

# *Fifteenth Amendment*

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## *(1870)*

### WHAT IT SAYS

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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.

### THE VOTING RIGHTS ACT OF 1965

By 1965, a century after the Civil War, African Americans in the South still faced barriers to the right to vote, despite the Fifteenth Amendment's guarantee. They were registered to vote in far smaller numbers than whites. When they attempted to register, discrimination and intimidation prevented them. The National Association for the Advancement of Colored People (NAACP) and the federal government pursued a strategy of suing for voting rights in individual cases, but these cases did not have as far-reaching an effect as they had hoped. Only national legislation could achieve equality in voting rights.

President Lyndon B. Johnson was inspired to push for voting rights legislation when, in March 1965, a group of courageous African Americans marched from Selma, Alabama, to the state capital of Montgomery on behalf of voting rights. The marchers had gone only a few blocks when state troopers attacked them with clubs and tear gas. The Reverend Martin Luther King Jr. arrived to lead a much larger demonstration of African Americans and whites from across the nation determined to continue the march. A court issued an injunction that protected the right of the marchers to petition the government about their grievances. With this injunction, the marchers were allowed to cross the Pettus Bridge in Selma, in full view of television cameras from the national networks. As the marchers made their way to Montgomery their numbers swelled and the nation's attention was drawn to the struggle for voting rights in the South. Coupled with the violent murder of three civil rights workers during the previous Freedom Summer, when African American and white students from the South and North worked to register southern African American voters, the Selma March demonstrated to the nation the unfair and unconstitutional treatment of African Americans in the South.

President Johnson told the nation that "every American citizen must have an equal right to vote. Yet the harsh fact is that in many places in this country, men and women are kept from voting simply because they are Negroes." He called on Congress to enact legislation that would strengthen the Fifteenth Amendment by allowing the federal government to supervise voting requirements and ensure that registered voters were actually allowed to cast their ballots. The Voting Rights Act ultimately won overwhelming approval in Congress, passing the House of Representatives by a vote of 333 to 48, and the Senate by a vote of 77 to 19. Southern states asserted that the Voting Rights Act went beyond the authority of the federal government and brought lawsuits challenging its constitutionality. The Supreme Court, in *South Carolina v. Katzenbach* (1965), rejected those challenges and upheld the Act. As a result, African Americans are registered to vote at rates much higher than they were before the law was passed, and the promise of the Fifteenth Amendment is closer to being fulfilled.

## WHAT IT MEANS

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The Fifteenth Amendment prohibits the use of race in determining who can vote. The last of the three Reconstruction Era amendments, ratified shortly after the Civil War, the Fifteenth Amendment sought to advance the civil rights and liberties of the freed slaves and other African Americans. Section 2 of the amendment gave Congress the power to enforce it, by establishing federal legislation that ensures racial equality in voting.

The ratification of the Fifteenth Amendment in 1870 initially resulted in African Americans voting and holding office in many southern states. Later in the nineteenth century, these states imposed poll taxes, literacy tests, and other tactics to keep African Americans from voting. The ratification of the Twenty-fourth Amendment in 1964, and the passage of the Voting Rights Act of 1965, along with a number of Supreme Court decisions, have once again guaranteed voting rights as the Fifteenth Amendment envisioned.

# Fifteenth Amendment

## Congress passes the Enforcement Act of 1870

→ 1870

Following ratification of the Fifteenth Amendment, Congress passes the Enforcement Act, which creates criminal penalties for those who interfere with voting rights. The next year, Congress passes the Force Act of 1871, which provides for federal oversight of elections if individual states are deemed unwilling to hold fair and open elections on their own.

## End of Reconstruction

→ 1877

Voting by freed African Americans dramatically changes the political climate in the southern states, enabling black candidates to win seats in Congress and the state legislatures. As part of an agreement that settles the disputed election of 1876, President Rutherford B. Hayes orders the removal of troops from the states still under Reconstruction. He hopes this move will bring the North and South together. However, the withdrawal of the troops and the end of federal oversight of elections means that many southern blacks lose the voting rights they had exercised since Emancipation.

## The Supreme Court upholds literacy tests

→ 1898

Southern states also impose literacy tests for voting, on the grounds that voters need to be educated to make good decisions. Because former slaves often have little education, and because white officials administer the tests, literacy tests exclude many African Americans from voting. In *Williams v. Mississippi*, the Supreme Court holds that Mississippi's constitutional amendment requiring literacy tests does not violate the U.S. Constitution, as long as it is applied equally to all applicants.

## Literacy tests are ruled unconstitutional

→ 1949

Although literacy tests for voting apply to both blacks and whites, they exclude more African Americans from registration because of poor education and discriminatory administration that require African American applicants to pass more difficult tests. The U.S. Supreme Court in *Davis v. Schnell* hold Alabama's literacy test unconstitutional as it is clearly intended to deny the vote to African Americans and thus violates the Fifteenth Amendment.

## Civil Rights Act creates a commission to investigate discrimination

→ 1957

In response to low voter registration among African Americans, President Dwight D. Eisenhower proposes the Civil Rights Act of 1957—the first since Reconstruction. The law creates the Civil Rights Commission to investigate acts of interference with citizens' right to vote and to monitor other civil rights abuses. Civil rights leaders complain that the law is weakened because it provides for violators to be tried locally, meaning that those attempting to disenfranchise blacks would gain a sympathetic jury.

## Civil Rights Act addresses racial inequities

→ 1964

Responding to civil rights protests in the South, Congress passes the Civil Rights Act of 1964 after a lengthy filibuster by southern senators. The law prohibits discrimination in public accommodations, employment, education, and governmental services. The act also strengthens the Fifteenth Amendment by prohibiting discrimination in voting and makes voting requirements more uniform.

# TIMELINE

## “Grandfather clauses” are unconstitutional

1915

Some southern states have “grandfather clauses” that allow only those men to register and vote whose grandfathers had been eligible to vote in 1867, before the federal government began pressing for voting rights for blacks. This practice effectively negates the Fifteenth Amendment. In *Guinn v. United States*, the U.S. Supreme Court strikes down Oklahoma’s “grandfather clause” as a violation of the Fifteenth Amendment. The term “grandfather clause” has since grown to mean any provision of law that exempts certain persons or preexisting conditions from the effect of a new regulation or requirement.

## Poll taxes are permitted

1937

After Reconstruction, many southern states impose a poll tax on anyone who wants to vote. This tactic denies the vote to many poor African Americans and whites who cannot afford the tax. In *Breedlove v. Suttles*, the U.S. Supreme Court rules that Georgia’s use of a poll tax violates neither the Fourteenth nor Fifteenth Amendments as they are applied to all races.

## White-only primary is ruled unconstitutional

1944

The Democratic Party in several southern states limits participation to whites only in primary elections. The Supreme Court in *Grovey v. Townsend* (1935) upholds such restrictions, reasoning that political parties are organizations composed of voluntary members acting in a private capacity. The Court reverses itself in *Smith v. Allwright* (1944), concluding that even though administered by a private party, primary elections are an integral part of the election process and therefore subject to the constraints of the Fifteenth Amendment.

## Poll tax amendment is ratified

1964

The Twenty-fourth Amendment makes it illegal for states to charge a poll tax in order to vote in federal elections. The tax falls hardest on poor voters, black and white, but has been upheld by the courts because it does not discriminate by race. In *Harper v. Virginia Board of Elections* (1966), the U.S. Supreme Court extends the poll tax ban to state elections. The Court holds that discrimination based on economic status is in violation of the equal protection clause of the Fourteenth Amendment as well as the newly adopted Twenty-fourth Amendment.

## Congress passes the voting Rights Act of 1965

1965

Finding that existing federal antidiscrimination laws are not sufficient to overcome the resistance by state officials to enforce the Fifteenth Amendment, Congress adopts a comprehensive voting rights law that outlaws any racially discriminatory act that prevents African Americans from voting. The legislation gives the Justice Department power to oversee voting qualifications, suspend literacy tests, and ensure more uniform application of regulations. The Voting Rights Act is further extended in 1970, 1975, and 1982.

## Class action suit challenges a Florida law disenfranchising convicted felons

2005

The Brennan Center for Justice and New York University’s School of Law files a class action suit on behalf of 600,000 disenfranchised Florida citizens against an 1868 Florida law that permanently took away convicted felons’ right to vote—only one in seven states do so. They believe that the law is discriminatory in intent because it disproportionately affects African Americans, and, therefore, it violates the Fourteenth Amendment’s equal protection clause and the Fifteenth Amendment’s prohibition of discriminating against voters by race. In the case of *Johnson v. Bush* (2005), the U.S. Court of Appeals upholds the law on the grounds that it applies to all felons regardless of race.