because voting rights are so important, they have been a source of intense social and political conflict during various times in the nation's history. Voting rights have been denied to many groups at one time or another, including immigrants, Jews, women, Native Americans, and people who did not own property. Those who already held power in government knew that the best way to maintain control was to prevent other groups from electing representatives with different views and philosophies.

It took a long time and the hard work of countless activists to ensure that the nation lived up to its founding principles and guaranteed all citizens the right to vote. American women, for example, finally gained the right to vote in 1920, after a battle that lasted 70 years. African Americans, meanwhile, received the right to vote following the Civil War, but they struggled for almost 100 years to fully exercise that right.

Emancipation and Reconstruction

Before the Civil War, states in the southern half of the country practiced slavery. Millions of African Americans were considered the property of white owners. They could be bought and sold and forced to work without pay. The North's victory in the Civil War ended this inhumane practice. The Thirteenth Amendment to the U.S. Constitution, passed in 1865, made slavery illegal across the country.

Even after slavery was abolished, however, many whites in the South were not willing to treat African Americans as equals. Determined to keep their place at the top of the social order, they passed a variety of laws that discriminated against blacks. These laws—known as Black Codes—severely restricted the behavior of freed slaves and returned them to a condition very close to slavery. For example, the laws prevented African Americans from owning weapons, purchasing land in certain areas, and attending white schools.

Before long, the federal government stepped in to address this situation. Led by members of the Republican party from the North, the U.S. Congress passed a series of laws to protect the civil rights of freed slaves. The federal government also sent federal troops to the South to enforce these laws. This period in U.S. history, which lasted from 1866 to 1877, became known as Reconstruction.

Congress added two key amendments to the Constitution during Reconstruction. The Fourteenth Amendment, passed in 1868, granted citizenship to all persons born or naturalized in the United States, regardless of the color of their skin. It also guaranteed all U.S. citizens equal protection under the law and prohibited anyone from taking away a citizen's rights without due process of law. The Fifteenth Amendment, passed in 1870, gave black men the right to vote throughout the United States. It also made it illegal to deny a citizen's voting rights on the basis of race, color, or previous condition of servitude (slavery).

Under the protection of these constitutional amendments and the watchful eye of federal troops, African Americans made significant gains during Reconstruction, especially in the South. Many communities elected black mayors, sheriffs, and school principals. Two African Americans were elected to the U.S. Senate, and 20 black legislators occupied seats in the U.S. House of Representatives. These black leaders launched ambitious programs to provide former slaves with land, education, and jobs to help them recover from their years of enslavement and become self-sufficient.

Who Was Jim Crow?

The name Jim Crow, which was applied to the state and local laws that segregated white and black residents of the South from the 1870s to the 1950s, originated in an 1832 song called “Jump Jim Crow” by Thomas “Daddy” Rice. Rice may have named his song after a slave he knew, or he may have created the name from the common expression “black as a crow.”

Rice was best known for appearing in minstrel shows, a type of entertainment in which white performers wore dark makeup and pretended to be African Americans. Minstrel performers sang, danced, and did skits that presented a stereotypical image of black people as silly, simple-minded, and inferior to whites. Over time, Jim Crow became a standard character in minstrel shows.

By the early 1900s, Jim Crow had evolved into a general term for the segregation and discrimination that affected many aspects of American life. The term was commonly used in references to Jim Crow laws, the Jim Crow era, and the Jim Crow South. A century later, however, this historical meaning began to fade. Polls showed that less than 20 percent of American college students recognized the term or were aware of its significance.

The Rise of Jim Crow

Many white Southerners resented the changes that took place during Reconstruction. Some resorted to intimidation and violence to keep African Americans from exercising their newly established rights. Secret organizations like the Ku Klux Klan (KKK)—known as white supremacist groups because they believed that whites were superior to blacks—terrorized, tortured, or killed thousands of blacks during the late 1860s and 1870s. The groups’ goals were to prevent blacks from voting, force elected black officials out of office, and restore white control over Southern society.

White supremacists largely achieved these goals after Reconstruction ended in 1877. As part of an agreement to settle the outcome of a disputed presidential election, Republican President Rutherford B. Hayes withdrew federal troops from the South in March of that year. Without federal protec-

tion, African Americans had little hope of exercising their rights in the face of mob violence and lynchings. Once whites regained political power in the South, they enacted a wide range of laws that blatantly discriminated against blacks. Known as Jim Crow laws (see sidebar “Who Was Jim Crow?”, p. 9), these state and local regulations deprived African Americans of their civil rights and made them subordinate to whites.

The first Jim Crow law was enacted in Tennessee in 1875, and many others soon followed throughout the South. The main intention of these laws was to segregate black and white residents, or keep the races separate, in all areas of public life. During the Jim Crow era, various cities and states passed laws that banned African Americans from hospitals, schools, parks, theaters, and restaurants. All across the South, signs that specified “White Only” or “Colored” were placed on public parks, restrooms, and drinking fountains. In virtually all cases, the facilities set aside for African Americans were markedly inferior to the ones reserved for whites.

The formal Jim Crow laws passed by state and local governments were not the only sources of segregation in the South. Many private businesses—such as stores, restaurants, and factories—had policies that prevented blacks from shopping or working there. In addition, many labor unions, political parties, community groups, and other organizations enforced their own Jim Crow rules. These rules were designed to prevent African Americans from working in certain industries, living in certain neighborhoods, and shopping in certain stores.

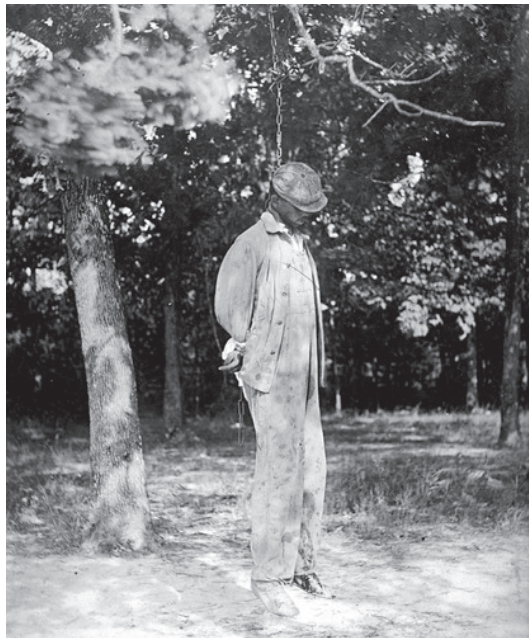
Segregation Becomes Legal

Despite their discriminatory nature, the South’s Jim Crow laws and policies received validation from the U.S. Supreme Court. The Court found segregation allowable under the Constitution in several controversial decisions during the late 1800s. In 1883, for instance, the Court ruled that the Equal Protection Clause of the Fourteenth Amendment only applied to government-run facilities and agencies. This decision essentially meant that private individuals and businesses were free to discriminate against African Americans.

In 1896 the Court declared that the segregation of public facilities was legal, as long as the separate facilities provided for black and white citizens were equal. The case in question concerned a Louisiana law that required separate railroad cars for white, black, and colored (mixed race) passengers. On

June 7, 1892, a light-skinned carpenter named Homer Plessy challenged the law. After sitting down in a car reserved for whites, he informed railroad officials that he was actually one-eighth African American. Plessy was arrested, and he pursued the matter all the way to the U.S. Supreme Court. The “separate but equal” ruling in *Plessy v. Ferguson* legalized the segregation of public transportation, public buildings, and public schools throughout the South.

Although the separate facilities for blacks and whites were supposed to be equal, this was rarely the case. Instead, the facilities available to African Americans remained inferior to those available to whites. In theaters, for instance, the colored entrances were usually located in a back alley, and the colored seating section in a distant balcony. Similarly, colored wards in hospitals and public schools for black children received only a fraction of the financial support that white institutions received for hiring staff, purchasing supplies, and maintaining facilities. Segregation thus amounted to legalized discrimination that placed black citizens at significant economic, social, and educational disadvantages in American society.



Lynching of African Americans was a common practice in the post-Reconstruction South.

Rules of Behavior under Jim Crow

Even in the segregated Jim Crow South, black and white citizens often found themselves in situations where they had to interact with one another. In these instances, African Americans were expected to follow strict rules of behavior that demonstrated respect and submission toward whites. “The whole intent of Jim Crow etiquette boiled down to one simple rule: blacks must demonstrate their inferiority to whites by actions, words, and manners,”¹ explained one scholar.

When speaking with a white person, African Americans had to be passive and agreeable. They were expected to address whites using respectful

terms like Boss, Captain, Mr., Mrs., or Miss. Whites, on the other hand, were never supposed to use such terms in reference to blacks. Instead, they usually addressed blacks in condescending or derogatory terms like boy, girl, uncle, auntie, or nigger.

If groups of whites and blacks approached each other on a city sidewalk, the blacks were expected to step aside to let the whites pass. African Americans also had to wait patiently while store clerks routinely served all white customers first. Most stores did not allow black customers to try on clothing, because they knew that white customers would not buy items that had touched black skin. African Americans could not eat inside restaurants that served whites, either. Blacks were sometimes allowed to order takeout food, but they had to bring their own plates and eating utensils.

African Americans who broke these rules of acceptable conduct put their lives—as well as those of their family members—at grave risk from racist violence. Most blacks in the Jim Crow South tried to keep a low profile and avoid calling attention to themselves. They understood that appearing successful, or standing out in any way, could be considered a challenge to white supremacy. Leaders of the black community—including ministers, newspaper editors, and civil rights activists—often became the targets of violence. To minimize such dangers, many African Americans who managed to scrape together savings still chose to live in unpainted houses, operate run-down stores, and avoid buying fancy clothes or new carriages.

Denial of Voting Rights

African Americans in the Jim Crow South felt great anger, frustration, and despair regarding the formal segregation laws and informal rules of conduct that affected every aspect of their lives. But most people felt powerless to change the situation. The constant threat of violence prevented many individuals from speaking out against or defying the Jim Crow laws. Another important reason that the laws went unchallenged, though, was that African Americans had no political influence.

White leaders in the South managed to keep the discriminatory Jim Crow system in place by denying voting rights to African Americans. Immediately after federal troops left the South in 1877, conservative white Democrats wrestled control of state after state from Republican Reconstruction



Robbed of political power, African Americans were helpless to stop the segregation of businesses and public facilities across the South.

governments. Then, in order to remain in power, the Democrats enacted a series of measures designed to disenfranchise black voters.

Many Southern states passed laws that forced citizens to meet a wide range of new requirements in order to be eligible to vote. Some states made citizens pay fees, known as poll taxes, if they wanted to vote. Other states required prospective voters to prove that they could read and write by passing literacy tests (see “Alabama Literacy Test Samples,” p. 163).

In many cases, these measures would have excluded poor, rural white men from voting as well as African Americans. To address this problem, many state governments created loopholes that allowed white voters to avoid the

new requirements. Oklahoma, for instance, passed a law that said anyone who had been qualified to vote prior to 1866, or who was related to someone who was qualified to vote at that time, did not have to take a literacy test. This type of law became known as a “grandfather clause.” Since blacks did not have the right to vote in 1866, only whites could use the grandfather clause to avoid the tests.

The introduction of discriminatory voting requirements led to a dramatic decline in the number of registered African-American voters throughout the South. Less than half of the black men who voted in Georgia and South Carolina in 1880 qualified to vote in 1888 under the new laws. After Louisiana adopted voting restrictions in 1896, the percentage of black residents who were registered to vote dropped from 44.8 percent to 4.0 percent in four years. The federal government was reluctant to challenge the laws, however, because state and local governments generally had the authority to establish their own voting regulations.

Obstacles to Black Voter Registration

By the 1890s, it had become virtually impossible for African Americans to register to vote anywhere in the South. State and local governments made the voter registration process extremely cumbersome, confusing, and time-consuming. For example, a prospective voter might have to take time off work—at the risk of losing his job—to appear in person at a distant courthouse on a specific day. He would likely be met on the steps by white law enforcement officers who proceeded to insult and intimidate him. If he continued inside, he would be subjected to a series of complicated tests. In some cases, a prospective voter was required to bring a registered voter along to vouch for his good moral character. Since very few black men managed to register—and few white voters were willing to vouch for a black man—this barrier was difficult to overcome.

In addition, prospective voters could not prepare in advance for the requirements because they changed all the time. “While in theory there were standard state-wide registration procedures, in real life the individual registrars and clerks did things their own way,” one historian noted. “The exact procedures varied from county to county, and within a county it varied from day to day according to the mood of the registrar. And, of course, it almost always varied according to the race of the applicant.”²

In addition to complicated registration rules and procedures, African Americans often faced negative consequences if they attempted to exercise their voting rights in the Jim Crow South. Some government officials and community leaders punished black voters by firing them from their jobs, evicting them from their homes, calling in their loans, or organizing boycotts of their businesses. In more extreme cases, white supremacists used threats, intimidation, and violence to deny African-American voting rights. Groups like the KKK resorted to tactics like cross burnings, bombings, beatings, rapes, and lynchings to keep blacks in a perpetual state of fear and powerlessness.

Survival Strategies

Since the Supreme Court had legalized segregation, and the federal government was unwilling to protect black voting rights, African Americans in the Jim Crow South were left to cope with the discrimination as best they could. Many tried to build a strong, supportive black community that operated separately from the world of whites. For instance, they formed lodges and social clubs to give people safe places to gather and make friends or cultivate business relationships. They also built schools and taught their children to read and write, despite white hostility to such efforts. The hard work of black teachers in these segregated schools led to a steady increase in the literacy rate among African Americans, from 7 percent in 1865 to 45 percent in 1880 to 77 percent in 1930. These educational advances provided the foundation for the growth of a small but influential black middle class in the South.

Many other African Americans responded to the lynchings and humiliations of the Jim Crow South by leaving the region entirely. “As long as Jim Crow ruled the South, that system of segregation, subordination, and terror created powerful incentives for leaving and staying away,”³ explained one



The white supremacist Ku Klux Klan—seen here marching in 1926—terrorized African Americans across the South for a full century after the end of the Civil War.



Weary of the segregation that ruled virtually every aspect of social life in the South—even including the use of water fountains—many African Americans fled to the North in the 1910s and 1920s.

historian. The promise of free land lured thousands of black farmers westward to Kansas and Oklahoma during the 1880s and 1890s. As Jim Crow voting rights abuses and violence escalated in the 1890s, many other African Americans migrated to the large cities of the East Coast and Midwest. Still, U.S. Census Bureau figures show that 90 percent of the nation's black population remained in the South at the turn of the twentieth century. The mass migration of blacks to the North began in earnest during World War I. Half a million blacks left the South between 1916 and 1919 to seek work in the industrial cities of New York, Pittsburgh, Detroit, and Chicago. Another million African Americans migrated north and west out of the South during the 1920s.

Although these migrants escaped the formal segregation of the Jim Crow South, they did not always receive a warm welcome in their new surround-

ings. Many white northerners resented the influx of black workers and the increased competition for good jobs and housing. They also found newly arrived blacks to be a convenient target for their anger, frustration, and concern about political corruption, labor disputes, and other social and economic changes taking place during that time. These tensions erupted into violent race riots in more than twenty large cities—including Chicago and Washington, D.C.—during the “Red Summer” of 1919. Most of the people injured or killed in these riots were African Americans.

Early Resistance

In the meantime, educated blacks in the North debated about how best to attack segregation. Some African-American leaders, including educator Booker T. Washington, felt that the best course of action was to accept Jim Crow for the time being. Washington argued that blacks in the South should continue establishing their own farms, businesses, and schools. He believed that it would be easier to challenge segregation once African Americans had gained greater economic security.

Other African-American leaders, like writer W.E.B. DuBois, chafed at the idea of accepting segregation. Instead, DuBois believed that blacks should insist on equal rights and work to end discrimination. He tried to organize educated blacks in the North to lead a campaign of political and economic resistance to Jim Crow. When DuBois publicly criticized Washington’s approach in his 1903 book *The Souls of Black Folk*, it created a rift between the two black leaders.

DuBois and his supporters went on to establish an influential new organization, the National Association for the Advancement of Colored People (NAACP), in 1909. The NAACP’s mission was to promote civil rights for African Americans and mount legal and political challenges to Jim Crow. It lobbied the federal government to pass strong anti-lynching laws and protect black voting rights. During the 1920s, the NAACP launched the first in a long series of lawsuits aimed at ending segregation. Organizations such as the National Urban League and the National Negro Congress also launched protests against segregation and disenfranchisement of blacks around this time.

In addition to legal and political resistance, some African Americans used music, art, and literature to express their feelings about racial discrimination in the United States. This cultural resistance reached a peak during the



W.E.B. DuBois stood at the forefront of a new generation of African-American leaders who condemned segregation as a great moral evil.

Harlem Renaissance of the 1920s. Black musicians popularized rich new musical forms like ragtime, jazz, and blues. These sophisticated sounds not only showcased the musicians' talents and originality, but also provided an outlet for their frustrations. Black writers of the period produced literature that pointed out the unfairness and brutality of Jim Crow, encouraged readers to fight segregation, and expressed pride in their racial heritage.

A number of African-American entertainers, artists, and literary figures attracted widespread attention and acclaim from white audiences during this period, which helped change public perceptions about the ability of blacks to contribute to society. In addition, their successes gave African Americans an infusion of pride and confidence that laid the groundwork for the civil rights gains of coming decades.

Voting Rights Expand

Even though white segregationists continued to deny voting rights to African-American men in the Jim Crow South in the 1920s, overall voting rights expanded during that decade. Following a 70-year struggle, American women finally gained the right to vote in 1920 with the passage of the Nineteenth Amendment to the Constitution.

The women's suffrage movement originated in the 1850s. Many of the early leaders of the movement, including Susan B. Anthony and Elizabeth Cady Stanton, got started as political activists by working to abolish slavery. Some women hoped that they would gain the right to vote following the Civil War, as part of the Fourteenth or Fifteenth Amendments. Ultimately, though, lawmakers decided to secure civil rights for the freed slaves first. They argued

that making women's suffrage part of these amendments would only make them more controversial and difficult to pass.

Opponents of women's voting rights claimed that a woman's proper place was in the home, caring for a family. They said that participating in politics would distract women from their domestic duties, cause harm to families, and disrupt the social order. Despite such arguments, women gained voting rights in several states and territories from the 1870s to the 1890s. Suffrage activists introduced a number of constitutional amendments that would have provided for national women's voting rights in the early 1900s, but none of these measures made it through Congress.

The women's suffrage movement grew more radical in the 1910s. Activists held large-scale protest marches and rallies, set up picket lines in front of the White House, and went on hunger strikes in prison. These controversial tactics made it increasingly difficult for lawmakers to ignore the movement's demands. Congress finally passed the Nineteenth Amendment in 1919, and it was ratified by the required number of states in 1920. The amendment prohibited the government from restricting voting rights on the basis of sex, and it thus expanded the nation's eligible voting population by 50 percent.

Four years later, Native Americans were granted full citizenship in the United States through the passage of the Indian Citizenship Act of 1924. Although the Fourteenth Amendment had guaranteed the rights of citizenship to all people born in the United States, it only applied to people who were "subject to the jurisdiction" of the federal government. This clause excluded most Native Americans, who were considered members of sovereign nations. Over the years, many Native Americans became U.S. citizens through treaties or other means, such as marrying a citizen or serving in the military. Although the act granted citizenship to all Native Americans, many still struggled to exercise their voting rights in the face of discriminatory state laws.

Notes

- ¹ Davis, Ronald L. F. "Racial Etiquette: The Racial Customs and Rules of Racial Behavior in Jim Crow America," *The History of Jim Crow*, n.d. Available online at http://www.jimcrowhistory.org/resources/lessonplans/hs_es_etiquette.htm.
- ² *Veterans of the Civil Rights Movement*, "Voting Rights: Are You Qualified to Vote?" n.d. Available online at <http://www.crmvet.org/info/lithome.htm>.
- ³ Gregory, James N. *The Southern Diaspora: How the Great Migrations of Black and White Southerners Transformed America*. Chapel Hill: University of North Carolina Press, 2007.