

Congress Protects the Right to Vote: The Voting Rights Act of 1965

Historical Overview

“In our system the first and most vital of all our rights is the right to vote. Jefferson described it as ‘the ark of our safety.’ It is from the exercise of this right that all our other rights flow.”

These words from President Lyndon B. Johnson’s March 15, 1965 message to Congress underscore the urgency with which he called upon Congress to create the Voting Rights Act of 1965. Responding to the voting rights protests in Selma, Alabama, “Bloody Sunday,” and the Selma-to-Montgomery March, the House and Senate heeded the President’s call and produced an act that is generally considered the most successful piece of civil rights legislation ever adopted by the United States Congress.¹ By the 1968 election, areas covered by the Voting Rights Act averaged a 25 percent increase in the number of registered African-American voters.² The new voters caused a shift in the political base of the entire nation, realigning the political parties and sending large numbers of African-American representatives to Congress for the first time.

Voting is the fundamental action of American civic life and Congress is the branch of government most directly tied to the voters. This lesson connects these concepts by allowing students to discover how Congress protected the right to vote. By studying original records from the files of the House Judiciary Committee, students evaluate evidence and debate the issues the

committee encountered as it deliberated voting rights. (The House bill, H.R. 6400, was merged with the Senate bill, S. 1564, to form Public Law 89-110, the Voting Rights Act of 1965.)

The Historic Situation: Despite the ratification of the Fifteenth Amendment in 1870, African-Americans in the South faced tremendous obstacles to voting, including poll taxes, literacy tests, and other bureaucratic restrictions which resulted in the denial of the vote. They also risked harassment, intimidation, economic reprisals, and physical violence when they tried to register or vote. As a result, very few African-Americans were registered voters, and they had very little, if any, political power, locally or nationally.

Congress’s Reconstruction Era laws to enforce the 15th Amendment were struck down by the Supreme Court in 1883. For decades, there was no further Federal attempts to protect civil rights. By the 1950s, the nation’s attention focused once again on civil rights. Congress passed Civil Rights Acts in 1957, 1960, and 1964, but none of these laws were strong enough to prevent voting discrimination by local officials. While many counseled patience, the SCLC (Southern Christian Leadership Council) and SNCC (Student Nonviolent Coordinating Committee) launched protests in Selma, Alabama that dramatically underscored the need for voting rights legislation.

¹ U.S. Department of Justice, Civil Rights Division, <http://www.justice.gov/crt/about/vot/intro/intro.php> (Accessed April 8, 2011).

² Laurie Collier Hillstrom. *The Voting Rights Act of 1965*. (Detroit: Omnigraphics, 2009), 100.

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Selma: On March 7, 1965, peaceful voting rights protest marchers were violently attacked by Alabama state police and a posse deputized by a county sheriff. Television news cameras filmed the violence in what became known as “Bloody Sunday.” The events that spring in Selma and elsewhere focused attention on the denial of the right to vote to African-Americans. The violent response from local authorities to voting registration efforts caused many Americans and members of Congress to wonder if the existing civil rights laws would ever be properly enforced by the local authorities. The question before Congress in 1965, then, was whether the Federal Government should guarantee the right to vote by assuming the power to register voters. Since these powers were traditionally exercised by state and local officials, this represented a significant shift in the balance of power between the states and the Federal Government.

The Voting Rights Act of 1965: In response to events in Selma and President Johnson’s March 15 speech, Congress passed the Voting Rights Act of 1965, which aimed to eliminate voting restrictions that

disenfranchised qualified voters, particularly in areas where there was a record of previous discrimination. The legislation outlawed literacy tests and provided for the appointment of Federal examiners (with the power to register qualified citizens to vote) in certain jurisdictions with a history of voting discrimination. In addition, these jurisdictions could not change voting practices or procedures without “preclearance” from either the District Court for the District of Columbia or the U.S. Attorney General. This act shifted the power to qualify voters from state and local officials to the Federal Government.

Because the Voting Rights Act of 1965 was the most significant statutory change in the relationship between the Federal and state governments in the area of voting since the Reconstruction period following the Civil War, it was immediately challenged in the courts. Between 1965 and 1969, the Supreme Court issued several key decisions upholding the constitutionality of the law [See *South Carolina v. Katzenbach*, 383 U.S. 301, 327-28 (1966) and *Allen v. State Board of Elections*, 393 U.S. 544 (1969)].