

*Partnering With Teachers to
Bring Citizenship to Life*



Introduction

This inquiry is designed to help students explore the history and application of the Fifteenth Amendment, a Reconstruction Amendment intended to guarantee suffrage in the United States.

This inquiry is intended to take several class “periods,” with each question composing one lesson worth of content. Modifications can be made to the schedule as needed to accommodate the variety of distance learning schedules that schools are adopting.

Each of the sources needed are hyperlinked within the Inquiry Design Model overview of the lesson, with the exception of Eric Foner’s *Second Founding*, and the excerpts of the 1965 Voting Rights Act. Both of these are included in this document.

Each of the questions can also be tackled as a standalone lesson. Teachers choosing this route should look carefully at any preceding days to ensure that their students will have enough background knowledge or context to approach the questions.

If you have questions about this resource, or need assistance, please contact Kelly Masterson at kmasterson@ocle.org.

For more OCLRE inquiries, visit www.ocle.org/c3resources

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Are we fulfilling the promise of the Fifteenth Amendment?

<p>Standards and Content</p>	<p><u>Ohio Social Studies Standards, High School Government (2018 edition)</u></p> <p>Standard 9: The constitutional amendments known collectively as the Reconstruction Amendments extended new constitutional protections to African Americans, though the struggle to fully achieve equality would continue.</p> <p>Standard 10: Constitutional amendments have provided civil rights such as suffrage for disenfranchised groups.</p> <p>Standard 15: Historically, the United States has struggled with majority rule and the extension of minority rights. As a result of this struggle, the government has increasingly extended civil rights to marginalized groups and broadened opportunities for participation.</p>
<p>Staging the Compelling Question</p>	<p>Read the article "Voting Rights: A History." Then, in small groups on a discussion board, describe what you think it means to be "fully enfranchised." After each group member has posted, respond to at least one post using a "yes and" or "no because" format.</p>

Supporting Question 1	Supporting Question 2	Supporting Question 3	Supporting Question 4
<p>What rights does the Fifteenth Amendment guarantee?</p>	<p>What were the immediate effects of the ratification of the Fifteenth Amendment?</p>	<p>What later attempts were made to deny the right to vote, despite the Fifteenth Amendment?</p>	<p>How did the Voting Rights Act of 1965 address, or fail to address, the attempts to deny the right to vote?</p>
Formative Performance Task	Formative Performance Task	Formative Performance Task	Formative Performance Task
<p>List the rights guaranteed by the Fifteenth Amendment.</p>	<p>Summarize the immediate effects that the Fifteenth Amendment had on society and the law, according to the sources.</p>	<p>For each of the sources below, list the attempts at denying the right to vote described or represented by the source. Then, rank them from least difficult to most difficult to overcome.</p>	<p>Using your list from Question 3, place beside each denial the specific part of the Voting Rights Act that addressed that denial. Write it in its own category if not found in your previous list.</p>

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Featured Sources	Featured Sources	Featured Sources	Featured Sources
<p>Source A: Text of the Fifteenth Amendment to the United States Constitution</p> <p>Source B: “Sound Smart: The Fifteenth Amendment” video</p>	<p>Source A: “Reconstruction: The 15th Amendment and African American Men in Congress” video</p> <p>Source B: “All Men: Free and Equal” Newspaper Article (1870)</p> <p>Source C: “The Fifteenth Amendment” Lithograph (1870)</p> <p>Source D: “Free the Ballot” Memphis World Article (1960) (first 3 paragraphs only)</p>	<p>Source A: Ibram X. Kendi, Stamped from the Beginning excerpt (2016)</p> <p>Source B: “A History of the Voting Rights Act” Timeline</p> <p>Source C: Eric Foner, The Second Founding excerpt (2019)</p> <p>Source D: Poll Tax Receipt (1935)</p>	<p>Source A: Text of the Voting Rights Act of 1965</p> <p>Source B: Shelby County v. Holder Overview and Opinion Announcements</p> <p>Source C: “Black Voters Sue Over Mississippi’s Jim Crow-Era Election Law” NPR Article (2019)</p>

<p>Summative Performance Task</p>	<p>ARGUMENT: Are we fulfilling the promise of the Fifteenth Amendment? Construct an argument (e.g., digital poster, essay, e-book) that addresses this question using specific claims and relevant evidence from sources while acknowledging competing views.</p> <p>EXTENSION: 2020 marks the 150-year anniversary of the ratification of the Fifteenth Amendment. In small groups, hold a class discussion on an online discussion board on what should be done to celebrate it, including who or what should be remembered.</p>
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Primary Source Analysis Tool

Adapted from the Library of Congress

<http://www.loc.gov/teachers/primary-source-analysis-tool/>

Observe	Reflect	Question
<p>What do you notice first?</p> <p>What people and/or objects are shown?</p> <p>What is the physical setting?</p> <p>What words do you see?</p> <p>What other details catch your attention?</p>	<p>Why do you think the images are arranged in the way that they are?</p> <p>What do you think the creator of this image hoped for African Americans as a result of the Fifteenth Amendment?</p> <p>What ideas or emotions are expressed in this image?</p> <p>Is there anything missing in this image?</p> <p>Why do you think this image was made?</p>	<p>What do you wonder about who is in this image?</p> <p>What do you wonder about what is in this image?</p> <p>What do you wonder about the relationship between this image and the Fifteenth Amendment?</p>

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From Eric Foner, *The Second Founding: How the Civil War and Reconstruction Remade the Constitution* (2019)

At first, the Supreme Court adopted a more robust view of the Fifteenth Amendment, which it viewed as creating a new constitutionally guaranteed right—black male suffrage—and left the door open to federal enforcement. But by the turn of the century this too fell by the wayside. So long as disenfranchisement laws did not explicitly mention race, the justices refused to intervene even as the vast majority of the South’s African-American men lost the right to vote. (215)

The Supreme Court refused to invalidate state disenfranchisement measures. ... [A particularly devastating case] was the 1903 decision in *Giles v. Harris*, another case argued before the Court by a black lawyer, Wilford H. Smith, a graduate of Boston University School of Law. Jackson V. Giles, president of the Alabama Negro Suffrage Association, had cast ballots from 1871 to 1901. He sued to overturn Alabama’s new voting requirements, which allowed registrars to exclude those who lacked “good character” or did not understand “the duties and obligations of citizenship.” His complaint argued that the state’s entire registration system was racially biased. Oliver Wendell Holmes, recently appointed by Theodore Roosevelt, wrote the opinion for a six–three majority. In effect, Holmes threw up his hands and described the Supreme Court as impotent. If “the great mass of the white population intends to keep the blacks from voting,” he wrote, there was nothing the justices could do unless they were prepared to have the federal courts supervise voting throughout Alabama. “Relief from a great political wrong” could only come from the “people of a state” through their elected officials, or from Congress. (Of course, the definition of the “people” of Alabama was precisely the point at issue.) (266-267)

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Transcript of Voting Rights Act (1965)

AN ACT 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."

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. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: Provided, That no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.

[...]

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 percentum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 percentum of such persons voted in the presidential election of November 1964.

[...]

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular

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subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use 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.

(e)

(1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that, in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: Provided, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in

accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

[...]

SEC. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

[...]

SEC. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

[...]

JSEC. 17. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

SEC. 18. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Approved August 6, 1965.

Transcription courtesy of [the Avalon Project](#) at Yale Law School.