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CONFERENCE
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Race, Voting Rights, and the Past: People, Moments, and Documents

Luis Fuentes-Rohwer, Professor of Law; Class of 1950 Herman B Wells Endowed Professor,
Indiana University Maurer School of Law

Jennifer Morgan, Government Documents Librarian, Jerome Hall Law Library,
Indiana University Maurer School of Law



Is this America?



“All of this is on account of we want to register, to become first-class citizens. And if the Freedom Democratic Party is not seated now, I question America.

Is this America, the land of the free and the home of the brave, where we have to sleep with our telephones off the hooks because our lives be threatened daily, because we want to live as decent human beings, in America?”

Fannie Lou Hamer
August 22, 1964



Give Us the Ballot



Give us the ballot and we will no longer have to worry the federal government about our basic rights...

Give us the ballot and we will no longer plead to the federal government for passage of an anti-lynching law...

Give us the ballot and we will fill our legislative halls with men of good will...

Give us the ballot and we will place judges on the benches of the South who will do justly and love mercy...

Give us the ballot and we will quietly and nonviolently, without rancor or bitterness, implement the Supreme Court's decision of May 17, 1954.

Martin Luther King, Jr. • May 17, 1957



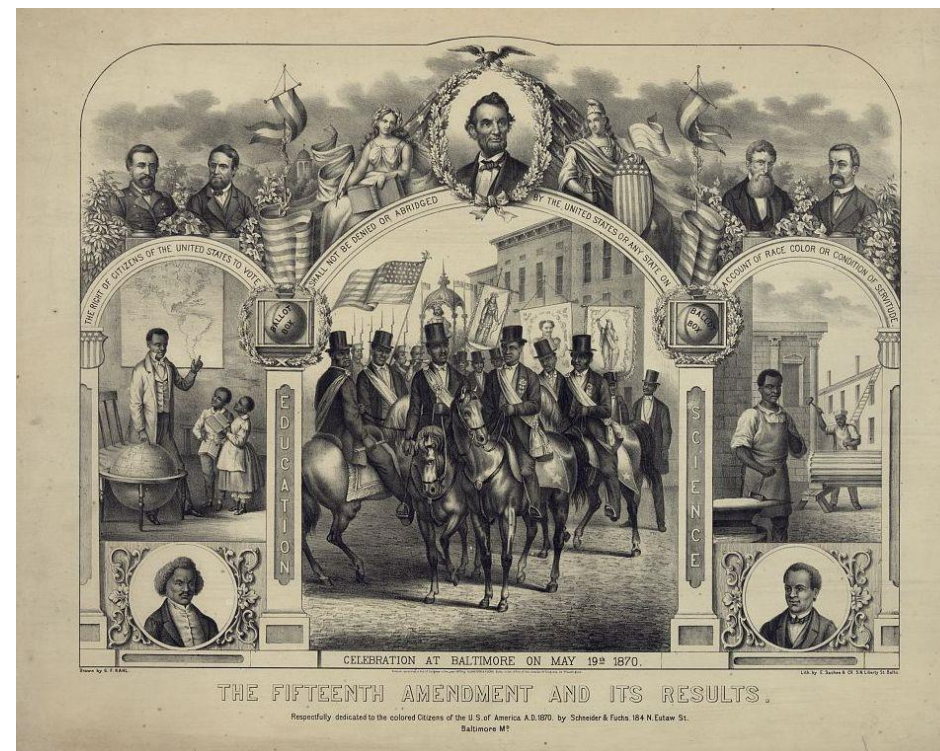
What about the 15th Amendment?

Section 1

- The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2

- The Congress shall have power to enforce this article by appropriate legislation.





History of the VRA

- Project began as a history of the Voting Rights Act
- Morphed into a history of race and voting
- Which in turn introduced me to people and places I knew vaguely, if at all.





The Founding

Article I, Section 2:

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.





10th Amendment

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.





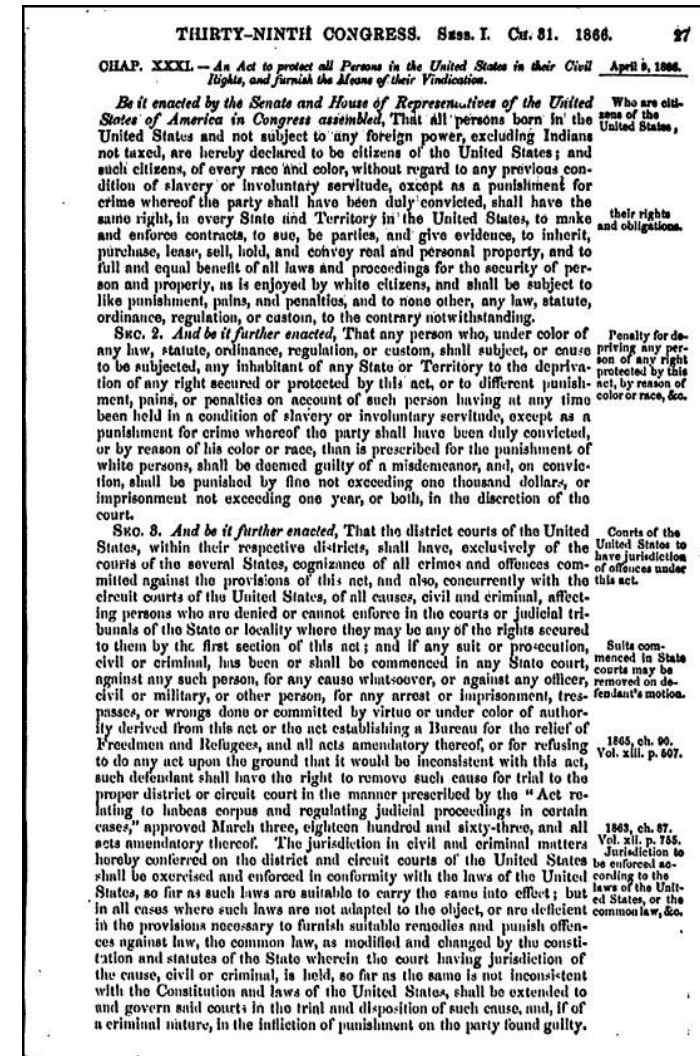
What Does It Mean to Be Free?

All citizens, irrespective of race, "shall have the same right:"

- to make and enforce contracts,
- to sue, be parties, and give evidence,
- to inherit, purchase, lease, sell, hold, and convey real and personal property, and
- to full and equal benefit of all laws and proceedings for the security of person and property,

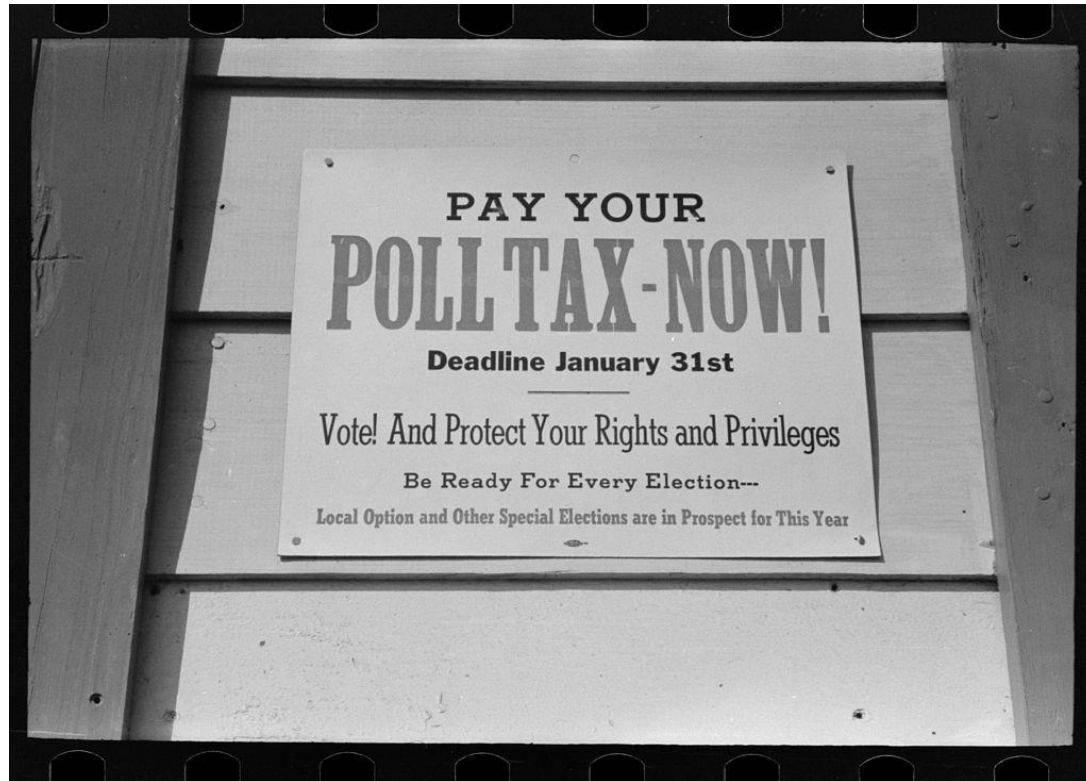
as is enjoyed by white citizens

Civil Rights
 Act of 1866





Why Didn't the 15th Amendment Work?



Disenfranchisement Practices:

- Poll taxes
- Literacy tests
- Residency requirements
- Intimidation and violence

- Whites were protected by “grandfather clauses”



Why Didn't the 15th Amendment Work?

- Alabama 1901 constitutional convention
 - “what is it that we want to do?”
 - “to establish white supremacy in this state.”
 - The Alabama Constitution offered “the most elaborate suffrage requirements that have ever been in force in the United States.
 - It “contained almost every qualification for voting ever devised by the mind of man,” other than religious qualifications
 - In 1900: 181,471 eligible Black voters
 - 3000 were registered after these new requirements took effect
- **Louisiana:**
 - In 1896, there were 130,334 registered Black voters
 - New constitution in 1898
 - 1900: 5,320
 - 1910: 730 (less than ½ percent of eligible black men)



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Public Law 89-110

AN ACT

August 6, 1965
[S. 1564]

To enforce the fifteenth amendment to the Constitution of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act of 1965".

Voting Rights Act of 1965.

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.

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 in accordance with section 6 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 (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided*, That the court need not authorize the appointment of examiners if any incidents of denial or abridgement of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

Judicial remedies.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds 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

Voting Rights Act of 1965





The Freedom Movement

Ella Baker

Fannie Lou Hamer

John Lewis

SNCC (Student
Non-Violent
Coordinating
Committee)

SCLC (Southern
Christian
Leadership
Conference)

CORE (Congress of
Racial Equality)

NAACP (National
Association for the
Advancement of
Colored People)

Birmingham

Montgomery

Selma

Mississippi
Campaign

Voter Education
Project

Freedom Summer

Bloody Sunday



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The American Promise



I speak tonight for the dignity of man and the destiny of democracy. I urge every member of both parties, Americans of all religions and of all colors, from every section of this country, to join me in that cause . . .

. . . for from the window where I sit with the problems of our country I recognize that outside this chamber is the outraged conscience of a nation, the grave concern of many nations, and the harsh judgment of history on our acts.

But even if we pass this bill, the battle will not be over. What happened in Selma is part of a far larger movement which reaches into every section and State of America. It is the effort of American Negroes to secure for themselves the full blessings of American life.

Their cause must be our cause too. Because it is not just Negroes, but really it is all of us, who must overcome the crippling legacy of bigotry and injustice.

And we shall overcome.

President Lyndon Baines Johnson • March 15, 1965



Lessons?

- Social Movements and grassroots organizing
- The limits of law
- History as pendulum



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Research



Frankfurter Papers

- Harvard Law School
- ProQuest

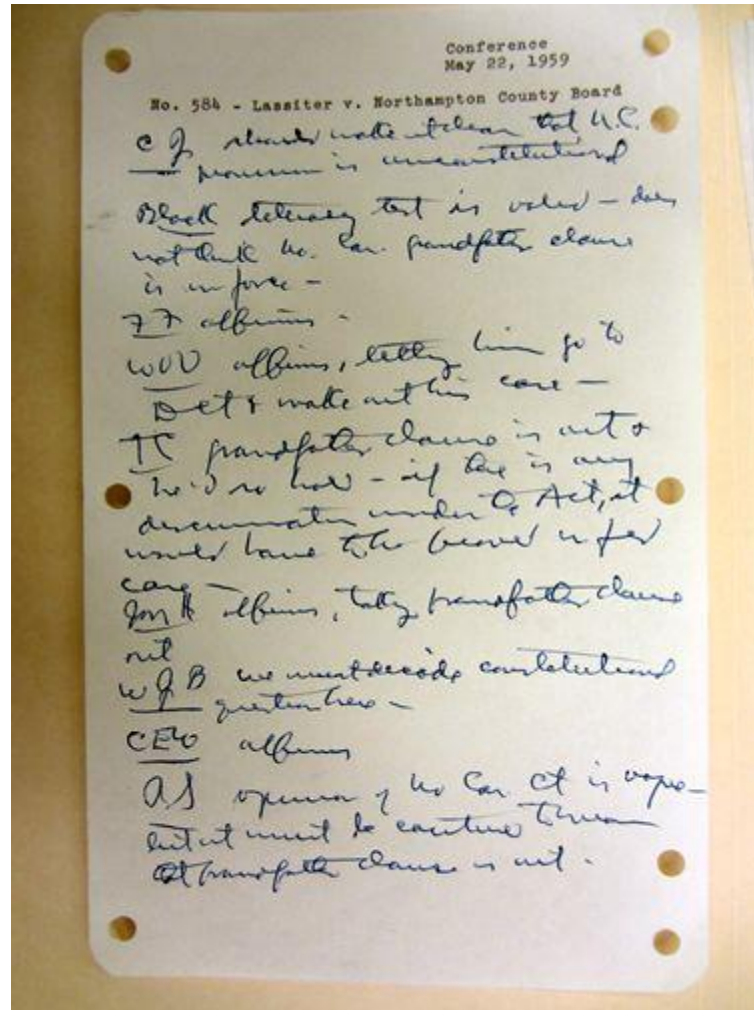
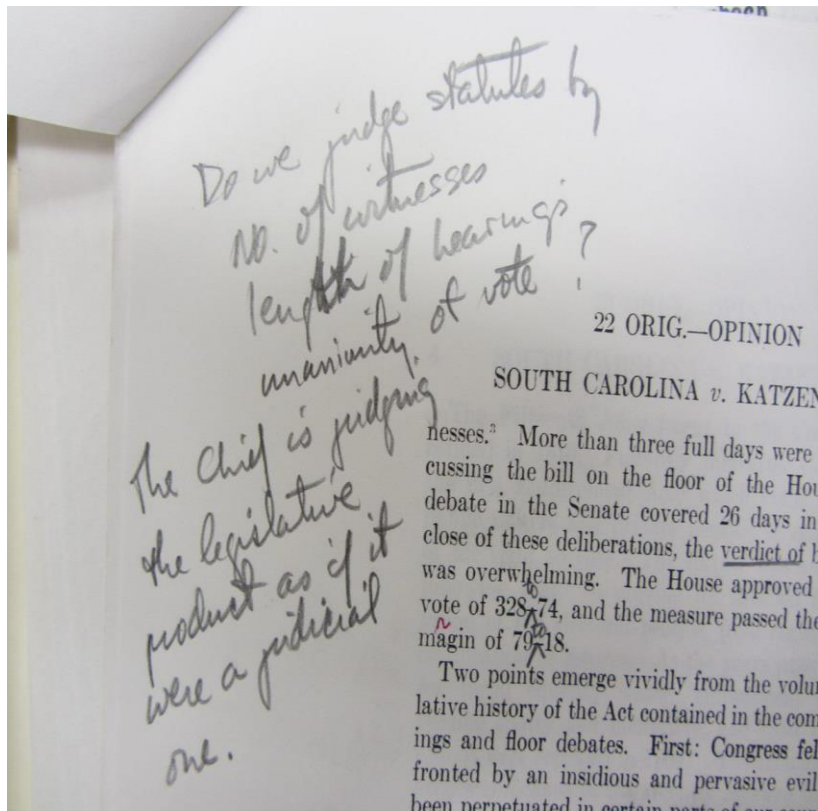
Felix Frankfurter

Associate Justice of the U.S.
Supreme Court, 1939-1962





Library of Congress

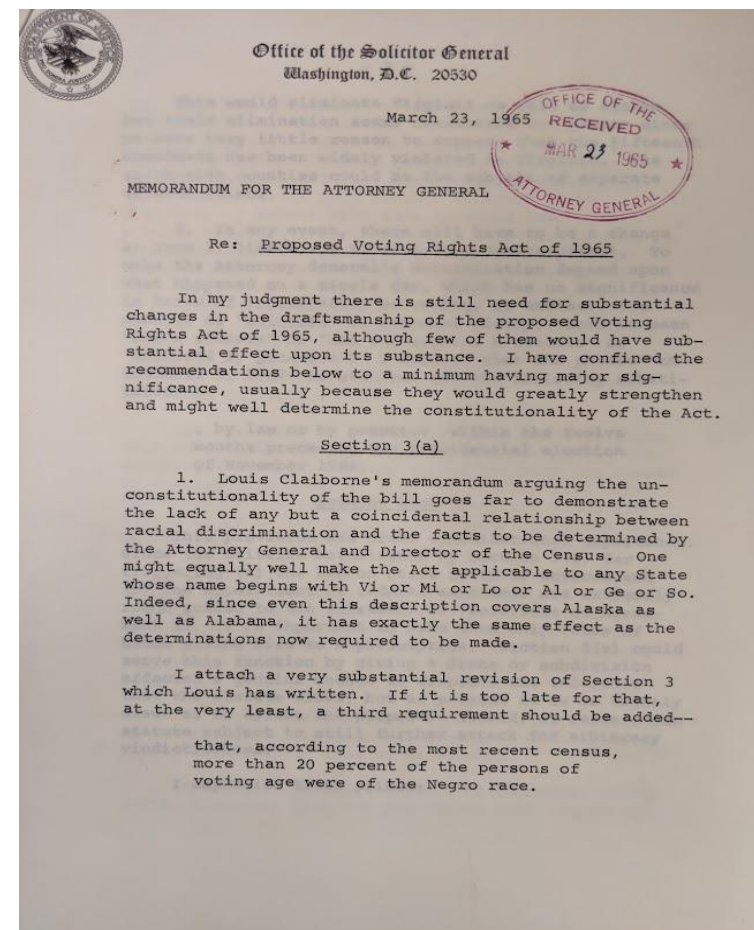
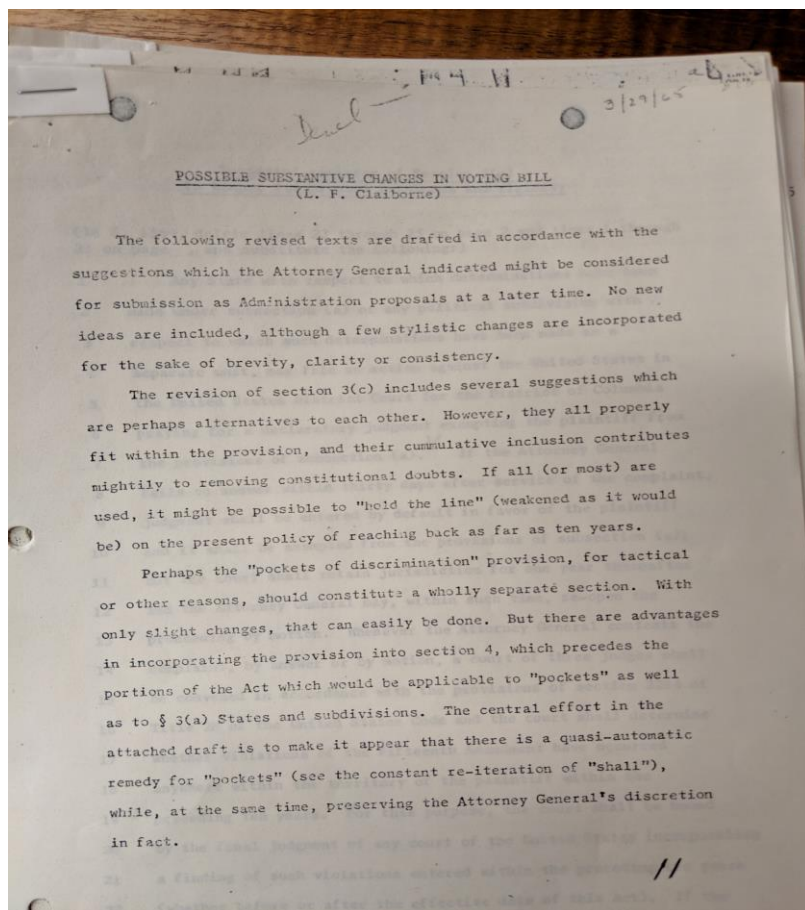




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LBJ Papers



Lyndon B. Johnson, 36th U.S. President
Nov. 22, 1963 – Jan. 20, 1969



Katzenbach Papers

4/4

Nick

Here is the revised bill — revised to accept as much of Neil Kennedy's reshuffling as we could stomach. As far as we know it is entirely acceptable to him. Of course, you are not bound beyond what you agreed to at Friday's meeting.

The few bracketed portions are still under discussion but shouldn't be a problem.

Neil wants to meet Monday but we are holding up on the text and we do not want to get together until we have your views on the draft. I hope we can spend some time with you Monday morning on this. Steve

March 13, 1965

MEMORANDUM FOR THE PRESIDENT

Re: Governor Wallace Meeting FILE
H.F.R.

Governor Wallace will ask you to call a moratorium on all demonstrations and take national leadership in restoring "law and order". He will use the sit-ins and demonstrations here in Washington as example of the problem and point out that the police here are doing the same thing that the police in Alabama are doing and thus seek to put you in the same boat as him. He will state that if you do not call upon Negroes to call off the demonstrations and to get rid of "outside agitators" in Alabama and the District of Columbia then utter chaos will result. He is determined to have law and order with all the forces at his disposal and will do his best to preserve that but if demonstration continue there will be bloodshed which will be on your hands. I doubt that he will ask for federal assistance despite his conversation with Governor Ellington.

I think you should respond to these arguments by taking the offensive. You should state that you do not like demonstrations and do not enjoy sit-ins in the White House. But they are not demonstrating about the conditions here in Washington but the conditions in the State of Alabama. The underlying problem is that Negroes have been denied their fundamental rights as citizens in the State of Alabama. You should ask the Governor to join with you publicly in a commitment to eliminate the barriers to voting in Alabama and to commit himself to the desegregation of schools and public parks. He should announce that he is taking steps to employ Negroes in state governmental positions, including the highway patrol, and should join you in a commitment that the poverty program will be on a total desegregated basis throughout the State.

In addition, you should tell him that whatever the difficulty of the conduct demonstrators and demonstrations that there was no excuse for Colonel Lingo and state troopers and Sheriff Clark and his deputies of whether or not King had the right to march. You should ask him for a public commitment that he will investigate the conduct of the troopers and discipline those who misbehaved. In view of his conduct not only in Selma but also in Marion, Birmingham and elsewhere, Colonel Lingo should be dismissed.

The dismissal of Colonel Lingo would be helpful in terms of controlling the demonstrations and would be particularly helpful if the Governor would assert his authority now as he did a year ago to displace local sheriffs and their deputies in Selma and elsewhere where the need may arise. The troopers should be put under the command of a professional police official, such as Lingo's predecessor. It would be very helpful if the Governor would call a
(Lloyd Mann)

Nicholas Katzenbach, U.S. Attorney General
(Lyndon B. Johnson Administration)



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The Dirksen Congressional Center





SNCC Papers

Student Nonviolent Coordinating Committee (SNCC)

- Online (SNCC Digital Gateway)
- Also: ProQuest History Vault

The Student Nonviolent Coordinating Committee (SNCC) was the only national civil rights organization led by young people. Organized in 1960 and mentored by the legendary Black organizer, Ella Baker, SNCC activists became full-time organizers, working with community leaders to build local grassroots organizations in the Deep South.

[Learn more »](#)

©1976 Matt Herron/Take Stock

DIGITAL SNCC GATEWAY

Learn From the Past, Organize for the Future, Make Democracy Work

discover SNCC



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Research Databases

Indiana University – Bloomington



INDIANA UNIVERSITY
BLOOMINGTON

Jerome Hall Law Library

[Jerome Hall Law Library](#) / [Research Guides](#) / [Online Resources](#) / [Government](#)

Online Resources: Government

Jerome Hall Law Library's subscription databases, selected Indiana University campus-wide databases, and free legal resources.

Frequently Used

[A to Z List of Databases](#)

Databases by Subject

- [American Legal Publishing](#) (municipal codes and local ordinances)
- [Congress.gov](#)
- [CQ.com](#)
- [CQ Press Library](#)
- [Govinfo.gov](#)
- [HathiTrust Digital Library](#)
- [HeinOnline](#) **Popular**
- [Homeland Security Digital Library](#)
- [IN.gov](#)
- [Indiana Memory](#)
- [LexisNexis State Capital](#)
- [Library of Congress: Documents from the Continental Congress & the Constitutional Convention \(1774-1789\)](#)
- [Library of Congress: U.S. Congressional Documents & Debates \(1774-1875\)](#)
- [LLMC Digital](#)
- [Monthly Catalog of U.S. Government Publications, 1895-1976](#)
- [ProQuest Congressional](#) **Popular**
- [ProQuest Legislative Insight](#)
- [Regulations.gov](#)
- [U.S. Declassified Documents Online](#)
- [U.S. Documents Masterfile](#)



Research Databases

ProQuest History Vault

- Archival collections focusing on the Black Freedom Movement of the 20th Century, Southern Life and Slavery, Women's Rights, International Relations, American Politics and Society with a strong focus on the 20th Century, and labor unions, workers and radical politics in the 20th Century.
 - Federal government records, organizational records, internal memos, legal briefings, immigration records, personal papers, letters, photographs, scrapbooks, financial records, diaries, etc.

The screenshot shows the ProQuest History Vault website. At the top, there is a green navigation bar with the ProQuest logo and the text "ProQuest History Vault". To the right of the navigation bar is a "User Profile" link. Below the navigation bar is a search bar with the placeholder text "Enter a keyword, phrase or topic" and a magnifying glass icon. The main content area is titled "What's in History Vault?" and contains a paragraph of introductory text. Below this text are three subject area modules, each with a representative image and a brief description:

- Civil Rights and the Black Freedom Struggle**: Features records of NAACP, SCLC, SNCC, CORE, and federal records on the Black Freedom Struggle. Includes a "Read more" and "Search" link.
- American Politics and Society**: Features Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon administration records as well as numerous collections focusing on the Progressive Era. Includes a "Read more" and "Search" link.
- International Relations and Military Conflicts**: Features formerly confidential reports of U.S. diplomats and military officers from 1911-1975. Includes a "Read more" and "Search" link.



ProQuest History Vault

- Modules
 - Civil Rights and the Black Freedom Struggle
 - Law and Society since the Civil War

2008 Number ten then
July 24/07

Dear Alex:

1. I wonder what Frederick thought so well of your views on Langston's role of Gene Winton's letter. Why does it have the get of "ledly" views on unfair treatment issues? I'm afraid that R.D.'s deep conviction about the "in der Besonderen Kunst" benevolence of the "Mentor" is not shared by mine. But I think that so far as the problem is concerned the difficulty has deepened. I'm afraid that he is better of the school, now very prevalent, that questions of precedence are not far from questions of power. It took four of my best weeks before to that school - and Herbert's talks about "first amendment areas" - & "my without is a right such power" in Congress when I feel him "activist" - non-patience, Court decided to be strongly disapproved by the "activist" - is the independent response to our problems, he typically agrees but it is not a part of him. And then he has arduous and deadly, by whom he is abundantly pushed about, here is me!

2. When you say that the process is

in dependent weighing of evidence to be
Lun, Lun? ! Lun! Lun.

different in the process relations - was found areas "do you mean any more has to admit to the factors enumerated by Section 1. in Walter's Steamship Corp 133 S.W.2d 103, 111, as to the kind of need for taking account of relevant factors in "free speech cases, under due process, as compared with other conduct I prepared (long before free press provision stuff) in Dr. Sutherland Holmes v. the S.D. 57

3. Have you subjected yourself to the punishment that I have witnessed in reading, in the intensity, the constant Sants debate on Civil Rights. It's 1870 all over - I guess I'm a person - plus, its time, maybe politics. How easily the blabber "liberals", I can't think of it. How up. Me for the idea of it. He thought a great advance was made when a historical Court was made to be come Postmaster General. It's not so much worse for him to be a G.

4. It will interest you to learn that Henry Hart called to be returned of selecting law clerks suggested of L. Sells. It's glad to proceed. It's H. was being double-phobic on the common.

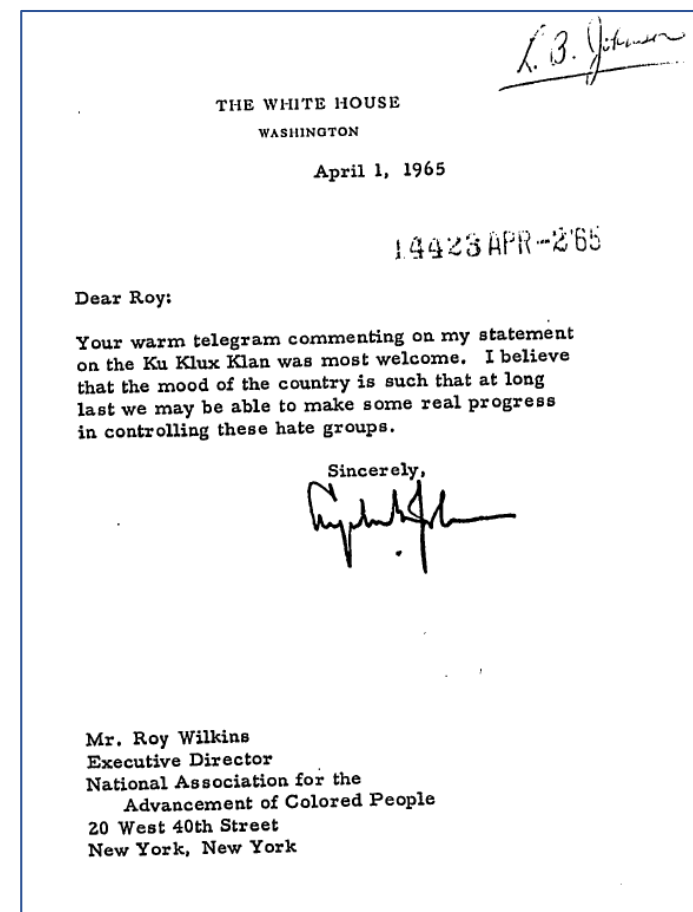
5. It's 101° here but happy in Louisiana in working. You see it

I'm sure you'll be taking the opportunity to read the book "The Constitution of the United States" by James M. Smith



ProQuest History Vault

- ***Civil Rights and the Black Freedom Struggle***
 - NAACP Papers
 - Federal Government Records
 - Organizational Records:
 - Southern Christian Leadership Conference (SCLC)
 - National Association of Colored Women's Clubs (NACWC)
 - Student Nonviolent Coordinating Committee (SNCC)
 - Congress of Racial Equality (CORE)





ProQuest History Vault

- *Law and Society since the Civil War*
 - American Legal Manuscripts from the Harvard Law School Library (1861-1976)
 - **Justice Felix Frankfurter Papers**
 - United States Supreme Court, Case Files of Opinions and Memoranda: October Terms 1938 – 1961
 - Correspondence and related material

Analysis Of Proposals For Protection Of Voting Rights

The two principal proposals will be designated as the Commission and the Justice plans.

The two plans are similar in objective but differ in details of administration and enforcement. The principal points of difference are these:

1. Appointment and functions of federal voting officials. The Commission plan provides for appointment of Registrars by the President, to be drawn from existing local officials such as U. S. Attorneys, clerks of court, etc. The Justice plan provides for appointment of Referees by federal district courts. Moreover, there is a difference in their duties. The Registrars would serve to consider the applications of citizens claiming discrimination in respect of registration and would determine whether such an applicant was in fact a qualified voter. The Registrars would serve until a finding that discrimination had ceased in the locality. The Referees appointed by the courts, under the Justice plan, would not in fact make final decisions regarding qualifications of voters but would hold hearings and report to the court, which would consider the report and enter a decree. The decree would be brought to the notice of the state electoral officials, who would be bound thereby.

2. Scope of the bills. The Commission plan is limited to federal elections. The Justice plan reaches both federal and state elections. Presumably the Commission plan is based on the constitutional power of Congress under Article I, sec. 4, which relates to elections for Congress. There is no reason, however, why the Commission plan could not be extended to state elections, by virtue of the authority in the Fourteenth and Fifteenth Amendments, each of which provides for appropriate enforcement by Congress.

3. Sanctions. The Commission proposal relies ultimately on criminal sanctions against state officials who might refuse to honor the registration of voters certified by the Federal Registrars. The Justice plan contemplates that the state election officials, including State Registrars, would be notified of the court orders and would thereby become subject to contempt proceedings in case of violation. These proceedings would be governed procedurally by the same provisions that are now contained in the 1957 Civil Rights Act. In addition, the Justice plan provides for the contingency of resignation of State Registrars. In that event it is provided that the state itself assumes the obligation of the office and may be sued by the United States.



ProQuest History Vault

• Searching

- Browse
- Advanced Search
 - Full text or field search
- Timeline

ProQuest[®] History Vault

User Profile

Home **Advanced Search** Browse Timeline About

AND AND

All Fields Including Full Text ▾
All Fields Excluding Full Text
All Fields Including Full Text
Subject Terms
Geography
Principal Correspondent
Federal Agency
Organization Name
Person as Subject
Title Terms

Search specific modules

- Civil Rights and the Black Freedom Struggle in the 20th Century: Federal Government Records, Supplement
- Black Freedom Struggle in the 20th Century: Organizational Records and Personal Papers, Part 1
- Black Freedom Struggle in the 20th Century: Organizational Records and Personal Papers, Part 2
- NAACP Papers: Board of Directors, Annual Conferences, Major

Search Clear form

Search Tip: A quoted search such as "John Kennedy" will only match the exact phrase and will not match John F. Kennedy or Kennedy, John. To find all variations of the name, it is best to omit the quotes for an implicit proximity search.



ProQuest History Vault

- **Searching**

- **Timeline**

- Browse *all topics* chronologically or narrow to a specific topic

Browse by topic

- All topics
- American Civil War
- Anti-Vietnam War Movement
- Black Power Movement
- Civil Rights Legislation
- Civil Rights Movement**
- Colleges and Universities
- Communism and Anti-Communism
- Criminal Cases and Law Enforcement
- Elections
- Environmental Issues and Natural Disasters
- Fairs and Expositions
- Immigration
- International Crises
- International Diplomacy
- Labor Disputes and Strikes
- New Deal
- Religion

Timeline

Civil Rights Movement
1909

1909
February 1909, NAACP founded (as National Negro Committee) [View documents](#)

1915
NAACP begins its campaign to have "Birth of a Nation" movie banned from movie theaters [View documents](#)

1919
May 1919, National Conference on Lynching is held in New York City [View documents](#)

1920
James Weldon Johnson appointed as Executive Secretary of NAACP [View documents](#)



ProQuest History Vault

• Search Results

- Sortable by relevance, date, or folder number
- Search within results
- Filter/narrow by: date, subject, geography, person as subject, federal agency, organizations, collections, principal correspondent

The screenshot shows the ProQuest History Vault interface. At the top, there is a navigation bar with 'Home', 'Advanced Search', 'Browse', 'Timeline', and 'About'. Below this is a search bar containing 'fannie lou hamer' and a dropdown menu set to 'Person as Subject'. A 'Search' button is to the right. Below the search bar, there is a 'Clear form' link and a note: '+ Additional limits and/or search terms applied. Modify'. The main content area shows search results. On the left, there is a sidebar for filtering results. The sidebar includes sections for 'Narrow results by', 'Date' (with 'Start' and 'End' fields), 'Subject' (with a list of categories like 'Black Americans (6)', 'Civil Rights (5)', etc.), 'Geography' (with a list of locations like 'Charleston, South Carolina (2)', etc.), and 'Person As Subject' (with 'Hamer, Fannie Lou (6)' and 'Abernathy, Ralph D. (3)'). The main results area shows 'Showing 1-6 of 6' items, sorted by 'Relevance'. Each result includes a checkbox, a title, a folder number, a date range, and a 'Found in' location. A 'PDF' icon is visible next to each result. The second result, 'Student Nonviolent Coordinating Committee files on Fannie Lou Hamer', is highlighted with a red box.



ProQuest History Vault

- **Folders**

- Folder number:
 - Collection #-box/microfilm reel #-folder #
- Collection titles, descriptive titles, subject terms
- Print or email the record
- Download the PDF

The screenshot displays the ProQuest History Vault interface. At the top, there is a navigation bar with 'Home', 'Advanced Search', 'Browse', 'Timeline', and 'About'. The main content area shows a folder record for 'FOLDER: 252253-068-0892' with the title 'Student Nonviolent Coordinating Committee files on Fannie Lou Hamer'. The record includes a 'DESCRIPTION' section with details on the date (Jun 01, 1964 - Jun 30, 1964), subject (Black Americans; Civil rights), person (Hamer, Fannie Lou), organization (Student Nonviolent Coordinating Committee (SNCC)), durable URL, and module (Black Freedom Struggle in the 20th Century: Organizational Records and Personal Papers, Part 2). A 'COLLECTION' section at the bottom provides additional context: 'Student Nonviolent Coordinating Committee Papers, 1959-1972', 'Appendix A. Mississippi Freedom Democratic Party Papers, 1961-1972', 'Folder Title: Hamer, Fannie Lou, Apr. 7-June 1, 1964, n.d.', and 'Source: Student Nonviolent Coordinating Committee Papers, Copyright: Martin Luther King, Jr. Center for Nonviolent Social Change, Inc., Atlanta, Georgia'. Action buttons for 'Download PDF' and 'Save/Share' are visible on the right side of the record.



ProQuest History Vault

- Documents

- Scanned documents
- PDFs are searchable, except for handwriting

Find (1/1) ✕

 ⚙

Previous
Next

▶ Replace with

Time	Initial	IC OG	Activity Recorded
2:16	P	OG	STAN LEVISON to MOE PONER they discuss and CHARLESTON and the possibility of a settlement and PONER tells STAN there is going to be a big night march Friday night. STAN says get immediate coverage and publicity like TV etc.
9:42	PM	IC	<p>_____ FANNY Miss HAMER(ph) to STANLEY LEVISON. (Long distance)</p> <p>H: I got your letter. We'll mail the check. We appreciate what you did. To date we have a little better than 30,000. We'll send you a report next week.</p> <p>SL: That's great. I thought you'd get about 24,000. I drew up that list.</p> <p>H: I didn't go to Charleston because my brother was in the Hospital. (END)</p>
11:08	PM	OG	<p>_____ (RIS91 GJ1) ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/20/03 BY 8269 Jhd/dfp</p> <p>ASST. DIR. STANLEY LEVISON to HARRY BELAPONTE. General conversation. SL says Andy has been leading the activity in Charleston even though Ralph is the one with his picture in the paper all the time. HB asks about Jesse Jackson and SL says Jackson has really been getting results in Illinois. SL says Jesse is a great hustler by nature. HB says Clay Evans(ph) has been preaching with Jesse. HB says he's going to make records with the Broadbasket Choir. SL wants to talk with HB about "where we're going with the Political Committee". SL says the last thing he has on it is the memo from Tim. SL says Coretta finished her book and the publisher is very pleased. SL says they're going to make money on it; it will be serialized in Life etc. SL says "Our piece ends the book". SL says laughingly "it's a darn nice book considering that it's written from the point of view of a white liberal". HB wants to draft an ad with SL's help for the New York Times indicating support for John Lindsay. SL approves of this. SL & HB agree to meet while HB is in Toronto next week. SL says Nixon is back-tracked on submitting legislation for a Federal Memorial for Martin King, so Coretta sent Nixon a tough letter last</p>

Employee's Name: ~~_____~~ b7c

Day: WED Date: 6/18/69

62
b7c

109-111180-9-20700

SEARCHED
SERIALIZED
JUN 19 1969



Research Databases

- **PQ Legislative Insight**

- Compiled legislative histories for enacted federal laws and U.S. Constitutional amendments
- 1789 – current

The screenshot shows the ProQuest Legislative Insight website. At the top, there are navigation links for "Home", "Quick Search", "Guided Search", "Search by Number", "Timeline Browse", and "Legislative Process". A search bar is prominently displayed with a search icon and a "Popular Names of Laws List" link. Below the search bar, there is a "CITATION CHECKER" section with input fields for "Public Law Number", "Statute at Large Citations", and "Enacted Bill". The "What's New?" section on the left highlights "115th Congress Histories: 442 Histories Loaded" and features a detailed entry for "PL115-397, The culmination of nearly two years of hearings and discussion, the Congressional Accountability Act of 1995 Reform Act". The "FEATURED LAW:" section highlights "PL111-148, the Patient Protection and Affordable Care Act", providing a detailed description of the act's history and impact.



ProQuest Legislative Insight

• Searching

- Quick Search
- Guided Search
 - Field and Full Text Searching
- Search by Number
 - Bill, public law, *Statutes at Large*, publication number, SuDoc, Serial Set
- Timeline Browse

ProQuest | Legislative Insight

Historical Context | Help | Quick Start

Related Subscriptions

Looking for content unrelated to a law? To see if it is available, click here to go to ProQuest Congressional.

Home Quick Search Guided Search Search by Number Timeline Browse Legislative Process

SEARCH FEDERAL LEGISLATIVE HISTORIES:

What is a Legislative History?

"voting rights act"

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- PL115-397, The culmination of nearly two years of hearings and discussion, the Congressional Accountability Act of 1995 Reform Act aims to strengthen sexual harassment protections for employees of the Federal government and extends those protections to interns and other unpaid employees of the legislative branch. The act further eliminates the mandatory "cooling off" period previously required before a victim could formally pursue a harassment complaint, requires that members of Congress be held personally liable for any settlement payments arising from sexual harassment complaints, and increases transparency in cases where

CITATION CHECKER:

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Public Law Number	Statute at Large Citations	Enacted Bill
pl89-110	79 Stat. 437	89 S. 1564
PL 90-351	82 Stat. 197	90 H.R. 5037
	66 Stat. 14, Chap: 82	

Go to Legislative History

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FEATURED LAW:
PL111-148, the Patient Protection and Affordable Care Act.

Enacted March 23, 2010, PL111-148, the Patient Protection and Affordable Care Act was the most comprehensive Federal reform of the U.S. healthcare system since the creation of the Medicare program nearly 35 years before. Viewed as the signature domestic policy achievement of the Obama administration and colloquially referred to as "Obamacare," after President Barack H. Obama, the act was passed following years of effort to address a variety of interrelated issues that were placing increasing strain on the nation's health care system. The result is a complex law with provisions addressing (among other things) precipitously rising healthcare costs, medical coverage for individuals with preexisting medical conditions, and the disproportionate costs of insuring young, healthy individuals in comparison to older individuals with more health problems.



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<input type="checkbox"/>	Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006	Legislative History	PL109-246	July 27, 2006	109th Congress, 2nd Session (2006)	PDF
<input type="checkbox"/>	Civil Rights Act of 1964	Legislative History	PL88-352	July 2, 1964	88th Congress, 2nd Session (1964)	PDF
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Voting Rights Act of 1965

Publication Type: Legislative History

DIGITAL-PDF ID: PL89-110
PUBLIC LAW PDF ID: PL89-110FT
DATE: Aug. 6, 1965
ENACTED-BILL: 89 S. 1564
STATUTE AT LARGE: 79 Stat. 437
CONG-SESS: 89-1
USCS: 42 USCS § 1971, 42 USCS § 1973, 42 USCS § 1973a, more...
DURABLE URL: https://congressional-proquest-com.proxyiub.uits.iu.edu/legisinsight?id=PL89-110&type=LEG_HIST&accountid=11620

SUMMARY:
To enforce the fifteenth amendment to the Constitution of the United States, and for other purposes.

SUBJECT TERMS:
Civil Service Commission Department of Justice Elections House rules and procedure Voter registration Voting rights

BILLS:
89 S. 1564 **Voting Rights Act** of 1965 (Enacted)
89 S. 1564 - Introduced in Senate Mar. 18, 1965
89 S. 1564 - Reported in Senate Apr. 8, 1965
89 S. 1564 - Ordered to be printed as amended/Read and ordered to be printed May 27, 1965
89 S. 1564 - Ordered to be printed as amended/Read and ordered to be printed July 9, 1965
89 H.R. 6400 **Voting Rights Act** of 1965 (Companion)
89 H.R. 6400 - Introduced in House Mar. 17, 1965
89 H.R. 6400 - Reported in House June 1, 1965



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REPORTS:

89th Congress

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TITLE: Voting Rights Legislation
DOCUMENT-DATE: Apr. 9, 1965
COMMITTEE: Committee on the Judiciary. Senate
DOC-NO: S.rp.162
SERIAL-VOLUME: 12662-1
DIGITAL-PDF: [12662-1 S.rp.162](#)
LENGTH: 108 pp.
[Publication Detail](#)

SERIAL-SET-ID: 12665-3 H.rp.439
TITLE: **Voting Rights Act** of 1965
DOCUMENT-DATE: June 1, 1965
COMMITTEE: Committee of the Whole House. House; Committee on the Judiciary. House
DOC-NO: H.rp.439
SERIAL-VOLUME: 12665-3
DIGITAL-PDF: [12665-3 H.rp.439](#)
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August 9, 1787. During the campaign for ratification, this section was strongly supported in "The Liberty Bell" Article II, section 1, paragraph 2, concerning the electors for President and Vice President, is clear and

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which that State may be entitled in the Congress * * *.

There can be no doubt that the framers of the Constitution intended that the entire process of choosing electors was to remain in the hands of the States. This was clearly followed by adoption of the 9th and 10th amendments reserving unto the States and unto the people all powers and rights not delegated to the United States by the Constitution.

A literacy test as a qualification for voting was adopted by Connecticut in 1855 and by Massachusetts in 1857.

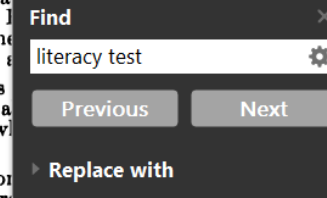
But proponents of this bill will say that all of this was prior to the adoption of the 15th amendment under which they claim the power to establish voter qualifications in some of the States. Does the 15th amendment give Congress any such power? Clearly, it does not.

The fact that the 15th amendment was not intended to take from the States the exclusive right to fix voting qualifications is shown by the fact that the 17th amendment, adopted many years later, contains the identical language originally used in section 2 of article I of the Constitution:

The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

The 15th amendment does prohibit any State from using race or color as a prerequisite for qualifying to vote. Congress has the authority to enforce this amendment by appropriate legislation. Congress can make it a criminal offense to deny the right to vote because of race or color, and Congress can fix the penalties for its violation. It has done so. Congress can provide for injunctive relief against State violating this constitutional provision. It has done so. Congress can authorize suits to be filed by the United States to enforce the 15th amendment, and Congress may give jurisdiction of such actions to three-judge courts. It has done so.

The 15th amendment did not give Congress the power to prohibit discrimination on grounds of education. This bill, in seeking to abolish literacy tests, does just that. After the 15th amendment had been passed by the House, the Senate amended it to add prohibitions against discrimination on grounds of education. This amendment was defeated in the House, and the 15th amendment ultimately passed in its present form, prohibiting only discrimination because of race or





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<input type="checkbox"/>	Voting Rights Act of 1965	PDF
1	Publication Type: Legislative History ID: PL89-110 Date: Aug. 6, 1965 89th Congress, 1st Session (1965)	
<input type="checkbox"/>	Fifteenth Amendment to the United States Constitution ←	PDF
2	Publication Type: Legislative History ID: 15 Stat. 346 Date: Feb. 27, 1869 40th Congress, 2nd Session (1869)	



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 - Legislative History:
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 - *Congressional Globe* (1833-1873)

Fifteenth Amendment to the United States Constitution

Publication Type: Legislative History

NOTE: Civil Rights

DIGITAL-PDF ID: 15 Stat. 346

PUBLIC LAW PDF ID: 15 Stat. 346FT

DATE: Feb. 27, 1869

ENACTED-BILL: 40 S.Res. 8

STATUTE AT LARGE: 15 Stat. 346

CONG-SESS: 40-3

DURABLE URL: https://congressional-proquest-com.proxyiub.uits.iu.edu/legisinsight/?d=15%20Stat.%20346&type=LEG_HIST&accountid=11620

SUMMARY:

Proposing an **amendment** to the Constitution of the United States.

ELABORATION:

Ratified by the states on February 3, 1870.

SUBJECT TERMS:

Black Americans **Constitutional amendments** Minority groups Slaves and slavery Voting rights

BILLS:

40 S.Res. 8 (Enacted)

40 S.Res. 8 - Referred to Committee Senate Mar. 7, 1867

40 S.Res. 8 - Reported in Senate Jan. 15, 1869

REFERENCES:

CONGRESSIONAL RECORDS:

40 Congressional Record, 40th Congress, 2nd Session (1869)

Jan. 23, 1869, Debated in Senate

DIGITAL-PDF: CG-1869-0123-15Stat-346-S

VOLUME: 15

TYPE: Bound Edition

Publication Detail

Jan. 28, 1869, Debated in Senate

DIGITAL-PDF: CG-1869-0128-15Stat-346-S

VOLUME: 15

TYPE: Bound Edition

Publication Detail

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Globe



ProQuest Legislative Insight

- Amendments to the U.S. Constitution
- 15th Amendment, floor debate
- Feb. 26, 1869, Conference report debated and agreed to in Senate
- Statement of Sen. Jacob Howard, pg. 1625



1869. It is qualified by three additional restrictions. It is not an independent proposition, it is all one act and reason of the thing, it seems necessary, and the reason of it an entirety, so that where a sentence is an entirety, and one part is made dependent upon another, and one part is made dependent upon another, it is responsible for a committee of conference to compare views and comply with the general intention of a free conference, so laid down in Jefferson's Manual, unless they can so modify the proposition as to make it a complete whole, and accommodate the difference between the two Houses. This is what Jefferson's Manual says.

1625. I desire to call the attention of Senators to the peculiar wording of this amendment and to its application in the future. I had hoped that the amendment which we should adopt at this session of Congress would have the effect to put an end to all further discussions throughout the country as to the political status of the colored man. I think that has really been the great object at which we have all aimed. I wish this amendment accomplished that object. It possibly may do so; possibly it may not. It will be observed from the language of the report now before us that it does not confer upon the colored man the right to vote. I wish it did; because if it had that effect it would for the future put an end to all controversy respecting his political right as a voter in the United States. As to his right to hold office that, in my opinion, would follow as a matter of course. At any rate it would be subject about which I should have no concerns for the future; for a person possessing the right of voting at the polls is inevitably the subject of the Government of which he is a voter. This, however, confers no right to vote. It declares that "the right of citizens of the United States to vote shall not be denied or abridged," &c., without impairing the right itself.

Suppose that after the reorganization of the Government in the State of South Carolina, for example, the voters in the State shall exercise the right to hold office under the Government of which he is a voter. They certainly have a right to do so, under the reserved rights of the States as one of the States of the Union; and the only mode in which the right to vote could be restored to the colored man in that State would be under the subsequent clause in this amendment giving to Congress power to carry out and effectuate this clause by appropriate legislation, so that Congress might, if it saw fit, step in and remedy the defect of the State law and restore to the colored man his right to vote. This might be the case in more than one of the States of this Union. It might, indeed, be the case in all States of the Union; and Congress might be called upon to exercise its authority under the second clause of this amendment, and to impart by direct congressional legislation to the colored man his right to vote. No one can dispute this.

Suppose that after having passed such an amendment as conferring the right upon the colored man a subsequent Congress should see fit to overhurl our action on the subject and take away from the colored man the right to vote. That might be done, because the action of one Congress does not necessarily bind a subsequent Congress in regard to its action. So that this question of negro suffrage, as it is called, will still be a subject for political discussion and wrangling for perhaps all time to come; and this amendment, as to which its authors fondly hope will put an end to all this

I desire to call the attention of Senators to the peculiar wording of this amendment and to its application in the future. I had hoped that the amendment which we should adopt at this session of Congress would have the effect to put an end to all further discussions throughout the country as to the political status of the colored man. I think that has really been the great object at which we have all aimed. I wish this amendment accomplished that object. It possibly may do so; possibly it may not. It will be observed from the language of the report now before us that it does not confer upon the colored man the right to vote. I wish it did; because if it had that effect it would for the future put an end to all controversy respecting his political right as a voter in the United States. As to his right to hold office that, in my



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There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HENRIETTA, N.Y.,
April 14, 1965.

Senator JACOB JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SEN: At a meeting of the Town Board of the Town of Henrietta on April 7, 1965, the following resolution was passed:

"In consideration of the many veterans residing in Monroe County, State of New York, and taking into account the many medical needs required by these veterans because of war inflicted injuries and disabilities: Be it hereby

"Resolved, That the Town Board of Henrietta, N.Y., support the Monroe County Veterans' Organizations attempts to secure a veterans hospital for the county of Monroe; further

"Resolved, That this town board wishes to go on record as being opposed to the closing of the veterans hospital in Bath, N.Y."

Your thorough investigation and considered favorable action in this matter will be greatly appreciated and made known to all veterans and other interested persons of our area.

Very truly yours,

VINCENT HAGGETT,
Town Clerk,
Town of Henrietta.

PROPOSED LEGISLATION ON VOTING RIGHTS

Mr. JAVITS. Mr. President, I ask unanimous consent that there be included, as a part of the debate on the pending bill, S. 1564, the report of the Committee on Federal Legislation and the Committee on the Bill of Rights of the Association of the Bar of the City of New York, which in my opinion sustains the constitutionality of the pending bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I ask unanimous consent that I may proceed for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the report relates to news reports on actions of the committee up to April 9; hence it is somewhat dated, but in essential substance it will give Members of the Senate the information which they urgently need with respect to a consideration of the bill before us.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

PROPOSED FEDERAL LEGISLATION ON VOTING RIGHTS

(By the Committee on Federal Legislation, the Committee on the Bill of Rights, the Association of the Bar of the City of New York, N.Y.)

INTRODUCTION

On March 17, 1965, President Johnson sent to Congress a special message on voting rights and submitted with it a proposed bill to enforce the 15th amendment to the Constitution of the United States, to be known as the Voting Rights Act of 1965. The next day the bill was introduced in the Senate as S. 1465, sponsored by 66 Senators, and in the House of Representatives as H.R. 6400, 89th Congress, first session (1965). This bill and the special message immediately followed an address by the President to an evening joint session of Congress and the Nation on voting

rights. The circumstances in which S. 1564 was introduced focused immediate and principal attention upon it, and this report is chiefly concerned with that bill. However, although the report was substantially completed before the administration's bill was reported out of committee, the report comments on changes proposed in both the Senate and House Committees on the Judiciary, including significant changes ultimately included in the bill reported out of the Senate Committee on the Judiciary with Senate Report No. 162, 89th Congress, first session (1965). The report also comments on two other bills which we believe have helpful provisions.

The crisis in voting rights which reached its decisive stage with the recent demonstrations in Selma, Ala., has been developing for years. After extensive study the U.S. Commission on Civil Rights in its 1961 report concluded that "the franchise is denied entirely to some because of race and diluted for many others. The promise of the Constitution is not yet fulfilled." Attempts to deal with the problem through litigation under Civil Rights Act passed in 1957, 1960, and 1964 have proved ineffective. There has been increasing recognition of a need to enforce the proscription of the 15th amendment against racial discrimination in voting by administrative rather than judicial formulae.¹ The Selma demonstrations, and the violence which accompanied them, focused national attention on the urgent necessity for a prompt new remedy for such discrimination.

DESCRIPTION OF BILL

S. 1564 as originally introduced provides that "no voting qualification or procedure shall be imposed or applied to deny or abridge the right to vote on account of race or color" (sec. 2). In particular, it prohibits denial of the right to vote in any Federal, State, or local election because of a person's failure to comply with a "test or device," in any State or political subdivision as to which both of the following determinations are made: (1) the Attorney General determines that a "test or device" as a qualification for voting was maintained on November 1, 1964, and (2) the Director of the Census determines that less than 50 percent of the persons of voting age residing therein were registered on November 1, 1964 or voted in the presidential election of November 1964 (sec. 3(a)). The phrase "test or device" is broadly defined to include any requirement that a person demonstrate "the ability to read, write, understand, or interpret any matter," or "educational achievement or his knowledge of any particular subject," that he "possess good moral character," or that he "prove his qualifications by the voucher of registered voters or members of any other class" (sec. 3(b)). The inapplicability of such tests as qualifications to vote continues until the State or political subdivision, by an action brought in a three-judge District Court of the District of Columbia, obtains a declaratory judgment that neither it nor any person acting under color of law has engaged in racial voting discrimination for a period of 10 years. A direct appeal lies to the Supreme Court. The district court may not issue such a declaratory judgment if there has been a final judgment of any court of the United States that racial discrimination in voting has occurred

¹ Rept. of U.S. Commission on Civil Rights, Voting 133, 135 (1961).

² The Committee on Federal Legislation reported on bills respecting literacy tests in the 87th Congress in 1 Reports of Committees of NYOBA. Concerned with Federal Legislation 143 (1962) (hereinafter cited as "Reports"). The Committee on the Bill of Rights reported on the voting provisions of the Civil Rights Act of 1964 (title I) in 2 Repts. 63 (1963).

within a 10-year period "anywhere in the territory" of petitioner (sec. 3(c)).

The bill further provides (sec. 4) that if the Attorney General certifies, with respect to any political subdivision as to which such determinations have been made by the Attorney General and the Director of the Census, that he has received meritorious written complaints from 20 persons who allege that they have been denied the right to vote on account of race or color, or that he otherwise deems the appointment of examiners necessary to enforce the 15th amendment, the Civil Service Commission shall appoint examiners to register applicants to vote in any such subdivision pursuant to the detailed provisions of the act (secs. 5-8; 10). There are, in addition, criminal sanctions imposed upon those who deny the right to vote because of race or color or conspire to do so or to interfere with rights guaranteed under the bill, or who commit criminal or civil contempt or who make false statements to examiners (secs. 9, 11(a), (d)). S. 1517, introduced by Senator DOUGLAS, for himself and others, and H.R. 4552, introduced by Representative LINDSAY, have also received considerable attention, and some of their provisions will be discussed below.

SUMMARY

We conclude that a new statute to enforce the 15th amendment to the Constitution is urgently required and that S. 1564 is a constitutional exercise of congressional power under that amendment. However, we believe that its reach, effectiveness, and clarity can be improved by certain amendments suggested in this report.

CONSTITUTIONALITY

Appropriate legislation: S. 1564 is obviously a bill to enforce the 15th amendment and does not purport to rest on any other constitutional basis. The 15th amendment reads as follows:

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition of servitude.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

The ultimate constitutional question, therefore, is whether S. 1564 constitutes "appropriate legislation" within the meaning of section 2 of the 15th amendment. We believe it does.

In cases interpreting the language "appropriate legislation" as it occurs in the 14th and 15th amendments, Congress has been held to possess wide latitude to enact legislation which is directed to the enforcement of their provisions. In *Ex parte Virginia*, 100 U.S. (10 Otto) 339 (1879), the Supreme Court considered the validity of a Federal law which prohibited the States from disqualifying Negroes, otherwise qualified, from sitting on juries in their courts. The Court held that the statute was "appropriate legislation" under the 14th amendment and, speaking of the 13th, 14th, and 15th amendments together, said:

"Congress is authorized to enforce the prohibition by appropriate legislation. Some legislation is contemplated to make the amendments fully effective. Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power." *Id.* at 345-46.

The wide scope of the 15th amendment is indicated by *Lane v. Wilson*, 307 U.S. 268 (1939), which struck down an Oklahoma "grandfather clause":



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 State Primary for Governors, A2948.
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You're on the List To Vote, 15531.

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 Congressional election districts: establish contiguous (see bill H.R. 834).
 Congressional representation: reduce, where right to vote is abridged (see bills S. 1181; H.R. 5419, 6262, 6341).
 Contributions: amend laws relative to (see H.J. Res. 339).
 Election day: designate as public holiday (see bill H.R. 835; H.J. Res. 55).
 Election materials: permit certain, to be handled as first-class mail (see bill H.R. 11876).
 Electoral College, Commission To Investigate Reform: create (see bill H.R. 2179).
 Electoral vote: provide for count of (see S. Con. Res. 1*).
 Federal election: eligibility of certain persons to vote in (see S.J. Res. 75; H.J. Res. 398).
 Federal election laws: revise, to prevent corrupt practices (see bill S. 2541).
 Federal employees: allow time for, to vote (see bill H.R. 1102).
 ——— create commission to study political activity of, in (see bill H.R. 6358).
 ——— permit participation in political activities (see bills H.R. 7411, 7412).

ELECTIONS—Continued

Bills and resolutions

Federal Voting, Registration, and Elections Commission: establish (see bills H.R. 6423, 6427, 4559, 4618).
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Voting Rights Act of 1965, Pub. L. No. 89-110

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High Court Upholds Voter Literacy Test

WASHINGTON, June 8 (AP)—The Supreme Court declared valid today a North Carolina requirement that prospective voters must be able to read and write any section of the state's Constitution.

The validity of the requirement was attacked by Mrs. Louise Lassiter, a Negro, who refused to read sections of the North Carolina Constitution when she asked to be registered as a voter in Seaboard Precinct, Northampton County.

Justice William O. Douglas delivered the unanimous decision.

Mrs. Lassiter contended the requirement violated guarantees of the United States Constitution. She appealed to the high tribunal after the North Carolina Supreme Court had rejected her contentions and said the requirement of a literacy test was applied to all persons without discrimination as to race, creed or color.

I. Beverly Lake, counsel for the Northampton County election board said Mrs. Lassiter was unable to read or write.



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Supreme Court of the United States
 OCTOBER TERM, 1958
 No. 584

LOUISE LASSITER, APPELLANT,
vs.
 NORTHAMPTON COUNTY BOARD OF ELECTIONS

APPEAL FROM THE SUPREME COURT OF THE STATE
 OF NORTH CAROLINA

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 vs.
 NORTHAMPTON COUNTY BOARD OF ELECTIONS

APPEAL FROM THE SUPREME COURT OF THE STATE
 OF NORTH CAROLINA

FILED SEPTEMBER 2, 1958.
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Taylor. 2 2 Order of Board of Elections. 3 3 Taylor. 5 5 Certification to transcript of record. 6 6 Stipulations of counsel. 7 6 Motion of Louise Lassiter for directed verdict, and finding and denial thereof. 11 10 Special request for findings of fact and conclusions of law and denial thereof. 12 11 Judgment. 13 12 Appeal entries and notice of appeal to Supreme Court of North Carolina. 14 13 Exceptions to judgment. 14 13 Assignments of error. 16 15 Statement of case on appeal. 18 17 Stipulation as to record. 20 19 ii INDEX, Original Print Proceedings in the Supreme Court of North Carolina. 21 19 Opinion, Winborne, C. 21 19 Judgment. 35 34 Clerk's certificate. 36 34 Notice of appeal to Supreme Court of the United States. 42 39 Order noting probable jurisdiction. 42 39 IN THE SUPERIOR COURT OF NORTHAMPTON COUNTY, STATE OF NORTH CAROLINA, LOUISE LASSITER, vs. NORTHAMPTON COUNTY BOARD OF ELECTIONS Before PAUL, J., August 1957 Term, Northampton, Superior Court. PLAINTIFF Appealed, ORGANIZATION OF COURT BE IT REMEMBERED that a Superior Court for the County of Northampton is this day opened and held in the Courthouse in Jackson, North Carolina, on the fourth Monday before the first Monday in September, 1957, the same being the 5th day of August, 1957. Present: The Honorable Malcolm C. Paul, Judge of the Second Judicial District, presiding. The following members of the Grand Jury report for duty: W. J. Long, Jr., Foreman, and others (naming them). Wilson W. Baird, Allen Brown and Johnnie Stancell are excused due to illness. Then comes E. Frank Outland, Esq., Sheriff of said County, into open court and returns the following good and lawful persons by him summoned to serve as jurors for the said term of Superior Court, to wit, John Cross and others (naming them). Mrs. D. G. Britton and others (naming them) are excused. B. B. T. J. P. Hargrove [fol. 2] and W. H. Blowe are reported by the Sheriff "Not to be found in Northampton County," also W. I. Shakelford. The remaining 21 good and lawful persons are sworn in as petit jurors for the term. Honorable E. R. Tyler, Solicitor for the Sixth Judicial District, is present on behalf of the State. 2, The following proceedings are had: At 4:00 P.M. Court takes a recess until Tuesday morning, August 6, 1957, at 10 o'clock. /s/ M. C. Paul, JUDGE PRESIDING. Court opens, pursuant to a recess, Friday morning, August 9, 1957, at 10 o'clock. The following proceedings are had: STIPULATIONS OF COUNSEL. (The contents of this Stipulation appear elsewhere in this record.) JUDGMENT: (The contents of this Judgment appear elsewhere in this record.) At 12:45 P.M. Court takes a recess. /s/ M. C. Paul, JUDGE PRESIDING. NORTH CAROLINA, NORTHAMPTON COUNTY In the Matter of the Application for Registration as a Voter of Louise Lassiter NOTICE OF APPEAL TO COUNTY BOARD OF ELECTIONS FROM DENIAL OF REGISTRATION BY PRECINCT REGISTRAR, HELEN H. TAYLOR--June 22, 1957 Notice is hereby given that Louise Lassiter, who applied to the Registrar of Seaboard Precinct for registration as a voter on the 22 day of June, 1957, and who was denied registration by said Registrar, one Helen H. [fol. 3] Taylor, has appealed from the decision of said Registrar to the County Board of Elections. Notice is further hereby given that the full name of the applicant for registration is Louise Lassiter; that the applicant's age is 41 years; and that the applicant's address is Seaboard, Northampton County, North Carolina, and correctly listed below. Finally, Notice is hereby given that the reason for this appeal from the Seaboard Registrar's decision denying registration to the applicant, is that the applicant was denied registration because of the applicant's failure to submit to an educational test, which is presumably provided in North Carolina General Statutes 163-28, amended, and that the applicant in good faith contends that the said educational test is invalid, void and unconstitutional, and that applicant further contends that applicant is entitled to be registered without submission to the ordeal of the educational test. This 22 day of June, 1957. /s/ Louise Lassiter Applicant. Address: Mrs. Louise Lassiter, Route 1, Box 180, Seaboard, N. C. BEFORE THE BOARD OF ELECTIONS, ORDER OF BOARD OF ELECTIONS In the Matter of the Application for Registration as a Voter of Mary Ellen Edwards and Louise Lassiter. This cause coming on to be heard and being heard by W. W. Grant, W. T. Outland and Russell Johnson, Jr., who comprise the Northampton County Board of Elections, and it being found as a fact by said Board that the Petitioners Louise Lassiter and Mary Ellen Edwards were refused registration on June 22, 1957, by the Registrar of the Seaboard Precinct because of their refusal to read any section of the North Carolina Constitution, and it further being found as a fact that said petitioners refused on June 28, 1957, on the de novo hearing before the Board of Elections, to read any section of said State Constitution and it appearing to the Board that the law of North Carolina requires that each registrant read any section of said Constitution, it is therefore ordered: That Louise Lassiter and Mary Ellen Edwards be not registered and are not entitled to be registered on the Registration Books of Northampton County because of their failure to comply with the Registration Laws. /s/ Russell H. Johnson, Jr. /s/ W. W. Grant NOTICE OF APPEAL TO SUPERIOR COURT WAS GIVEN ORALLY BY ATTORNEY JAMES WALKER OF WELDON, N. C. Before the County Board of Elections NOTICE OF APPEAL TO THE SUPERIOR COURT, Louise Lassiter, vs. Northampton County Board of Elections and Russell H. Johnson, Jr., Board Chairman, and W. W. Grant and W. T. Outland, all of whom constitute the full membership of said Board. TO THE NORTHAMPTON COUNTY BOARD OF ELECTIONS, NOTICE is hereby given that Louise Lassiter, who applied to the Registrar of the Seaboard Voting Precinct for registration as a voter on the 22nd day of June, 1957, and who appealed in writing to the County Board of Elections on the same day from the said Registrar's denial of registration, has appealed from the decision and order of the County Board of Elections, which is dated the 28th day of June, 1957, to the Superior Court of [fol. 5] Northampton County as is by law provided. NOTICE is further hereby given that a copy of the Notice of Appeal which was filed with the Registrar on the 22nd day of June, 1957, to her denial of registration to Appellant is attached to the INSTANT NOTICE and all statements therein made are made a part of this Paragraph with the same effect as if herein specifically set out. This 28th day of June, 1957. /s/ Louise Lassiter, Appellant and Applicant for Registration as a Voter. 5 NOTICE OF APPEAL TO COUNTY BOARD OF ELECTIONS FROM DENIAL OF REGISTRATION BY PRECINCT REGISTRAR, HELEN H. TAYLOR NORTH CAROLINA NORTHAMPTON COUNTY In the Matter of the Application for Registration as a Voter of Louise Lassiter, Notice is hereby given that Louise Lassiter, who applied to the Registrar of Seaboard Precinct for registration as a voter on the 22 day of June, 1957, and who was denied registration by said Registrar, one Helen H. Taylor, has appealed from the decision of said Registrar to the County Board of Elections. Notice is further hereby given that the full name of the applicant for registration is Louise Lassiter; that the applicant's age is 41 years; and that the applicant's address is Seaboard, Northampton County, North Carolina, and correctly listed below. Finally, Notice is hereby given that the reason for this appeal from the Seaboard Registrar's decision denying registration to the applicant, is that the applicant was denied registration because of the applicant's failure to submit to an educational test, which is presumably provided in North Carolina General Statutes 163-28, amended, and that the applicant in good faith contends



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Lassiter v. Northampton County Bd. of Elections, 360 U.S. 45 (1959). Transcript of Record
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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1958

No. 584

798

LOUISE LASSITER, APPELLANT,
vs.
NORTHAMPTON COUNTY BOARD OF ELECTIONS

APPEAL FROM THE SUPREME COURT OF THE STATE OF NORTH CAROLINA

Lassiter v. Northampton County Bd. of Elections, 360 U.S. 45 (1959). Transcript of Record
Date: 1958

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the **Constitution** of the State of North Carolina and requested and required of the said Louise Lassiter that she read certain designated sections thereof.

9. That the said Louise Lassiter declined and refused to read the proffered sections of the said **Constitution**, or any other section thereof, as a prerequisite to her being registered as a voter, for that the said Louise Lassiter contended and asserted and still contends and asserts that such requirement of reading said **Constitution** was and is unlawful, the same being in violation of the Constitution and laws of the State of North Carolina, and the **Constitution** and laws of the United States.

10. That the said registrar, to wit, Mrs. Helen H. Taylor, upon the declining and refusing of the said Louise Lassiter to read the proffered sections of the Constitution of North Carolina, then and there refused to register and did not register the said Louise Lassiter, upon the ground that she, the said Louise Lassiter, failed to meet one of the prerequisites for registration, namely, reading any section of the **Constitution** of North Carolina in the English language.

[fol. 9] 11. That on the same day of refusal of registration to her, upon the ground hereinbefore set forth, to wit, on the 22nd day of June, 1957, the said Louise Lassiter gave written notice to the said registrar of appeal from said denial of registration by said registrar to the Board of Elections of Northampton County.

12. That on the 28th day of June, 1957, the appeal of the said Louise Lassiter from the denial of registration by the aforesaid registrar was heard by and before the Board of Elections of Northampton County, sitting and convened as a body and administrative board in the Courthouse building of Northampton County, in Jackson, North Carolina.



Supreme Court Docket

- Docket sheet: a table of contents for the materials filed in a court case
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TERM NO.	FILING DATE	FILE NO.	
583	October Term 1958	August 19, 1958	61380
<i>Title</i>	Henry Napue, Petitioner, v. People of the State of Illinois.		
<i>Court</i>	Supreme Court of Illinois		
<i>DATE</i>	<i>PROCEEDINGS AND ORDERS</i>		
Aug. 19, 1958 (Sep. 24, 1958 Dec. 15, 1958	Counsel for petitioner: George N. Leighton Counsel for respondent: Petition for writ of certiorari, record and affidavit in forma pauperis filed. Petition distributed. Motion for leave to proceed in forma pauperis granted. Petition granted and case placed on summary calendar. Frankfurter, J., took no part. Designation as to printing record filed. Brief for petitioner filed by Leighton. Brief for respondent filed by Castle. Argued. Adjudged to be reversed and remanded. Judgment and mandate issued.		
TERM NO.	FILING DATE	FILE NO.	
584	September 2, 1958	61381	
<i>Title</i>	Louise Lassiter, Appellant, v. Northampton County Board of Elections.		
<i>Court</i>	Supreme Court of North Carolina		
<i>DATE</i>	<i>PROCEEDINGS AND ORDERS</i>		
Sep. 2, 1958 Sep. 24, 1958 Oct. 16, 1958 Dec. 15, 1958 Jan. 3, 1959 Mar. 12, 1959 Apr. 2, 1959 Apr. 6, 1959 Apr. 22, 1959 May 18-19, 1959 May 22, 1959 June 8, 1959 July 7, 1959	Counsel for appellant: Herman L. Taylor, Samuel S. Mitchell, James Robert Walker, Jr. Counsel for appellee: Malcolm B. Seawell, Ralph Moody, I. Beverly Lake Statement as to jurisdiction and record and affidavit in forma pauperis filed. Motion for leave to proceed in forma pauperis granted. Probable jurisdiction noted and case placed on summary calendar. Frankfurter, J., took no part. Designation as to printing record filed. Brief of appellant filed by Taylor. Brief of Attorney General of North Carolina as amicus curiae filed. Brief of appellee filed by Lake. Appellant's reply brief filed by Taylor. Argued. Memorandum to come. Memorandum of appellee filed. (MP) Adjudged to be affirmed. Judgment and mandate issued.		



Supreme Court Pleadings

- Contacted my ProQuest rep
 - Digitizing records for ProQuest Supreme Court Insight, retrospective
 - Looking for pleadings for Lassiter v. Northampton County Bd. of Elections, 360 U.S. 45 (1959)
 - PQ – *Motion to Dismiss*

In The
Supreme Court of the United States

OCTOBER TERM, 1958

No. 229, Misc.
LOUISE LASSITER
Appellant,
vs.
NORTHAMPTON COUNTY BOARD
OF ELECTIONS
Appellee.

APPEAL FROM THE SUPREME COURT
OF NORTH CAROLINA

MOTION TO DISMISS

STATEMENT OF THE CASE

For the benefit of the Court we think the history of this litigation should be briefly reviewed. The plaintiff, a colored woman, first brought an action for a declaratory judgment and injunctive relief in the District Court of the United

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Supreme Court Oral Argument

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CASES JUSTICES ARGUMENT 2.0 NEWS

Lassiter v. Northampton County Board of Elections

APPELLANT: Lassiter
APPELLEE: Northampton County Board of Elections

DOCKET NO.: 584
DECIDED BY: Warren Court

CITATION: 360 US 45 (1959)

ARGUED: May 18 - 19, 1959
DECIDED: Jun 8, 1959

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UNANIMOUS DECISION
MAJORITY OPINION BY WILLIAM O. DOUGLAS

Black Douglas Harlan Whittaker
Warren Frankfurter Clark Brennan Stewart

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Lassiter v. Northampton County Board of Elections

Oral Argument - May 18, 1959

Earl Warren
Number 584, Louise Lassiter versus Northampton County Board of Elections.

Mr. Mitchell you may proceed.

Samuel S. Mitchell
May it please the Court.

This is an appeal from the Supreme Court of North Carolina in case of Louise Lassiter versus Northampton County Board of Elections.

The opinion below was an affirmation of the judgment of the Superior Court of Northampton County which had in turn affirmed the decision of the County Board of Election which had in turn affirmed the decision of Registrar of the C-Board precinct in denying to the appellant the right to register as a voter.

Now the facts of this case are found for the most part in the stipulations that counsel entered into in the Superior Court, by which they submitted to the Court the case to the judge without the intervention of the jury for decision upon about 21 findings.

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Transcript-synchronized and searchable audio.

Felix Frankfurter
Would you mind stating if it wouldn't interrupt your planned argument, what it is you are complaining of?

Are you complaining that North Carolina can't pass -- can't have a literacy test or are you complaining or and are you also complaining that it operates the literacy tests against the Negroes and not against whites, is that what you are complaining?

Samuel S. Mitchell
Well our contention is more or less a combination of both and yet not quite in the fashion in which it has been stated.

We are contending this firstly, that the educational test for voters is a heavier burden on the Negroes in North Carolina than upon the white.

Felix Frankfurter
But not that it is actually enforced against Negroes and not against whites you don't do that.

Samuel S. Mitchell
No, but here is what they did.

They devised a scheme by which in 1902, from 1902 to 1908 the idea was that all Negroes would be subjected to literacy tests and no whites.

Close search

Result 1 of 6

negro



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Thank You!



Luis Fuentes-
Rohwer



Jennifer Morgan

Questions?