



GROW A VOTER CURRICULUM



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#ALLINFORVOTING

AMAZON
STUDIOS

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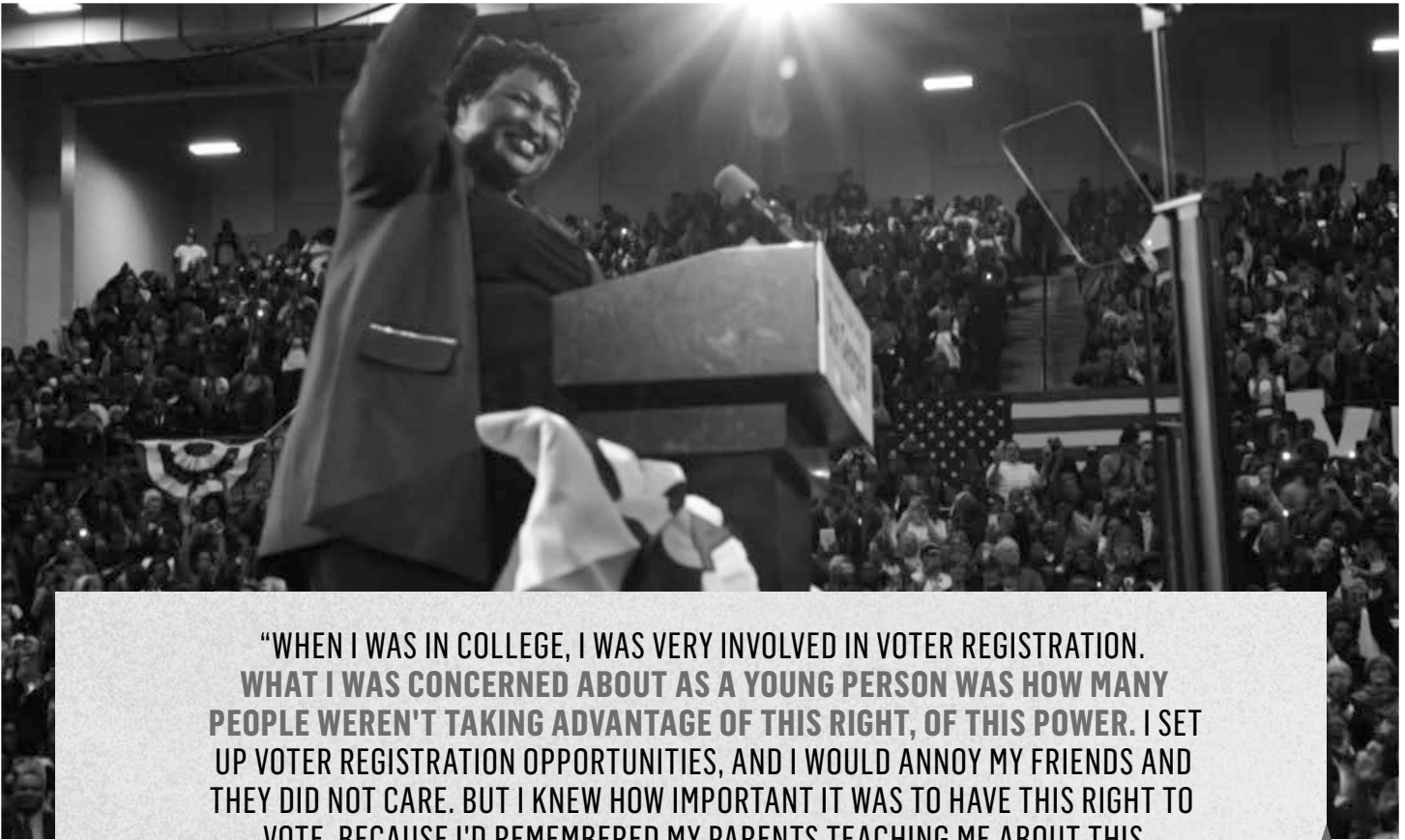
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"WHEN I WAS IN COLLEGE, I WAS VERY INVOLVED IN VOTER REGISTRATION. WHAT I WAS CONCERNED ABOUT AS A YOUNG PERSON WAS HOW MANY PEOPLE WEREN'T TAKING ADVANTAGE OF THIS RIGHT, OF THIS POWER. I SET UP VOTER REGISTRATION OPPORTUNITIES, AND I WOULD ANNOY MY FRIENDS AND THEY DID NOT CARE. BUT I KNEW HOW IMPORTANT IT WAS TO HAVE THIS RIGHT TO VOTE, BECAUSE I'D REMEMBERED MY PARENTS TEACHING ME ABOUT THIS AND SEEING WHAT IT MEANT."

- STACEY ABRAMS, *ALL IN: THE FIGHT FOR DEMOCRACY*



The right to vote is the lever through which Americans choose their representatives and exercise their rights as citizens. It is the cornerstone of our democracy. Though the "right to vote" is at the core of our democracy, the ability to vote is not. As congressman and civil rights leader John Lewis said, "Voting is almost a sacred act." Yet dating back to the founding of our country, access to the right to vote has also been about holding onto power. Every time our nation takes a step towards a more just and equal society—granting the franchise, women's suffrage, desegregation—new forces arise requiring us to fight anew.

The Grow A Voter curriculum developed for ***ALL IN: The Fight for Democracy*** deepens historical understanding, inspires civic engagement, and strengthens media literacy skills. Each standards aligned unit includes free curated film clips from the documentary, accessible [here](#), along with suggested additional segments (referenced with time codes) available with an Amazon Prime membership. All film clips include transcripts for students to follow along. Used together, these resources provide an opportunity to "grow voters", lift civic pride and engagement, and increase democratic participation well before the age of 18.

OVERVIEW OF GROW A VOTER UNITS

US HISTORY UNIT: RACE AND VOTING RIGHTS IN THE UNITED STATES

Lesson One: We the People: The Constitution, The State, and the Right to Vote

Lesson Two: The Expansion and Retreat of Voting Rights

Lesson Three: Framing Voting Rights Today: The 1965 Voting Rights Act to *Shelby County v. Holder* (2013)

UNIT OBJECTIVES:

- ★ Analyze why the framers of the The United States Constitution did not originally enshrine the right to vote for all citizens and discuss the ongoing consequences of that decision
- ★ Trace the ebb and flow of voting progress and voter suppression from Reconstruction through Racial Terrorism and Jim Crow laws
- ★ Examine why the 1965 Voting Rights Act was a watershed movement in securing access to the right to vote and why the *Shelby County v. Holder* (2013) Supreme Court decision continues to be consequential in reversing this progress

CIVICS/GOVERNMENT UNIT: FAIR AND FREE ELECTIONS - ENDING VOTER SUPPRESSION

Lesson One: Modern Tactics of Voter Suppression

Lesson Two: Reforms to Address Voter Suppression

Lesson Three: Every Vote Matters

UNIT OBJECTIVES:


- ★ Understand current tactics of voter suppression and how they change election outcomes
- ★ Analyze current legal changes and protections from voter suppression tactics
- ★ Develop strategies to empower voters and increase voter turnout

MEDIA LITERACY LESSONS AND EXERCISES: ALL IN FOR CIVIC AND MEDIA LITERACY

Through a critical media and civic literacy lens, students will analyze the point of view, bias, and means of persuasion employed in *ALL IN: The Fight for Democracy*.

LESSON OBJECTIVES:

- ★ Watch the full documentary, *ALL IN: The Fight for Democracy*
- ★ Analyze the documentary using critical media literacy questions
- ★ Demonstrate skills to 'read' film with a critical media literacy lens

Incorporated throughout the History and Civics lessons will be questions and exercises to strengthen media literacy awareness, skills, and habits of giving evidence-based answers. In parenthesis look for the icon  that denotes a media literacy focus.

A Community Discussion Guide for *ALL IN: The Fight for Democracy* is available at AllInForVoting.com

STANDARDS

Grow A Voter curriculum is aligned with Common Core Standards, and can be easily aligned with C3 Standards for Social Studies: Dimension 2-Applying Disciplinary Concepts for Civics.

Key Ideas and Details

CCSS.ELA-LITERACY.CCRA.R.1 Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.

CCSS.ELA-LITERACY.CCRA.R.2 Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.

Craft and Structure

CCSS.ELA-LITERACY.CCRA.R.6 Assess how point of view or purpose shapes the content and style of a text.

Integration of Knowledge and Ideas

CCSS.ELA-LITERACY.CCRA.R.7 Integrate and evaluate content presented in diverse media and formats, including visually and quantitatively, as well as in words.

CCSS.ELA-LITERACY.CCRA.R.8 Delineate and evaluate the argument and specific claims in a text, including the validity of the reasoning as well as the relevance and sufficiency of the evidence.

CCSS.ELA-LITERACY.CCRA.R.9 Analyze how two or more texts address similar themes or topics in order to build knowledge or to compare the approaches the authors take.

Research to Build and Present Knowledge

CCSS.ELA-LITERACY.CCRA.W.7 Conduct short as well as more sustained research projects based on focused questions, demonstrating understanding of the subject under investigation.

CCSS.ELA-LITERACY.CCRA.W.9 Draw evidence from literary or informational texts to support analysis, reflection, and research.

Comprehension and Collaboration

CCSS.ELA-LITERACY.CCRA.SL.1 Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.

CCSS.ELA-LITERACY.CCRA.SL.2 Integrate and evaluate information presented in diverse media and formats, including visually, quantitatively, and orally.

Presentation of Knowledge and Ideas

CCSS.ELA-LITERACY.CCRA.SL.4 Present information, findings, and supporting evidence such that listeners can follow the line of reasoning and the organization, development, and style are appropriate to task, purpose, and audience.

CCSS.ELA-LITERACY.CCRA.SL.5 Make strategic use of digital media and visual displays of data to express information and enhance understanding of presentations.



US HISTORY UNIT: RACE AND VOTING RIGHTS IN THE UNITED STATES

"YOU CANNOT UNDERSTAND WHERE WE ARE RIGHT NOW UNLESS YOU UNDERSTAND THE HISTORY OF VOTING RIGHTS AND THE STRUGGLE FOR VOTING RIGHTS. PAST IS PROLOGUE. THOSE FORCES THAT ARE SYSTEMICALLY DETERMINED TO KEEP AMERICANS FROM VOTING, THEY HAVE BEEN LAYING THE SEEDS OVER TIME."

- CAROL ANDERSON, HISTORIAN, *ALL IN: THE FIGHT FOR DEMOCRACY*

EDUCATOR OVERVIEW

James Madison wrote, "The right of suffrage is a fundamental Article in Republican Constitutions. The regulation of it is, at the same time, a task of peculiar delicacy. Allow the right [to vote] exclusively to property [owners], and the rights of persons may be oppressed... Extend it equally to all, and the rights of property [owners]...may be overruled by a majority without property."¹

From the inception of this country, there have been structural inequities limiting who had the right and access to the vote. At the time of the Constitutional Convention in 1787, the Founding Fathers wrestled over how to address suffrage within the U.S. Constitution. At the time, voting was restricted to roughly six percent of wealthy white landowners in the original colonies who did not believe in sharing power with others, even those who fought with them in the American Revolution. They feared their own interests would be overruled and power diminished if the franchise was extended beyond their grip.

Ultimately, the framers of the Constitution left the decision to the states effectively separating voting rights from citizenship. As a result, voter requirements varied wildly.

- ★ In 1800 five of 16 states had instituted white-only voting.
- ★ From 1802 onward, every new free or slave state to join the Union, except for Maine, banned Black people from voting.
- ★ In 1807, New Jersey, which originally gave voting rights to "all inhabitants," passed a law to disenfranchise women and Black men.
- ★ Maryland banned Jewish people from its polls until 1828.
- ★ Native Americans were not admitted as full citizens in the U.S. until 1924.²
- ★ The only states in which Black men never lost the right to vote were Maine, New Hampshire, Vermont and Massachusetts.³

As the population grew and people moved to newly formed states in the west, pressure to expand the franchise soon followed. Under President Andrew Jackson (1829-1837) the requirement of owning property to vote was finally lifted. Dubbed "Jacksonian Democracy" with his administration instituting policies viewed as uplifting the "common-man", restrictions to vote were no longer based on wealth but on race and sex. As states rewrote their constitutions, some added new restrictions preventing free Black people and women from voting.

When the Civil War ended in 1865, the federal government waded back into the issue of voting rights. On February 3, 1870 the 15th Amendment was ratified stating:

★ **SEC 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.⁴

Legally, Black men had the right to vote, and some Black women gained the right with the ratification of the 19th Amendment in 1920, yet states still found ways to circumvent the Constitution. For example, between 1890 and 1910 ten states passed laws making it impossible for Black men to vote using the "grandfather clause" to keep descendants of slaves out of elections. This law, and others, worked to effectively disenfranchise Black citizens, immigrants, the poor, elderly, Native Americans, felons, and the young with poll taxes, literacy tests, and election day racial terrorism. The promise of the 15th Amendment would not be fully realized, or protected, for decades.

The U.S. History unit developed for ***ALL IN: The Fight for Democracy*** grounds students in key milestones in the fight to secure voting rights for all citizens. Using [film clips](#) from the documentary, and source material to deepen background knowledge on the history of voting rights, students will engage in informed, accurate, and empathic discussions while gaining the tools to participate and be represented in our democracy.



LESSON ONE

WE THE PEOPLE: THE CONSTITUTION, THE STATE, AND THE RIGHT TO VOTE

"THE CONSTITUTION BEGINS WITH THE WORDS, 'WE, THE PEOPLE.' AND YET, WHO WERE THE PEOPLE? IT DOESN'T INCLUDE SLAVES. IT DOESN'T INCLUDE WOMEN. DOESN'T INCLUDE NATIVE AMERICANS. DOESN'T INCLUDE YOUNG PEOPLE. SO, THE NOTION OF 'THE PEOPLE' IS VERY RESTRICTED."

-ERIC FONER, HISTORIAN, *ALL IN: THE FIGHT FOR DEMOCRACY*




ESSENTIAL QUESTIONS

- ★ How and why is the right to vote a matter of state law and not enshrined in the Constitution?
- ★ Who benefits from this structure, and who is excluded?
- ★ What are the enduring consequences of this decision?

OVERVIEW

The right to vote is a foundational right in a democracy. Yet in the United States, accessing this right varies considerably across each state with race, geography, age, and economic class often determining whose voice and vote is counted. In this lesson students will learn why the framers of the Constitution empowered the state, and not the federal government, to administer elections, and how this decision made more than two hundred years ago continues to be consequential.

Look for the  designating a media literacy focused exercise.



Learning Objectives

Students will:

- ★ Learn how the right to vote was originally conceived of in the United States
- ★ Analyze a documentary film clip using critical media literacy questions
- ★ Compare and contrast print and media source materials exploring why the framers of the Constitution did not guarantee the right to vote for all citizens



Materials

- ★ Film Clips
- ★ Handouts One - Four
- ★ Access to the internet to reference these sites from the Library of Congress:
 - ★ The Constitution: <https://guides.loc.gov/constitution>
 - ★ The Federalist Papers: <https://guides.loc.gov/federalist-papers>



Recommended for

Middle School, High School students



Length

Two 55-minutes class periods

LESSON ACTIVITIES



1. OPENING

Your students may come into your class with a range of historical background and understanding of U.S. History. To begin on a "level playing field" have students read these resources from the Library of Congress as a review of this historical moment and its importance.

- ★ ["To Form A More Perfect Union"](#)⁶
- ★ ["Creating a Constitution"](#)⁷
- ★ [Timeline: 1787-1788](#)⁸

2. INQUIRY QUESTIONS

Introduce the lesson with an informal poll using the yes/no questions below.

- ★ Was the right to vote guaranteed to all citizens when the U.S Constitution was ratified in 1788?
- ★ Are there current laws that protect a citizen's right to vote?
- ★ Are elections administered the same way across the United States?

After seeing the range of responses, explain to students that over the course of this lessons and others they will deepen their understanding of the struggle and fight to guarantee the right to vote for all citizens in the United States.



3. WATCH FILM CLIP

Distribute the transcript of the film clip from the documentary for students to underline key points as they listen.

- ★ **Film Clip One (free): The Constitution and the State (2:14 minutes)**

In this short clip, students are introduced to the origins of voting rights and voter suppression within the Constitution of the United States

Begins: Stacey Abrams "The United States is the only country that makes it so difficult..."

Ends: Carol Anderson: "It tells you we had a lot of work to do."



4. DISCUSS AND ANALYZE MEDIA

After the film clip is over, use these questions to reinforce critical media literacy skills.

- ★ From this clip, what point of view does the film have?
 - ★ What evidence supports your claim?
- ★ What film techniques can you identify that were used in this clip?
 - ★ For example, how was music used to elicit a particular feeling or emotion?
 - ★ What other unique techniques were used?
- ★ Who was chosen to be interviewed?
 - ★ Why did the directors choose these individuals?
 - ★ Were they credible interviewees? How do you know?
 - ★ Did they offer multiple points of view on the same issue?
- ★ How did this film clip add to your understanding these questions:
 - ★ Was the right to vote guaranteed when the U.S Constitution was ratified in 1788?
 - ★ Do all United States citizens have the right to vote?
 - ★ Are there laws in place that protect a citizen's right to vote?
 - ★ Are elections administered the same way across the United States?
- ★ How was data used in this film clip to convey information? Was it effective?

5. EXAMINE MULTIPLE PERSPECTIVES

After discussing the film clip, transition to reading a range of written perspectives on the history of voting rights.

Today, students will be examining the origins of voting rights by reading about how the framers of the Constitution included voting in this seminal document.

Have students access **Readings One - Four**. For middle school students, choose one or two articles rather than assign all four.

At the bottom of each reading there are two questions for students to complete.

6. CLOSING

Return to the three essential questions of this lesson:

- ★ How and why is the right to vote a matter of state law and not enshrined in the Constitution?
- ★ Who benefits from this structure and who is excluded?
- ★ What are the enduring consequences of this decision?

TRANSCRIPT FILM CLIP ONE

STACEY ABRAMS TO CAMERA:

The United States is the only country that makes it so difficult...or communities to own their power by requiring them to jump through hoops...

to simply participate in basic elections. It's pernicious because it convinces you that maybe it's not worth trying again. And when entire communities become convinced that the process is not for them ...we lose their participation in our nation's future...and that's dangerous to everyone.

CAROL ANDERSON TO CAMERA:

You cannot understand where we are right now...unless you understand the history of voting rights and the struggle for voting rights. Past is prologue.

Those forces that are systematically determined...to keep American citizens from voting... they have been laying the seeds over time.

MICHAEL WALDMAN TO CAMERA:

When we started as a country, it wasn't really anything like what we would consider a democracy. Only white men who owned property had the right to vote. That was a very small segment of the country even then.

ERIC FONER TO CAMERA:

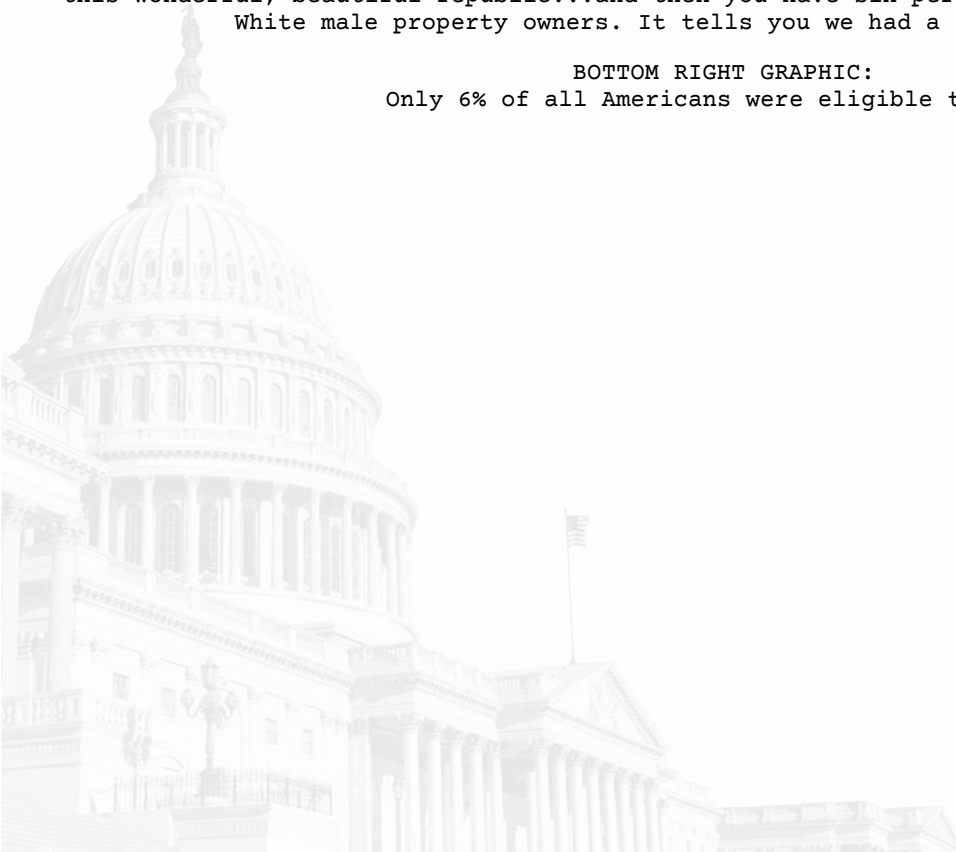
The Constitution begins with the words, "We the people." And yet, who were the people? It doesn't include slaves. It doesn't include women. Doesn't include Native Americans. Doesn't include young people. So, the notion of "the people" is very restricted.

CAROL ANDERSON TO CAMERA:

You won't find sitting anywhere in the articles of the Constitution... where it says, "American citizens have the right to vote." When you have the founders writing in the language of Enlightenment ...dealing with getting rid of monarchy and getting rid of kings...and having this wonderful, beautiful republic...and then you have six percent who are eligible to vote. White male property owners. It tells you we had a lot of work to do.

BOTTOM RIGHT GRAPHIC:

Only 6% of all Americans were eligible to vote.



READING #1: ELECTION REGULATIONS

EXCERPTED FROM BRITANNICA WEBSITE



TERMS TO KNOW

LEGISLATURE:

lawmaking branch of government. Their powers may include passing laws, establishing the government's budget, confirming executive appointments, ratifying treaties, investigating the executive branch, impeaching and removing from office members of the executive and judiciary, and redressing constituents' grievances.⁹

REDISTRICTING:

divide or organize (an area) into new political or school districts

FRAMERS:¹⁰

a person who shapes or creates a concept, plan, or system. The main framers of the U.S. Constitution were John Adams, Benjamin Franklin, Alexander Hamilton, John Jay, Thomas Jefferson, James Madison, and George Washington.

CONSTITUTION ANNOTATED

[The Constitution] ARTICLE I, SECTION 4, CLAUSE 1

"The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators."

Did you know there are various spellings of words like "choose" throughout the handwritten US Constitution? [Learn more here!](#)

By its terms, Article I, Section 4, Clause 1, also contemplates the times, places, and manner of holding elections being prescribed in each State by the Legislature thereof, subject to alteration by Congress (except as to the place of choosing Senators). However, the Court did not have occasion to address what constitutes regulation by a state Legislature for purposes of the Elections Clause until its 2015 decision in *Arizona State Legislature v. Arizona Independent Redistricting Commission*. There, the Court rejected the Arizona legislature's challenge to the validity of the Arizona Independent Redistricting Commission (AIRC) and AIRC's 2012 map of congressional districts. The Commission had been established by a 2000 ballot initiative, which removed redistricting authority from the legislature and vested it in the AIRC. The legislature asserted that this arrangement violated the Elections Clause because the Clause contemplates regulation by a state Legislature and Legislature means the state's representative assembly.

The Court disagreed and held that Arizona's use of an independent commission to establish congressional districts is permissible because the Elections Clause uses the word Legislature to describe the power that makes laws, a term that is broad enough to encompass the power provided by the Arizona constitution for the people to make laws through ballot initiatives. In so finding, the Court noted that the word Legislature has been construed in various ways depending upon the constitutional provision in which it is used, and its meaning depends upon the function that the entity denominated as the Legislature is called upon to exercise in a specific context. Here, in the context of the Elections Clause, the Court found that the function of the Legislature was lawmaking and that this function could be performed by the people of Arizona via an initiative consistent with state law. The Court also pointed to dictionary definitions from the time of the Framers; the Framers' intent in adopting the Elections Clause; the harmony between the initiative process and the Constitution's conception of the people as the font of governmental power; and the practical consequences of invalidating the Arizona initiative.

State authority to regulate the times, places, and manner of holding congressional elections has been described by the Court as embracing authority to provide a complete code for congressional elections ...; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental rights involved. The Court has upheld a variety of state laws designed to ensure that elections—including federal elections—are fair and honest and orderly. But the Court distinguished state laws that go beyond protection of the integrity and regularity of the election process, and instead operate to disadvantage a particular class of candidates. Term limits, viewed as serving the dual purposes of disadvantaging a particular class of candidates and evading the dictates of the Qualifications Clause, crossed this line, as did ballot labels identifying candidates who disregarded voters' instructions on term limits or declined to pledge support for them. [T]he Framers understood the Elections Clause as a grant of authority to issue procedural regulations, and not as a source of power to dictate electoral outcomes, to favor or disfavor a class of candidates, or to evade important constitutional restraints.

SUMMARIZE THE AUTHOR'S POINT OF VIEW

How does this article contribute to your understanding of any of the questions:

- ★ Do states have full authority to choose how they run elections?
- ★ Are elections administered the same way across the United States?
- ★ Do you agree with the Court's decision to allow independent commissions to establish congressional districts? Why or why not?
- ★ What is the difference between having the authority to issue procedural regulations vs. the power to dictate electoral outcomes?

READING #2: IN SEARCH OF THE RIGHT TO VOTE, BY VICTORIA BASSETTI, OCTOBER 2012

HARPER'S MAGAZINE (ONLINE), OCTOBER, 2012

"THE RIGHT OF VOTING FOR REPRESENTATIVES IS THE PRIMARY RIGHT BY WHICH OTHER RIGHTS ARE PROTECTED. TO TAKE AWAY THIS RIGHT IS TO REDUCE A MAN TO SLAVERY, FOR SLAVERY CONSISTS IN BEING SUBJECT TO THE WILL OF ANOTHER, AND HE THAT HAS NOT A VOTE IN THE ELECTION OF REPRESENTATIVES IS IN THIS CASE."

- THOMAS PAINE, *DISSERTATION ON FIRST PRINCIPLES OF GOVERNMENT* (1795)



In 1806, when Thomas Paine walked into his New Rochelle polling station to cast his vote for the congressional election, he was turned away, denied the ballot. The Tory election inspectors asserted that he was not an American and that he had been renounced by George Washington. He told them they were wrong on both counts, but one of the inspectors threatened to have him arrested, and Paine left without voting. He pursued the matter in court and lost. He had no right to vote in the nation that now counts him one of its Founders.

In the two centuries since Paine's disenfranchisement, the Constitution has been amended numerous times to address voting issues. In the 12 years since the 2000 presidential election, billions of dollars have been thrown at the mechanics of voting—the machines we use, the way we register—and there have been legislative initiatives in almost every state targeting voter-identification requirements as well as early- and absentee-voting rules. But one thing has not changed since the day Paine walked into his New York polling station. The Constitution still does not guarantee the right to vote.

The word "vote" appears in the Constitution as originally drafted only in relation to how representatives, senators, and presidential electors perform their duties. Representatives vote but the people's vote is not mentioned. The Constitution gives Congress the right to pass copyright and bankruptcy laws, the right to borrow money, the right to establish post offices, the right to "fix the Standard of Weights and Measures." Congress was required to keep a journal of its proceedings. Members of Congress were guaranteed a salary. Amid this wealth of detail, scarcely a word is spent on how the people are to vote.

Even in the Bill of Rights, which made a slew of individual rights explicit, the Constitution did not mention a right to vote. The right to assemble and to petition government was established. The right to trial by jury (in civil disputes where the value exceeds \$20), to due process of law, to confront witnesses in criminal cases, to keep and bear arms? Yes. Voting rights? No. It's almost as if in the course of constructing a house, the contractor ordered the windows, curtains, and shingles, but completely forgot about the foundation.

Contrary to many common accounts, the Founders were not stiff-necked, antidemocratic elitists hostile to the swarm of unwashed voters. But during that hot summer in Philadelphia in 1787, the adage that politics is the art of the possible held sway. It was not politically practicable to impose uniform suffrage laws across the former colonies. Was the fragile new federal government really going to tell South Carolina that free Black

people could vote? Or was it going to have to do the opposite and tell Massachusetts, which did allow Black people to vote, that it would have to stop? Easier to let state laws and provisions dealing with the vote stand.

After all, almost all elections were local. Only one of the newly created federal offices was originally subject to direct popular vote. Neither senators nor the president were elected by the general population. Only members of the House of Representatives stood before the people for election. Each state was required to have a republican form of government, but no more than that. The Constitution in effect integrated into the new federal system whatever the states said about the right to vote.

Our voting-rights system is a sedimentary formation, its layers laid down and intermingling over centuries with federal and state constitutional provisions, laws, and regulations. Following a civil war, eight constitutional amendments, two monumental protest movements, the youthquake of the 1960s, the transformative lawmaking of Congress in 1965, and the convulsions of the 2000 presidential election, most Americans feel reasonably confident that they have something approaching a right to vote. But on a national level, that right might best be understood in the negative. The Fourteenth, Fifteenth, Nineteenth, Twenty-fourth, and Twenty-sixth Amendments to the Constitution provide a measure of protection. The vote cannot be denied to a citizen on the basis of race, gender, age (once the voter is over eighteen), or the ability to pay a poll tax. Beyond that, whether and how one has a right to vote is largely a matter of state law...

If there was any doubt of that, the U.S. Supreme Court made it clear in December 2000, in relation to presidential elections in *Bush v. Gore*.

"The individual citizen has no federal constitutional right to vote for electors for the President of the United States unless and until the state legislature chooses a statewide election as the means to implement its power to appoint members of the Electoral College."

Lest anyone draw comfort from the fact that presidential electors are currently selected by popular vote, the Court hastened to add that "the State legislature's power to select the manner for appointing electors is plenary," in other words, absolute. . .

The absence of a federal right to vote coupled with the Supreme Court's inclination to value procedure over real-world voter behavior has dramatic consequences for America's elections. Voter-registration requirements are convoluted. Voter rolls are purged chaotically. Ballot design is unregulated and amateurish. Polling hours are haphazard. Voting equipment ranges from high-tech to derelict. Vote-counting and -recounting systems are unsystematic. In 1964, the Supreme Court proclaimed that "no right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live." But under the decisions of this Court, voters can perhaps be forgiven for feeling occasionally more like mice in a maze than like citizens of a democracy.¹²

SUMMARIZE THE AUTHOR'S POINT OF VIEW

How does this article contribute to your understanding of any of the questions:

- ★ Was the right to vote guaranteed when the U.S Constitution was ratified in 1788?
- ★ Do all United States citizens have the right to vote?
- ★ Are there laws in place that protect a citizen's right to vote?
- ★ Are elections administered the same way across the United States?

READING #3: WHY THE RIGHT TO VOTE IS NOT ENSHRINED IN THE CONSTITUTION

HOW VOTER SUPPRESSION BECAME A POLITICAL WEAPON IN AMERICAN POLITICS¹³

VOX ONLINE, BY SEAN ILLING@SEANILLING, SEAN.ILLING@VOX.COM,

UPDATED OCT 23, 2018, 10:24AM EDT



The Founding Fathers made a lot of mistakes when they drafted the United States Constitution. Some of these were the result of extremely difficult compromises, and some of them were just, well, mistakes.

The biggest and most consequential mistake, one could argue, was the decision not to guarantee the right to vote to anyone. Suffrage was treated as a privilege reserved exclusively for property-owning white men, but it was not enshrined as an inalienable right in the Constitution.

Instead, these men placed power in the hands of the states, which is one reason the right to vote in the US has expanded and contracted over time with continuous battles over voter ID laws, literacy tests, poll taxes, and other measures designed to keep specific groups, like women and African Americans, from voting.

It's difficult to overstate the price — moral and political — we've paid for this mistake. But a new book by American University history professor Allan Lichtman does a nice job of explaining it. *The Embattled Vote in America* is a sweeping look at the history of voting rights in the US, focusing on the constant struggle to extend suffrage in this country.

I spoke to Lichtman about how voting restrictions put American democracy at risk, why the right to vote is so important, and what we can do to solve this problem once and for all. A lightly edited transcript of our conversation follows.

Sean Illing: The men who drafted the Constitution made a deliberate choice to not establish voting as a fundamental right. Is that the biggest mistake they made?

Allan Lichtman: I think so. Voting, even to this day, is not guaranteed like other basic rights, such as freedom of speech, or the right to petition, or the right to a jury trial. And this mistake by the framers was compounded by subsequent constitutional amendments, because all of those amendments are defined in negative terms.

Sean Illing: Can you explain what you mean by "negative terms"?

Allan Lichtman: I mean the amendments are phrased in terms of what states can't do. For example, states can't deny the right to vote according to race, or age, or gender. But none of these amendments established any kind of an affirmative right to vote. So our right to vote today is on very fragile grounds, and although we don't have the flagrant acts of voter suppression we had in the past, there are still many subtle and powerful forms of denying people the right to vote, which I'd argue is the right that grounds all other rights.

Sean Illing: The framers understood that voting was the basis of every other political right, so why not enshrine it into the Constitution?

Allan Lichtman: They had a very restrictive 18th-century view of voting. In fact, they believed that voting should be restricted to those who held property or, at a minimum, paid taxes. Only those persons of means — in those days, white men — in their view had the independence and the strength of mind to vote wisely and correctly. So the real debate was not over whether there should be a constitutional right to vote but over whether they should put into the Constitution economic qualifications for voting. They decided not to because they didn't want to infringe on the discretion of the states. Because they knew that to get the Constitution established, three-quarters of the states at minimum had to ratify it, so they defaulted to the states when it came to voting rights.¹⁴

SUMMARIZE THE AUTHOR'S POINT OF VIEW

How does this article contribute to your understanding of any of the questions:

- ★ Was the right to vote guaranteed when the U.S Constitution was ratified in 1788?
- ★ Do all United States citizens have the right to vote?
- ★ Are there laws in place that protect a citizen's right to vote?
- ★ Are elections administered the same way across the United States?

READING #4: EXCERPT FROM THE SENTENCING PROJECT WEBSITE¹⁵

HISTORY AND RATIONALE OF FELONY DISENFRANCHISEMENT LAWS



In one form or another, laws that disenfranchise individuals with felony convictions have existed in the United States since its founding. In fact, twenty-nine states had such laws on the books at the time of the ratification of the Constitution.¹⁶ These laws were borne out of the concept of a punitive criminal justice system—those convicted of a crime had violated social norms, and, therefore, had proven themselves unfit to participate in the political process. Beginning around the end of Reconstruction—about 1870—many southern states significantly broadened felony disenfranchisement and began focusing on crimes believed to be disproportionately committed by African Americans.¹⁷ It was used along with a bevy of other measures as a means to circumvent the requirements of the Fifteenth Amendment,¹⁸ which prohibited states from preventing individuals from voting on the basis of “race, color, or previous condition of servitude.”¹⁹ The justifications for disenfranchising individuals with felony convictions were ostensibly based on fears over the “purity of the ballot box” and concern that allowing certain current or even former inmates to vote would “pervert” the political process.²⁰ These laws were often upheld by reference to an exemption for felony disenfranchisement in Section 2 of the Fourteenth Amendment—“participation in rebellion, or other crime.”²¹ Rather than punitive focusing on the individual—these laws were deemed by the Supreme Court to be regulatory—focusing on the ballot and election itself.²²

SUMMARIZE THE AUTHOR'S POINT OF VIEW

How does this article contribute to your understanding of any of the questions:

- ★ Was the right to vote guaranteed when the U.S. Constitution was ratified in 1788?
- ★ Do all United States citizens have the right to vote?
- ★ Are there laws in place that protect a citizen's right to vote?
- ★ Are elections administered the same way across the United States?

LESSON TWO



THE EXPANSION AND RETREAT OF VOTING RIGHTS

"THEY WERE TRYING TO FIGURE OUT, HOW DO WE HEAL THIS NATION? HOW DO WE STITCH IT BACK TOGETHER? AND YOU'VE GOT FOUR MILLION FREE PEOPLE. **HOW DO WE DO THIS?**"

- CAROL ANDERSON, HISTORIAN, *ALL IN: THE FIGHT FOR DEMOCRACY*




ESSENTIAL QUESTIONS

- ★ After the end of the Civil War, how were civil rights and the franchise expanded?
- ★ What gave rise to the Jim Crow system of racial segregation, violence and subsequent disenfranchisement of Blacks?

OVERVIEW

Historian Eric Foner explains "Our history is not a straight line of greater and greater freedom, greater and greater rights, but a much more complicated and much more interesting story of ups and downs, of rights gained, and then lost, and that have to be fought for another day."²³

Starting with the end of the Civil War and the ratification of the 15th Amendment, students will be introduced to the period of Reconstruction (1865-1877), and learn of the many political and legal gains that soon gave rise to domestic terrorist groups devoted to restoring white supremacy continuing to this day. Through watching film clips from ***ALL IN: The Fight for Democracy*** students will learn this history, listen to the multiple perspectives from scholars, activists, and political leaders, and begin to gain a deeper understanding and appreciation for the long struggle to protect the right to vote for all citizens.

Look for the  designating a media literacy focused exercise.



Learning Objectives

Students will:

- ★ Define the historical period and process of Reconstruction after the Civil War
- ★ Understand how the franchise expanded during Reconstruction
- ★ Explore the violent and legal backlash that occurred as a result of Blacks gaining equality under the law through Jim Crow up to the 1965 Voting Rights Act
- ★ Watch, analyze, and discuss film segments from the documentary using critical media literacy questions to elucidate history



Materials

- ★ Film Clips
- ★ Teacher Notes: Mini-lecture talking points
- ★ For students:
 - ★ Handout: Note Catcher for Film Clips
 - ★ Handout: Access to Rights Gained/Backlash Against Rights Handout



Length

One or two 50 minutes class periods, depending upon time for discussion and small group work

LESSON ACTIVITIES

1. OPENING

Begin the class by reading the first part of this quote from Eric Foner in *ALL IN: The Fight for Democracy*. "After the Civil War, the number one question was: What is going to replace slavery? What system of labor? What system of politics? What system of race relations?"

Have students organize in small groups of 3 or 4. Choose a notetaker and brainstorm, if you were elected leaders in the United States when the Civil War ended, what would you propose? After discussing, select a spokesperson to share a summary of your group conversation.

2. MINI-LECTURE (SEE HANDOUT)



3. ANALYZE MEDIA EXERCISE

Distribute **Note Catcher Handouts** to students and explain that they will be watching three film clips from *ALL IN: The Fight for Democracy*. Each clip will elucidate a period of history. They should be taking notes as they watch to capture key ideas, questions, and details. The **Rights Gained/Backlash Against Rights** handout is for their reference and to help continue to build background knowledge.

4. WATCH FILM CLIPS OR READ TRANSCRIPTS FROM *ALL IN: THE FIGHT FOR DEMOCRACY*

Distribute the transcript of the film clip from the documentary for students to underline key points as they listen. Read over the questions with students before watching.

★ Read Film Transcript One or watch via [Amazon Prime](#), time codes 13:33 - 16:42 (3:13 minutes)

This clip introduces students to the 13th, 14th, and 15th Amendments and the aspirations of the Reconstruction period.

Begin: Eric Foner "After the Civil War..."

End: "That was the power of the vote."

★ Film Clip (free): **Backlash** (6:45 minutes)

This clip frames for students one of the ongoing struggles in U.S. History—how moments of racial progress such as Reconstruction—are often followed by intense periods of entrenchment, such as the rise of Jim Crow laws.

★ Film Clip (free): **Racial Terrorism** (4:28 minutes)

Note: This film clip includes sensitive content including several images of lynching.

In this clip students learn about the rise of the Ku Klux Klan and how election day terrorism became another form of voter suppression.

5. CLOSING

Have students return to their small groups and select one question from each film clip to share out to their small groups. End the class by sharing this prompt:

★ If Eric Foner was in our class today, how would you answer the questions he posed?

After the Civil War, the top questions were:

- ★ What is going to replace slavery?
- ★ What was the system of labor?
- ★ What was the system of politics?
- ★ What was the system of race relations?

TEACHER HANDOUT: MINI-LECTURE NOTES



- ★ It is worth knowing the status of enslaved Black men and women in America at the start of the Civil War in 1860:²⁴
 - ★ In 1860 there were approximately 4 million enslaved people and ½ million free Black people in America.
 - ★ Slavery was the most important economic institution in the United States and was thriving and growing. There were more enslaved people in 1860 than any other time in US history.
 - ★ Slave owners had controlled the federal government from the Constitution up to the Civil War.
- ★ With the institution of slavery so much part of the fabric of America, at the end of the Civil War many questions on the direction of the nation were at the forefront.
- ★ President Lincoln had been assassinated and his Vice President, the Tennessean Andrew Johnson, became President.
- ★ While Johnson was loyal to the Union during the Civil War, he was a strong proponent of state's rights and believed the federal government should not interfere with affairs of individual states.
- ★ Under Johnson's Reconstruction policies Black codes, the restrictive laws passed in Southern states directly after the Civil War, were passed in all Southern states but repealed by 1866.
- ★ After passing the Civil Rights Act of 1866 Republican's took control. This began what is known as the period of Radical Reconstruction. The 14th Amendment was ratified, securing birthright citizenship and severing the right to citizenship from race, and the 15th Amendment was ratified barring states from denying citizens the right to vote based on "race, color, or previous condition of servitude."
- ★ With equality under the law now enshrined in the Constitution Black men, many who had been enslaved, participated fully as citizens and elected officials.²⁵
- ★ Reconstruction was the first time in the South when there was a bi-racial government. This era is considered a remarkable era of democracy with attempts at economic rebuilding, the establishment of a public school system in the south, and states passed civil rights legislation
- ★ With these gains in Black political power, a wave of backlash arose in the south with groups using violence to restore white supremacy.
- ★ One by one, Reconstruction governments were overthrown, Black people faced racial terrorism, and northern states began to retreat from their support of Reconstruction.

HANDOUT: NOTE CATCHER FOR FILM CLIPS

THE EXPANSION AND RETREAT OF VOTING RIGHTS

Clip One: From Reconstruction to Jim Crow

What replaced slavery?

Why was a national policy of voting controversial?

What was Reconstruction?

What was new information?

What film techniques were used to convey this historical information? Were they effective? Why?

Clip Two: Backlash

What were the historical milestones mentioned in this film clip?

What backlash occurred as a result of the gains made by Black citizens during Reconstruction?

What was new information?

How might different audiences understand the information conveyed in this film clip?

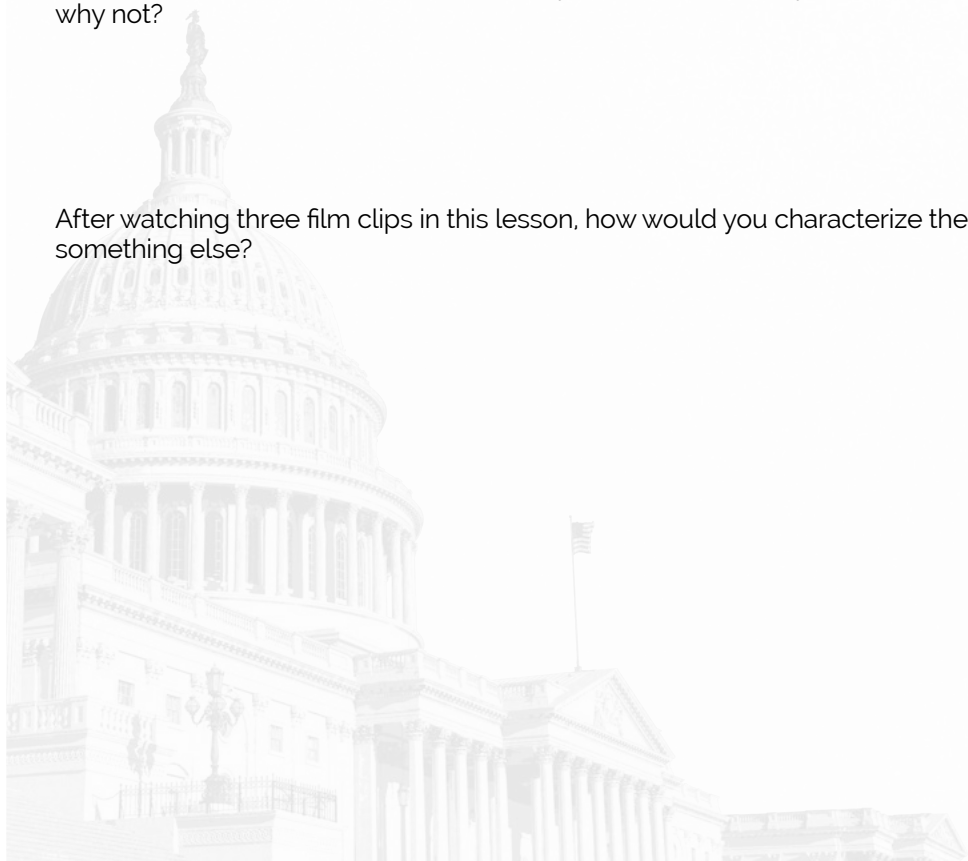
Clip Three: Racial Terrorism

What was the relationship between racial terrorism and voting?

What was new information?

What film techniques were used to convey the emotional story of Maceo Snipes? Were they effective? Why or why not?

After watching three film clips in this lesson, how would you characterize these segments? Fact, opinion, or something else?



RIGHTS GAINED

BACKLASH AGAINST RIGHTS

This outline is not a comprehensive survey of civil and voting rights in American History, but rather identifies the moments of historical progress and subsequent backlash discussed in **ALL IN: The Fight for Democracy**.

15TH AMENDMENT (RATIFIED 1870)

Prohibits the federal government and the states from denying a citizen the right to vote based on that citizen's "race, color, or previous condition of servitude."

CIVIL RIGHTS ACT OF 1866

Congress grants citizenship, but not the right to vote, to anyone born in the United States with the exception of Native Americans.

RECONSTRUCTION (1865-1877)

A historical period and process in which the nation's laws and Constitution were rewritten to reunite the nation, attempt to heal the wounds of the Civil War, and to bring justice to the nation and to all its citizens.



19TH AMENDMENT (RATIFIED 1921)

Guarantees the right for all women to vote. Passed by Congress on June 4, 1919 and ratified on August 18, 1920.

SMITH V. ALLWRIGHT (1944)

Supreme Court decision found the Texas Democratic Party's policy of prohibiting Black people from voting in primary elections violated the Fourteenth and Fifteenth Amendments.

1850

BLACK CODES

Laws enacted after the Civil War in former Confederate states to replace the social controls of slavery.

JIM CROW LAWS (1880-1950)

Codified system of racial apartheid enacted after Reconstruction effecting every aspect of daily life including access to the vote.

MISSISSIPPI PLAN (1890)

In reaction to electoral gains made by African Americans during Reconstruction, Mississippi adopted a two-tiered path to win statewide office including adding a \$2.00 per year poll tax.

RACIAL TERRORISM

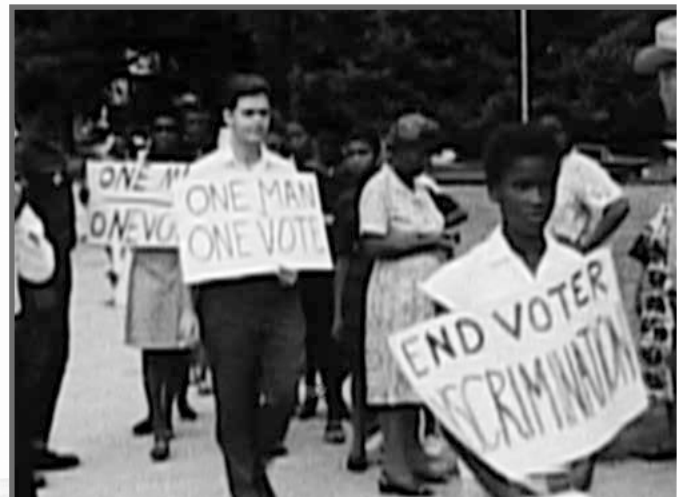
Tactics of intimidation, violence, and terror lynchings intended to traumatize, invoke fear, and erode the personal freedom of African Americans including on election day.

Between 1877 and 1950 over 4,000 men, women, and children were lynched in America.

1900

GRANDFATHER CLAUSES (1895-1910)

Enacted in seven Southern states, this statutory device denied suffrage to formerly enslaved persons and their descendants.



RIGHTS GAINED

DESEGREGATION OF THE US ARMED FORCES (1948)

President Truman signed Executive Order 9981 stating "there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin."

THE CIVIL RIGHTS ACT (SIGNED 1964)

Ensures that all men and women age 21 and older, regardless of race, religion or education, have the right to vote. Legally ends segregation institutionalized by Jim Crow laws. Poll taxes outlawed.

VOTING RIGHTS ACT (VRA) (SIGNED 1965)

Signed by President Lyndon Johnson, the VRA outlawed discriminatory tactics preventing African Americans from voting, deployed federal examiners to register eligible voters in jurisdictions with a history of discriminatory tactics, placed a federal ban on literacy tests, and insured that changes in voting practices or procedures ("preclearance") could not occur in these identified areas without prior approval.

23RD (1961), 24TH (1964), 26TH (1971) AMENDMENTS

Gave representation to the District of Columbia (23rd), forbid poll taxes (24th), and extended the right to vote to US citizens who are eighteen years of age or older (26th).

REAUTHORIZATION OF THE VRA

Because significant barriers to vote remain for certain sectors of the electorate, the VRA has been renewed four times by bipartisan majorities in the US House, and extended into law by four Republican presidents.

- ★ 1970 President Richard Nixon (R)
- ★ 1975 President Gerald Ford (R)
- ★ 1982 President Ronald Reagan (R)
- ★ 2006 President George W. Bush (R)

BACKLASH AGAINST RIGHTS

SELMA TO MONTGOMERY MARCH (1965)

Over 500 individuals marching for civil rights were attacked by law enforcement as they attempted to march from Selma to Montgomery, Alabama to demand the need for laws to protect African American voting rights.



1950

2000

SHELBY COUNTY V. HOLDER (DECIDED 2013)

The Supreme Court ruled in favor of Shelby County, Alabama lifting the requirement of preclearance secured in the 1965 Voting Rights Act.



TRANSCRIPT FILM CLIP ONE

ERIC FONER:

After the Civil War, the number one question was: What is gonna replace slavery? What system of labor? What system of politics? What system of race relations? Reconstruction is the nation's effort to come to terms with the abolition of slavery.

CAROL ANDERSON.:

They were trying to figure out, how do we heal this nation? How do we stitch it back together? And then you've got four million free people. How do we do this?

ERIC FONER.:

The three amendments-- the 13th, 14th and 15th-- were not just small-scale changes in an existing structure. They made the Constitution, for the first time a vehicle through which people could claim greater equality. They actually transformed the Constitution into something new and different.

BACK TO ANIMATION SHOWING U.S. CONSTITUTION" HEADINGS READ:

Article XIII

13th Amendment

14th Amendment

15th Amendment

ERIC FONER:

They took slavery out of the Constitution, where it had been embedded. They created for the first time a national definition of citizenship and insisted that all those citizens, and other persons in the country, had to be treated equally. And they mandated that African American men must have the right to vote.

DAVID PEPPER:

That amendment in 1870 said, "The right to vote shall not be denied or abridged on the basis of race, color or previous condition of servitude."

CAROL ANDERSON:

"The state shall not abridge the right to vote on account of race, color or previous condition of servitude."

ERIC FONER:

The idea of a national standard for voting was very controversial. During the debates on the 15th Amendment, even Northern states wanted to keep control of the voting qualifications because there were people in their state they didn't want voting. And it's not about blacks [sic]. California and Oregon did not ratify the 15th Amendment, because they were afraid that it might let Chinese people vote. But by 1870, when the 15th Amendment was ratified, Black men now had the right to vote in every state in the union for the first time. And indeed, also to hold office.

STACEY ABRAMS:

What Reconstruction offered was a fresh start for America. You had this moment where Black citizens enjoyed citizenship. That was evidenced by Black men going to the U.S. Senate.

CAROL ANDERSON O.S.:

You start having Black elected officials in these amazingly high spaces, where you would not...

STACEY ABRAMS:

...have imagined them 20 years earlier. That was the power of Reconstruction, and that was the power of the vote.

TRANSCRIPT FILM CLIP TWO

MICHAEL WALDMAN:

The first great protest march on the nation's capital ever was for the right to vote for women. In 1913, the day before the presidential inauguration, five thousand women marched down Pennsylvania Avenue. It took pushing and pushing and pushing. It took hunger strikes, picketing in front of the White House. All these creative, nonviolent protests-- that was new to this country. This was before Gandhi had done a lot of these things. But the women's movement and the fight for women's suffrage, introduced them to the United States.

CAROL ANDERSON:

And we get to the 19th Amendment that guarantees women the right to vote

DAVID PEPPER:

When you look back at how long women fought for the right to vote, we're used to movements now-- 10 or 20 years, and the change happens. Women spent their entire lifetimes fighting for the 19th Amendment.

STACEY ABRAMS:

Black women were instrumental in the passage of the 19th Amendment and they had been part of this conversation from its beginning. Women who were helping shape opportunity for white women and for Black men and yet, in each of these conversations, Black women were left out of the narrative. And then, post-Reconstruction, Black men who had suddenly become part of the body politic, were once again disenfranchised.

ARI BERMAN:

The greatest moments of progress are followed by the most intense periods of retrenchment. That's what happened after the Civil War. Reconstruction was a high point for voting rights and it was followed by nearly a hundred years of Jim Crow.

ANDREW YOUNG:

The decision to remove the troops from the South was a decision made by one vote in the Congress. One vote put an end to Reconstruction and started the era of violence and bloodshed and Klan-led catastrophes.

CAROL ANDERSON:

The South was trying to figure out how do we stop all of these Black folk from voting? If they continue to vote, we're in trouble. How do you say, "We don't want Black folks to vote" without writing a law saying, "We don't want Black folks to vote"? Mississippi said, "Oh, we've got this." "We have figured out how to get around the 15th Amendment, while systematically denying the vote to African Americans. And that was the Mississippi Plan of 1890. What Mississippi came up with was: We are going to use the societally imposed conditions on African Americans and make those conditions the access to the ballot box. What you say is: Democracy is expensive. Elections are expensive. And if you're really

invested, you should be willing to pay a small fee. A poll tax. It's not too much. It sounds so reasonable. But when you begin to think about what that means: You can pay for food... or you can vote. You can pay for some clothes for your children, or you can vote. And then the literacy test.

DEBO ADEGBILE:

The literacy tests are misnamed, in a sense, because they weren't really tests of one's literacy. They were traps. They were designed to never let you be able to answer them correctly.

DAVID PEPPER:

I actually took out one of the old literacy tests from Alabama. My class of second and third-year law students could not pass the literacy test.

STACEY ABRAMS:

There were literacy tests, poll taxes.

DAVID PEPPER:

Grandfather clauses, all-white primaries, property clauses.

CAROL ANDERSON:

If this one doesn't get you, this one will. If this one doesn't get you, this one will.

STACEY ABRAMS:

There were this raft of different laws that were called the Black Codes. And those laws criminalized basic normal behavior. It was a crime to be on a city street without having a place to go. It was a crime not to have a job even if what you were doing was looking for work. If you were caught loitering, meaning you were waiting for your wife in a store, that could be a pretext for arresting you, incarcerating you and permanently disenfranchising you.

CAROL ANDERSON:

That felony disfranchisement coming out of Florida in 1868. What that does is it strips you of your right to vote. It is a way to-to neutralize the 15th Amendment.

DAVID PEPPER:

Virtually overnight, African Americans are eliminated from the electorate in the South. So, you go from having Black governors and senators to having almost no, if not any, Black voters that were able to participate in elections.

STACEY ANDERSON:

In Mississippi, during Reconstruction African American voter registration was almost 67%. By the time we have fought the Nazis and we are moving into the Cold War where the U.S. is really holding up as the leader of the free world, only three percent of age-eligible African Americans were registered to vote in the South. Three percent.

TRANSCRIPT FILM CLIP THREE

ERIC FONER:

"Birth of a Nation" is based on a novel called "The Clansman," which is a glorification of the Ku Klux Klan. Why is the Ku Klux Klan glorified? Because it saved the South from the horrors of Black men holding office and being corrupt.

DEBO ADEGBILE:

You get to the early 1900s and you have the reign of terror from the Ku Klux Klan. And what you see is almost a total purge in lots of the former states of the Confederacy of Black political participation at the butt of a gun, at the butt of threats of violence through lynching and chaos. There was terrorist violence on a massive scale in the South. Between 1880 and 1950, somewhere around 4,000 Americans are lynched, and almost all of them African Americans.

CAROL ANDERSON:

So, let me tell you a story about Maceo Snipes. Maceo Snipes was a World War II veteran. When you have fought fascists and you have fought for democracy, you want some of that democracy for yourself. He came home to Georgia, and Maceo was determined to vote. There was an election going on and Eugene Talmadge was running for governor.

EUGENE TALMADGE:

The federal government is working consistently to tear down states' rights.

CAROL ANDERSON:

And Talmadge was running on the platform to, as he said, keep the Negroes where they belong. And so Maceo goes down, and there's a sign that says something to the effect of: "First Negro that votes, that'll be the last thing he ever does." Maceo was like, "I fought fascists. What you got?" (chuckles) And so Maceo went in there, and he cast his ballot. He was the only Black person in Taylor County, Georgia that voted in 1946. Maceo goes home. Nothing happens for a few days. And then he goes to his door. White man says, "Could you step out on the porch?" Maceo's like, "Sure." And then he sees three additional white men. And then he hears...(click) And it was a firing squad. And they laid Maceo out. The message was really clear. You vote, you die.

Election Day terrorism was designed to provide the kind of intimidation that said, "If all of the pieces of the Mississippi Plan can't stop you, we've got some bullets and a rope that will." And this is why you see the kind of insurgency happening in the Black community that leads into the civil rights movement. This kind of, "I shall not be moved."

LESSON THREE



FRAMING VOTING RIGHTS TODAY: THE 1965 VOTING RIGHTS ACT TO *SHELBY COUNTY V. HOLDER* (2013)

"ALL OF US WORKING TOGETHER GOT THE VOTING RIGHTS ACT PASSED."

- ANDREW YOUNG, FORMER EXECUTIVE DIRECTOR, SOUTHERN CHRISTIAN LEADERSHIP COUNCIL



ESSENTIAL QUESTIONS

- ★ What did it take to get the landmark 1965 Voting Rights Act passed?
- ★ Why has the 2013 Supreme Court ruling in *Shelby County v. Holder* been so consequential to voting rights in America?
- ★ Has the Voting Rights Act lived up to its promise? Why or why not?

OVERVIEW

In 2018, the U.S. Commission on Civil Rights published "An Assessment of Minority Voting Rights in the U.S." In the opening letter to President Trump, chair Catherine E. Lhamon shared:


The right to vote is the bedrock of American democracy. It is, however, a right that has proven fragile and in need of both Constitutional and robust statutory protections. Racial discrimination in voting has been a particularly pernicious and enduring American problem. Voter access issues, discrimination, and barriers to equal access for voters with disabilities and for voters with limited English proficiency continue today.²⁶

Generation upon generation of Americans have taken up this struggle for the right to vote and our current times are no different. Congressman John Lewis wrote in his final op-ed, "The vote is the most powerful nonviolent change agent you have in a democratic society. You must use it because it is not guaranteed. You can lose it."

Congressman Lewis words are not only a warning, but are rooted in his lived experience. In 1965, John Lewis stood alongside other civil rights leaders and witnessed President Lyndon Johnson sign the Voting Rights Act (VRA) expanding the 14th and 15th Amendments and banning racial discrimination in voting practices. Over four decades later in a 5-4 decision the US Supreme Court invalidated one central protection in the VRA—Section 4(b) which determined the jurisdictions "covered" and required to comply with the "preclearance" regime set

forth under Section 5 of the VRA. (See Handout-Preclearance 101 included in this lesson.) These jurisdictions were selected and obligated to comply because of their history of discriminatory voting practices.

"In this lesson students will take a closer look at the two key historical milestones — the 1965 Voting Rights Act and the 2013 Supreme Court decision in *Shelby County v. Holder*. Separated by almost fifty years, they stand as a frame for students to examine the ongoing struggle to guarantee the right and access to the vote

Look for the  designating a media literacy focused exercise.



Learning Objectives

Students will:

- ★ Learn the historical milestones leading up to the signing of the 1965 Voting Rights Act and explore its ongoing significance
- ★ Examine the *Shelby County v. Holder* Supreme Court ruling and its effect on the 1965 Voting Rights Act
- ★ Synthesize their understanding of the current state of voting rights in America through writing an essay using one of the suggested writing prompts



Recommended For

Middle and High School Students



Materials

- ★ Copy of op-ed "[Together, You Can Redeem the Soul of our Nation](#)"²⁷, one per student
- ★ Film Clip
- ★ Copy of LINK Graphic Organizer
- ★ Copy, or access to, all Handouts
 - ★ Reading: Preclearance 101
 - ★ Preclearance coverage under the 1965 Voting Rights Act
 - ★ Voting Rates by Race
 - ★ Transcripts from Film Clips
 - ★ Summary of Voting Rights Timeline



Length

Two 50-minutes class periods plus homework to complete their written essay.

LESSON ACTIVITIES

1. OPENING

- ★ Ask students if they have heard of Rep. John Lewis and what they know about his life.
- ★ Depending upon their background knowledge, fill in important parts of his biography.⁵¹
- ★ Read Rep. Lewis final op-ed that he requested be published the day after his funeral in July 2020.
- ★ Have students underline words and sentences that stand out to them. Ask students to choose one of their selections to share with the class.

Explain to students that they will be learning about two historical milestones in voting history— the 1965 Voting Rights Act which Congressman John Lewis was instrumental in getting passed, and the 2013 Supreme Court ruling in *Shelby County v. Holder* which significantly changed the Voting Rights Act .

2. ACCESSING BACKGROUND KNOWLEDGE: LINK GRAPHIC ORGANIZER

Distribute the **LINK Handout** and review the format of the graphic organizer.

Have students complete the L segment, listing everything they know about voting rights today, and the I segment, listing any question they currently have about voting rights today.

5. CLOSING:



3. WATCH FILM CLIP, READ TRANSCRIPT, OR ACCESS ALL CLIPS VIA AMAZON PRIME

Introduce the two short film clips excerpted from ***ALL IN: The Fight for Democracy***. Distribute the transcript of the film clips for students to read.

★ Film Clip (free): *Selma* (2:14 minutes)

In this short clip students learn of why the Selma to Montgomery March was a watershed event for the nationwide movement for voting rights.

★ Read Transcript Film Clip Two or access clip via [Amazon Prime](#), time codes 39:13 - 46:22 (7:09 minutes)

*This clip explains the 2013 Supreme Court decision in *Shelby County v. Holder* and its impact on the administration of free, fair, and safe elections for all voters.*

Begin: Graphic - Selma, Alabama, March 7, 1965

End: "Game Changer"

★ Read Transcript Film Clip Three or access clip via [Amazon Prime](#), time codes 55:33 - 1:04 (9 minutes)

*This clip explains the 2013 Supreme Court decision in *Shelby County v. Holder* and its impact on the administration of free, fair, and safe elections for all voters.*

Begin: "Intimidation from the government is real, it is powerful."

End: "The floodgates literally opened in 2013 when the Supreme Court issued its ruling."



4. PAIR/SHARE WORK

- ★ Debrief: Have students discuss and compare their LINK notes in pairs after watching the film clips
- ★ Distribute copies of these handouts, or have students access via a shared online folder these handouts:
 - ★ Reading: Preclearance 101
 - ★ Preclearance Coverage Under the 1965 Voting Rights Act
 - ★ Voting Rates by Race
- ★ Have pairs read and analyze the information provided and continue to add to the LINK handout.
- ★ After spending time on each handout and completing their notes (approximately 15-20 minutes), pose the following questions for each pair to discuss:
 - What story does the 1965 Voting Rights Act and the *Shelby County v. Holder* decision tell about the history of voting rights today?**
- ★ Have pairs to get in groups of four and share their story.

- ★ Have groups share out a summary of their stories with the entire class.
- ★ End class by asking what was new, challenging, or surprising about this information.

6. FINAL ASSIGNMENT: VOTING RIGHTS ESSAY

Using historical evidence from all the lessons covered, choose one question to write an argumentative essay demonstrating your command of the history of voting rights and the role race has played since the drafting of the Constitution.

- ★ What are the most significant historical milestones in the right to vote in the United States?
- ★ Why are many of the greatest moments of civic progress in the United States followed by intense backlash and entrenchment of rights?
- ★ What are the historical origins of voter suppression?
- ★ How can an interrogation of the history of voting rights in the United States increase civic engagement and empower democratic participation?
- ★ Expand upon the paradox that Justice Ruth Bader Ginsburg used in her dissent of the *Shelby County v. Holder* ruling. What does this ruling and her dissent reflect about the history of race and voting in the United States?
- ★ Congressman John Lewis said on the anniversary of Bloody Sunday in 2012, "Democracy is not a state. It is an act. It requires the continued vigilance of us all to ensure that we continue to create an ever more fair, more free democracy." Using this quote, or his final op-ed as a point of departure, explore your ideas, feelings, and beliefs about the relationship of race to voting rights and democracy.

FURTHER LEARNING



[The 1964 Civil Rights Act of 1964](#), National Park Service website²⁷

[The 1965 Voting Rights Act of 1965](#), National Park Service website²⁸

[President Lyndon Johnson's Address to Joint Session of Congress: The American Promise](#), delivered March 15, 1965²⁹

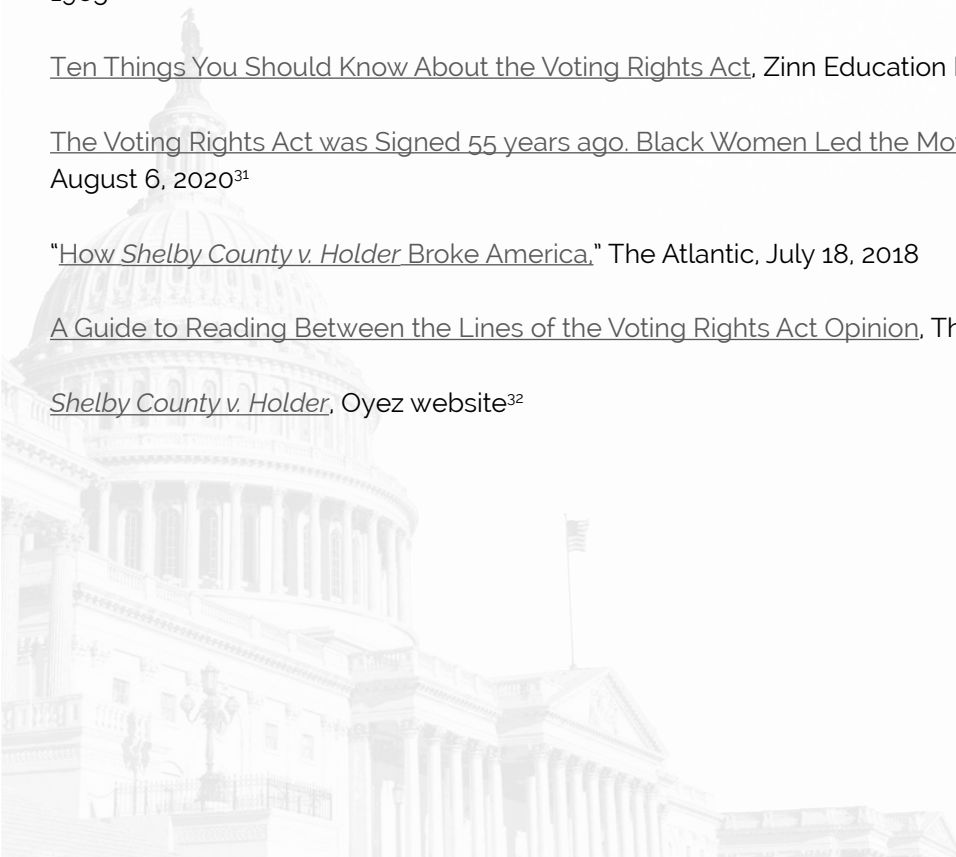
[Ten Things You Should Know About the Voting Rights Act](#), Zinn Education Project³⁰

[The Voting Rights Act was Signed 55 years ago. Black Women Led the Movement Behind It](#), USA Today, August 6, 2020³¹

["How *Shelby County v. Holder* Broke America."](#) The Atlantic, July 18, 2018

[A Guide to Reading Between the Lines of the Voting Rights Act Opinion](#), The New York Times

[*Shelby County v. Holder*](#), Oyez website³²



TOGETHER, YOU CAN REDEEM THE SOUL OF OUR NATION REP. JOHN LEWIS, JULY 30, 2020

While my time here has now come to an end, I want you to know that in the last days and hours of my life you inspired me. You filled me with hope about the next chapter of the great American story when you used your power to make a difference in our society. Millions of people motivated simply by human compassion laid down the burdens of division. Around the country and the world you set aside race, class, age, language and nationality to demand respect for human dignity.

That is why I had to visit Black Lives Matter Plaza in Washington, though I was admitted to the hospital the following day. I just had to see and feel it for myself that, after many years of silent witness, the truth is still marching on. Emmett Till was my George Floyd. He was my Rayshard Brooks, Sandra Bland and Breonna Taylor. He was 14 when he was killed, and I was only 15 years old at the time. I will never ever forget the moment when it became so clear that he could easily have been me. In those days, fear constrained us like an imaginary prison, and troubling thoughts of potential brutality committed for no understandable reason were the bars.

Though I was surrounded by two loving parents, plenty of brothers, sisters and cousins, their love could not protect me from the unholy oppression waiting just outside that family circle. Unchecked, unrestrained violence and government-sanctioned terror had the power to turn a simple stroll to the store for some Skittles or an innocent morning jog down a lonesome country road into a nightmare. If we are to survive as one unified nation, we must discover what so readily takes root in our hearts that could rob Mother Emanuel Church in South Carolina of her brightest and best, shoot unwitting concertgoers in Las Vegas and choke to death the hopes and dreams of a gifted violinist like Elijah McClain.

Like so many young people today, I was searching for a way out, or some might say a way in, and then I heard the voice of Dr. Martin Luther King Jr. on an old radio. He was talking about the philosophy and discipline of nonviolence. He said we are all complicit when we tolerate injustice. He said it is not enough to say it will get better by and by. He said each of us has a moral obligation to stand up, speak up and speak out. When you see something that is not right, you must say something. You must do something. Democracy is not a state. It is an act, and each generation must do its part to help build what we called the Beloved Community, a nation and world society at peace with itself.

Ordinary people with extraordinary vision can redeem the soul of America by getting in what I call good trouble, necessary trouble. Voting and participating in the democratic process are key. The vote is the most powerful nonviolent change agent you have in a democratic society. You must use it because it is not guaranteed. You can lose it.

You must also study and learn the lessons of history because humanity has been involved in this soul-wrenching, existential struggle for a very long time. People on every continent have stood in your shoes, through decades and centuries before you. The truth does not change, and that is why the answers worked out long ago can help you find solutions to the challenges of our time. Continue to build union between movements stretching across the globe because we must put away our willingness to profit from the exploitation of others.

Though I may not be here with you, I urge you to answer the highest calling of your heart and stand up for what you truly believe. In my life I have done all I can to demonstrate that the way of peace, the way of love and nonviolence is the more excellent way. Now it is your turn to let freedom ring.

When historians pick up their pens to write the story of the 21st century, let them say that it was your generation who laid down the heavy burdens of hate at last and that peace finally triumphed over violence, aggression and war. So I say to you, walk with the wind, brothers and sisters, and let the spirit of peace and the power of everlasting love be your guide.³³

LINK GRAPHIC ORGANIZER - VOTING RIGHTS

Name: _____

Please type or organize your writing clearly. This handout will be turned in.

Step One: Complete the L column individually. Turn to a partner and share answers and together complete your I column.

Step Two: As you watch film clip one and two, complete readings and discussion, fill in column N to keep track of your learning

Step Three: Review sections L, I, and N and prepare your talking points in section K.

L: List everything you know about voting rights in the US today.

I: Inquire What questions do you have about voting rights?

N: Notes on what you learned about voting rights *(from the film clips, readings, discussions)*

K: What do you **know** now about voting rights in the US? *(These will be your talking points for the class discussion)*

TRANSCRIPT FILM CLIP ONE

Selma

WOMAN TO CAMERA:

17,000 of the county's residents are Negroes.

However, only 1.7% of these are registered voters. The Negroes of Selma, Alabama, want to vote.

C.T. VIVIAN TO POLICEMEN:

We're willing to be beaten for democracy. And you misuse democracy in the street. You beat people bloody in order that they will not have the privilege to vote. You can turn your back now, and you can keep the club in your hand, but you cannot beat down justice. And we will register to vote because, as citizens of these United States, we have the right to do it.

POLICEMAN TO C.T. VIVIAN/

CROWD TO POLICEMAN:

- You're under arrest for contempt of court.

- Then we all under arrest.

ANDREW YOUNG TO CAMERA:

Selma really awakened the nation. In Selma, Sheriff Jim Clark was refusing to let them register to vote. They wouldn't even pretend to go through the motions.

MARTIN LUTHER KING TO CROWD:

I want to start out by commending you, the Negro citizens of Selma for standing up. Sooner or later, Sheriff Clark will understand that he's dealing with a people that will not stop until they have full freedom and human dignity.

NEWSMAN V.O. (voice over):

Dr. King and a large number of Selma Negroes marched through the city streets in small groups to the county courthouse. One woman, Mrs. Amelia Boynton, was grabbed by the sheriff and hustled along the sidewalk into the custody of deputies.

ANDREW YOUNG TO CAMERA:

Dr. King and I, we had been working together to get a civil rights bill passed. We went back and we met with President Johnson. And he said, "Well, I know you need voting rights but we just had a civil rights bill passed. I just don't have the power to go back to Congress for another civil rights bill. I know it's needed, but I don't have the power." And he must have said, "I don't have the power," half a dozen times. When we left, I asked Dr. King, "Well, what are you gonna do?" He said, "We're gonna get the president some power."

CENTER FRAME GRAPHIC:

Selma, Alabama, March 7, 1965

YOUNG ANDREW YOUNG TO CROWD:

The Student Nonviolent Coordinating Committee has a statement.

JOHN LEWIS TO CROWD:

We, the Negro citizens of Dallas County and other Alabama Black Belt counties are marching today from Selma to Montgomery.

ANDREW YOUNG TO CAMERA:

A couple of hundred people showed up. John Lewis led the march.

JOHN LEWIS TO PRESS:

We're marching today to dramatize to the nation, dramatize to the world the hundreds and thousands of Negro citizens of Alabama but particularly here in the Black Belt area, denied the right to vote.

CAROL ANDERSON TO CAMERA:

Then they get to the Edmund Pettus Bridge. It's real quiet. They're like, "Where is everybody?"

ANDREW YOUNG TO CAMERA:

The Alabama state patrol and Sheriff Jim Clark were on the other side of the Edmund Pettus Bridge.

SHERIFF TO MARCHERS:

It'll be detrimental to your safety to continue this march and I'm saying that this is an unlawful assembly. You are ordered to disperse. Go home or go to your church. This march will not continue. You've got two minutes to turn around and go back to your church. Is that clear to you?

JOHN LEWIS TO SHERIFF:

Major, may I have a word?

SHERIFF TO MARCHERS:

I've got nothing further to say to you

SHERIFF TO TROOPS:

Troopers here, advance toward the group. See that they turn around and disperse.

CAROL ANDERSON TO CAMERA:

You see people just stumbling. You see them being trampled. And the cameras are rolling.

ANDREW YOUNG TO CAMERA:

That Sunday, everybody was watching the movie "Judgment at Nuremberg" which was about Hitler's slaughter of the Jews.

CAROL ANDERSON TO CAMERA:

They cut into their movie of the week to show the footage of Bloody Sunday. The nation was appalled because one of the ways that Jim Crow worked so smoothly and so effectively is that you didn't have to see it. But when you see the violence raining down on people who are just fighting for the right to vote it tells you that something is systemically, fundamentally wrong in this democracy.

ANDREW YOUNG TO CAMERA:

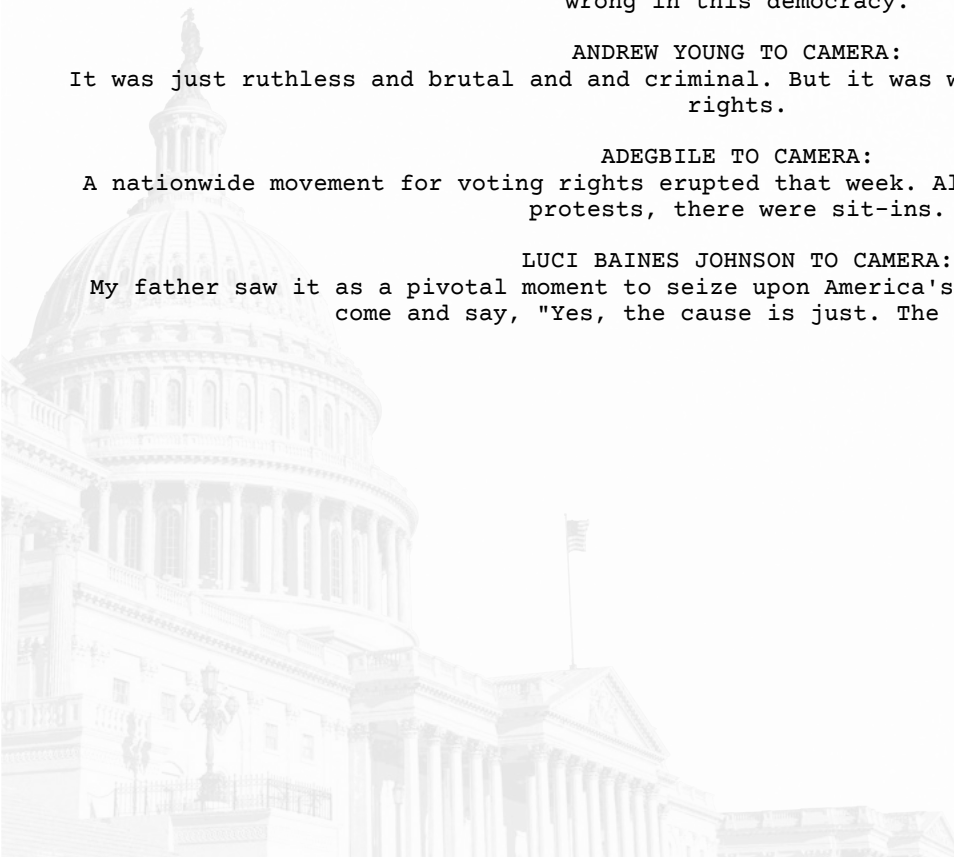
It was just ruthless and brutal and and criminal. But it was what changed the South on voting rights.

ADEGBILE TO CAMERA:

A nationwide movement for voting rights erupted that week. All over the country, there were protests, there were sit-ins.

LUCI BAINES JOHNSON TO CAMERA:

My father saw it as a pivotal moment to seize upon America's angst so that Americans would come and say, "Yes, the cause is just. The time is now."



TRANSCRIPT FILM CLIP TWO

March 15, 1965

LYNDON B. JOHNSON TO CONGRESS:

Many of the issues of civil rights are very complex and most difficult but about this, there can and should be no argument. Every American citizen must have an equal right to vote. What happened in Selma is part of a far larger movement which reaches into every section and state of America. Because it's not just Negroes, but really, it's all of us who must overcome the crippling legacy of bigotry and injustice. And we shall overcome.

ANDREW YOUNG TO CAMERA:

He ended his speech with: "And we shall overcome." That's the only time I saw Martin Luther King shed a tear. We gave him the power. All of us working together got the Voting Rights Act passed.

STACEY ABRAMS TO CAMERA:

Lyndon Johnson understood that while he had been an impediment to civil rights for decades the time had changed, and it was time for him to change. But more importantly, he understood that if the power of the right to vote was truly made available it would change the future of this nation.

STACEY ABRAMS TO CONGREGATION:

I'm the product of the Voting Rights Act. An act that was bought and paid for on Edmund Pettus Bridge. With foot soldiers who believed that they had the right to be there. Because when you stood up and went across that bridge those were the wings of the eagles that Isaiah talked about. It may have looked like feet marching across the bridge, but that was flight.

ARI BERMAN TO CAMERA:

Days after the Voting Rights Act was passed. there were federal officials in the South registering African Americans to vote for the first time in counties where Black people hadn't been able to register for decades. This was truly revolutionary.

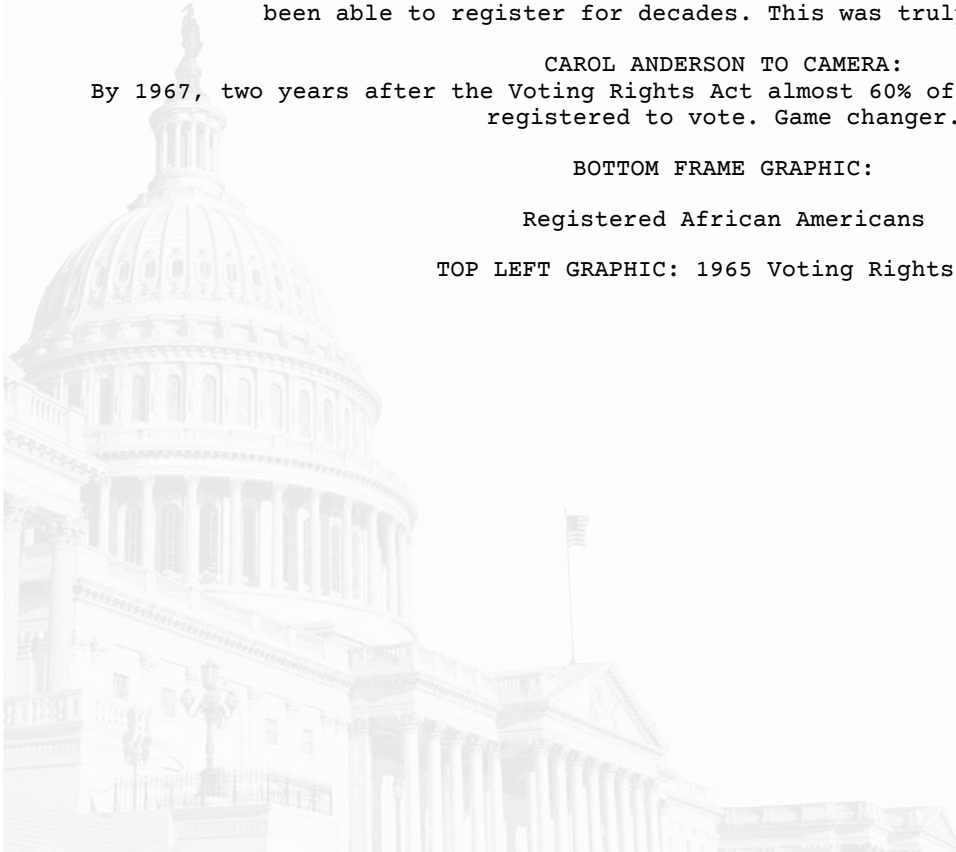
CAROL ANDERSON TO CAMERA:

By 1967, two years after the Voting Rights Act almost 60% of Black adults in Mississippi registered to vote. Game changer.

BOTTOM FRAME GRAPHIC:

Registered African Americans

TOP LEFT GRAPHIC: 1965 Voting Rights Act



TRANSCRIPT FILM CLIP THREE

Shelby County v. Holder

CAROL ANDERSON TO CAMERA:

Intimidation from the government is real, it is powerful. And it is because of the changing demographics in the nation. It is the fear of what this larger vote can mean.

CENTER FRAME GRAPHIC: November 4, 2008

OBAMA TO CROWD:

If there is anyone out there who still doubts that America is a place where all things are possible, who still wonders if the dream of our founders is alive in our time who still questions the power of our democracy tonight is your answer.

ARI BERMAN TO CAMERA:

Opponents of the Voting Rights Act seized on Barack Obama's election as a reason why the Voting Rights Act was no longer necessary. At the very moment that you see the ultimate progress you see conservatives embracing that progress as a reason to try to get rid of the law that made Obama's election possible.

CAROL ANDERSON TO CAMERA:

Barack Obama scared the bejeebers out of them. He brought 15 million new voters to the polls. This is what we should be celebrating: bringing 15 million new people into this incredible civic society engaged in this democracy, believing that they have a stake in this democracy and getting out to vote. Instead, that Obama coalition becomes the hit list for voter suppression. How do we stop African Americans, Hispanics, Asian Americans the young and the poor from voting?

ARTICLE HEADLINE: U.S. Supreme Court will hear Shelby County's voting rights case on Feb. 27

CAROL ANDERSON TO CAMERA:

The Supreme Court decision, *Shelby County v. Holder* allowed that to happen.

CENTER FRAME GRAPHIC: Shelby County, Alabama

ARI BERMAN TO CAMERA:

Shelby County, Alabama. There was an election there in which the districts were redrawn so that the only African American city council member lost his race. Voter suppression and gerrymandering are two sides of the same coin: efforts by politicians in power to try to manipulate the process to benefit themselves at the expense of others.

JOHN OLIVER TO CAMERA:

Gerrymandering is a real problem. It's the practice of drawing voting districts in a way

that creates unfair advantages for whoever happens to be drawing the lines.

A.E. DICK HOWARD TO CAMERA:

In the age of computers, you can gerrymander with scientific precision. You can run in and out of alleys and up and down streets and carefully include and exclude whichever voters you want in one district and not in another.

JOHN OLIVER TO CAMERA:

Shouldn't all of this be illegal? Well, that's complicated because if you are gerrymandering to disadvantage minorities yes, that is illegal under the Voting Rights Act. But if you are gerrymandering to disadvantage voters of an opposing party.

MAP GRAPHIC: AL

CENTER FRAME GRAPHIC: Between 2000 and 2010, the Latino and African American populations of Shelby County surged by 300% and 100%, respectively.

CAROL ANDERSON TO CAMERA:

Shelby County willfully violated federal law. They didn't bother to go up to the Department of Justice to check on whether it was okay, as they were changing the voting boundaries as the Voting Rights Act required. When they got called on it, when they got sued they said, "We didn't do anything wrong. The era of racism is over."

ERIC HOLDER TO CAMERA:

What had been bipartisan before became extremely partisan after the election of Barack Obama. People tend to forget that Republicans supported it. Every reauthorization of the Voting Rights Act was signed by a Republican president.

RONALD REAGAN TO CAMERA:

I think that democracy, if it's to work, then everybody that's eligible to be a voter should be registered, and they should vote.

GEORGE W. BUSH:

I am proud to sign the Voting Rights Act Reauthorization and Amendments Act of 2006.

DEBO ADEGBILE TO CAMERA:

Ronald Reagan called it the crown jewel of American democracy but with every subsequent reauthorization, there's a legal challenge brought.

ARTICLE HEADLINES:

- Voting Rights Act To Be Challenged

- 6 Dixie States Challenge Voting Rights Act

ARTICLE HEADLINE: Justice Dept. official's view of Voting Rights Act challenged

KRISTEN CLARKE TO CAMERA:

It's a seemingly coordinated strategy that we have seen waged by opponents to rip out the heart of the Voting Rights Act. It was almost a strategy of "let's throw spaghetti against the wall and see which one sticks." The Shelby County case is the one that survived the lower courts and winded its way up to the Supreme Court.

CENTER FRAME GRAPHIC: February 27, 2013

NEWSMAN TO CAMERA:

The Supreme Court hears a challenge to the Voting Rights Act of 1965. Its detractors say the Voting Rights Act is out of date. Its defenders consider it a needed bulwark for justice.

NEWSMAN #2 TO CAMERA:

The Voting Rights Act requires nine states to get federal approval of changes to their election laws.

BERT REIN TO CAMERA:

From a lawyer's point of view, this is a valid legal case. It could be honorably argued. And that's the business we're in, so we took the case.

JOHN ROBERTS TO COURT:

We'll hear arguments first this morning in case Shelby County v. Holder. Mr. Rein?

BERT REIN TO COURT:

Mr. Chief Justice, and may it please the court...

BERT REIN TO CAMERA:

We argued that the Voting Rights Act was probably one of the deepest intrusions of the federal government into areas that states traditionally administered.

BERT REIN TO COURT:

Think that that really doesn't mask the need for equal treatment of the sovereign states.

SONIA SOTOMAYOR TO REIN:

I'm gonna have a hard time with that. You can't treat states the same because their problems are different, their populations are different, their needs are different. Everything's different.

ANTONIN SCALIA TO ADEGBILE:

All of the non-covered states are worse in that regard than the nine covered states. Is that correct?

DEBO ADEGBILE TO SCALIA/

JUSTICE SCALIA TO ADEGBILE:

- Justice Scalia--

- Every-every one of them is worse?

DEBO ADEGBILE TO SCALIA/
JUSTICE SCALIA TO ADEGBILE:

- Justice Scalia, it's a fair question.
- Not just a fair one. It's the crucial question.

DEBO ADEGBILE TO SCALIA:

The South has changed and made progress, but some things remain stubbornly the same and the trained effort to deny African American voters to franchise is part of Alabama's history to this very day.

JUSTICE ROBERTS TO ADEGBILE:

Have there been episodes-egregious episodes of the kind you're talking about in states that are not covered?

DEBO ADEGBILE TO ROBERTS/

JUSTICE ROBERTS TO ADEGBILE:

- Absolutely, Chief Justice Roberts.
- Well, then it doesn't seem to help you make the point that the differential treatment continues to be justified.

ARI BERMAN TO CAMERA:

John Roberts had it out for the Voting Rights Act as far back as 1982. Early in his political career, it was John Roberts's job to try to prevent the Congress from reauthorizing the Voting Rights Act.

CAROL ANDERSON TO CAMERA:

John Roberts, his mentor was William Rehnquist. This is why this lineage is so important. Because he hated the Voting Rights Act.

DEBO ADEGBILE TO CAMERA:

I knew that this was an important act. I knew that it was doing important work and I knew that it would be a disaster for the court to strike it down.

CENTER FRAME GRAPHIC: June 25, 2013, 4 Months After Oral Argument

NEWSMAN TO CAMERA: A controversial ruling today by the Supreme Court.

GWEN IFILL TO CAMERA: Five-to-four, the U.S. Supreme Court took the teeth out of a law enacted nearly 50 years ago.

PELLEY TO CAMERA: It invalidated a key part of the Voting Rights Act.

NEWSWOMAN TO CAMERA: Justice Ruth Bader Ginsburg, joined by the three other liberal justices, said "Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in the rainstorm because you are not getting wet."

ERIC HOLDER TO PRESS:

I am deeply disappointed-deeply disappointed with the court's decision in this matter. This decision represents a serious setback for voting rights and has the potential to negatively affect.

ERIC HOLDER TO CAMERA:

I don't know if it's appropriate to say, I was pissed off by what the court did.

ERIC HOLDER TO PRESS:

Thank you.

HOLDER TO CAMERA:

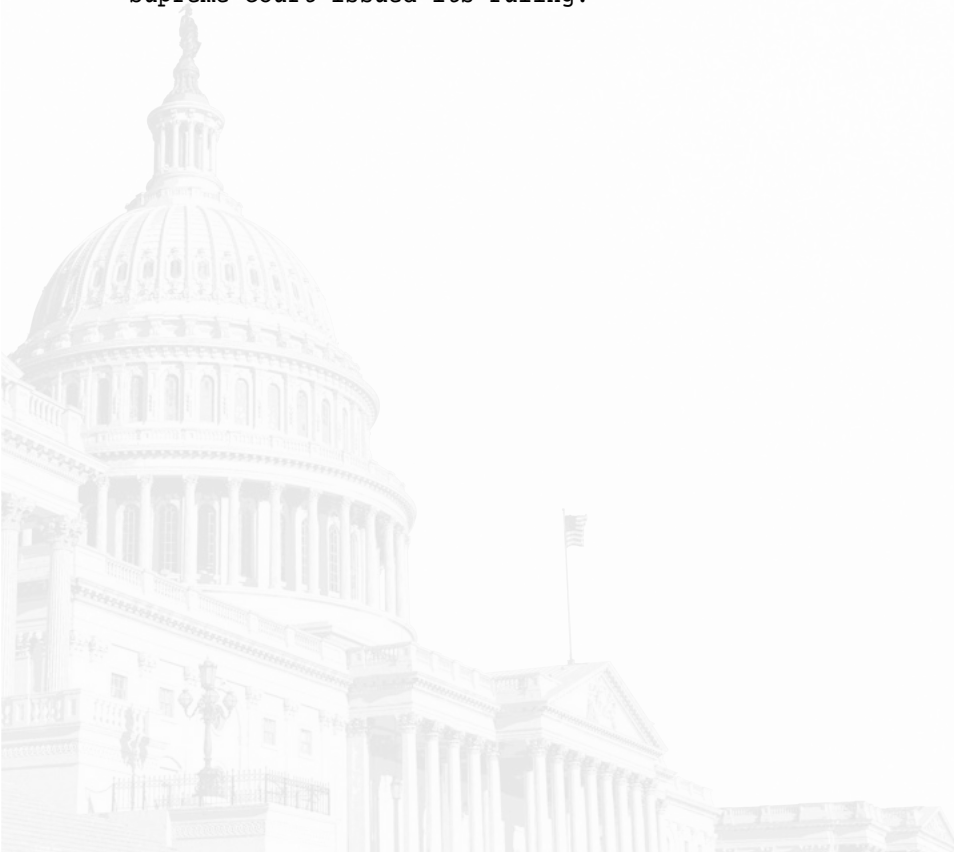
It really struck home that this was a political decision that the court was making. Justice Ginsburg was correct. If you have an umbrella that keeps you dry in the middle of a thunderstorm, the fact that you are dry doesn't mean that you don't need the umbrella.

ABRAMS TO CAMERA:

Every single one of those states that was covered previously by the Voting Rights Act was told, "Never mind. We think you're good now. Go forth."

CLARKE TO CAMERA:

The floodgates literally opened in 2013 when the Supreme Court issued its ruling.



HANDOUT: READING - PRECLEARANCE 101³⁴



WHAT IS PRECLEARANCE?

In June 2013, the Supreme Court held that the formula for the preclearance process in Section 5 of the 1965 Voting Rights Act was unconstitutional. The 1965 VRA was passed to ensure the guarantees of the 14th and 15th Amendments of the U.S. Constitution against racial discrimination in voting including:

- ★ A nationwide prohibition of discrimination in voting in Section.
- ★ A nationwide prohibition of poll taxes, literacy tests, and other "tests and devices" that limit access to the ballot for minority voters; and protections against voter intimidation.
- ★ Preclearance rules in any State or political subdivision which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and (2) the Director of the Census determines that less than 50 percent of the people of voting age residing were registered on November 1, 1964, or that less than 50 percent of voted in the presidential election of November 1964.³⁵
- ★ Additional protections for voters with limited-English proficiency were enacted in 1975. None of these protections were struck down in the *Shelby County v. Holder* ruling.
- ★ The only part of the VRA that the Shelby County decision struck down was the preclearance formula of the 2006 reauthorization where jurisdictions with a history of discrimination had to submit any changes in voting procedures to the Department of Justice, or a federal court, and prove that the new voting procedures would not be discriminatory. If they could not do so, the proposed changes in voting procedures would not be "precleared" and could not be implemented.

Historians have documented that Section 5's preclearance rules were enacted because:

- (1) The drafters of the VRA clearly recognized that the historical record made a powerful case for ongoing oversight and protection of the voting rights of African Americans; and
- (2) just as the Fifteenth Amendment had been circumvented by devices such as literacy tests, the intent of the Voting Rights Act could readily be circumvented through other devices or alterations in the structure or mechanisms of elections. The preclearance provision was designed to prevent such circumventions, which would deprive American citizens of their political rights.

HOW DOES PRECLEARANCE PROTECT VOTING RIGHTS?

In general, when trained individuals travel to different locations to watch the election process and collect evidence about how elections are being conducted, they have a unique ability to help deter wrongdoing, defuse tension, promote compliance with the law and bolster public confidence in the electoral process.

The *Shelby County v. Holder* ruling significantly impacted the Justice Department's ability to watch for problems while elections are taking place. The effects on voting protection since the Supreme Court's 2013 decision include:

Election monitoring: Prior to *Shelby County*, the Department deployed personnel to watch the voting process on election days around the country and throughout the year in three different ways.

1. To watch the voting process.
2. To send federal election observers specially recruited and trained to jurisdictions that are subject to a pertinent court order.
3. To send federal election observers to jurisdictions with a need certified by the Attorney General, based in part on the Section 4(b) coverage formula. Much of the federal election monitoring before *Shelby County* was in this third category.

The Department will continue to engage observers where there is a relevant court order and will continue to conduct monitoring around the country, without relying on the Section 4(b) formula. This means that the Department will be able to send fewer people than in similar past elections to watch the voting process in real-time.

Enforcement: The *Shelby County v. Holder* ruling also impacts the Department's enforcement efforts in two other respects.

1. Section 4(f)(4) of the Voting Rights Act requires specific jurisdictions to provide election-related materials or information in different languages. In light of *Shelby County*, the Department is not enforcing this provision.
2. Section 4(a)(1) of the Voting Rights Act prohibits the use of tests or devices (e.g. literacy tests) to deny the right to vote in specific jurisdictions, directly dependent upon the coverage formula in Section 4(b). In light of *Shelby County*, the Department is not enforcing this provision. However, a later amendment to the Voting Rights Act established a permanent nationwide ban on such tests and devices.



HANDOUT - DATA SET PRE AND POST 1965 VOTING RIGHTS ACT

VOTER REGISTRATION BY RACE BEFORE AND AFTER PASSAGE OF THE VOTING RIGHTS ACT OF 1965³⁶

State		Pre-VRA* Number of Registered Voters	Post-VRA* Number of Registered Voters	Pre-VRA Percent of Voting Population Registered	Post-VRA Percent of Voting Age Population Registered
State	Race				
Alabama	Non-white	92,737	248,432	19.3	51.6
	White	935,695	1,212,317	69.2	89.6
Arkansas	Non-white	77,714	121,000	40.4	62.8
	White	555,944	616,000	65.5	72.4
Florida	Non-white	240,616	299,033	51.2	63.6
	White	1,958,499	2,131,105	74.8	81.4
Georgia	Non-white	167,663	332,496	27.4	52.6
	White	1,124,415	1,443,730	62.6	80.3
Louisiana	Non-white	164,601	303,148	31.6	58.9
	White	1,037,184	1,200,517	80.5	93.1
Mississippi	Non-white	28,500	263,754	6.7	59.8
	White	525,000	665,176	69.9	91.5
North Carolina	Non-white	258,000	277,404	46.8	51.3
	White	1,924,000	1,602,980	96.8	83.0
South Carolina	Non-white	138,544	190,017	37.3	51.2
	White	677,914	731,096	75.7	81.7
Tennessee	Non-white	218,000	225,000	69.5	71.7
	White	1,297,000	1,434,000	72.9	80.6
Texas	Non-white	2,939,535	400,000	53.1	61.6
	White	(total)	2,600,000		53.3
Virginia	Non-white	144,259	243,000	38.5	55.6
	White	1,070,168	1,190,000	61.6	63.4

https://www.usccr.gov/pubs/2018/Minority_Voting_Access_2018.pdf

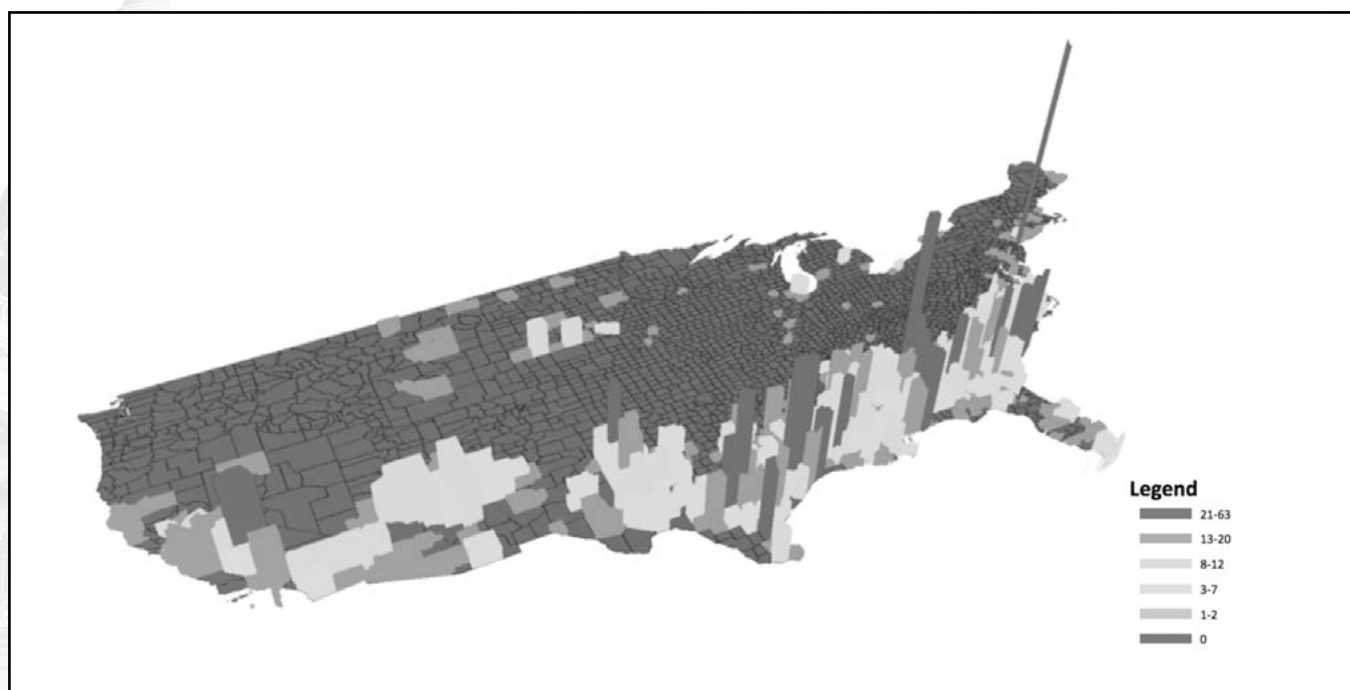


HANDOUT - PRECLEARANCE COVERAGE UNDER THE 1965 VOTING RIGHTS ACT

COUNTIES COVERED UNDER SECTION 4 AT THE TIME OF *SHELBY COUNTY V. HOLDER*³⁷



EVENTS ARE DESIGNATED AS INCIDENTS OF DISCRIMINATION³⁸

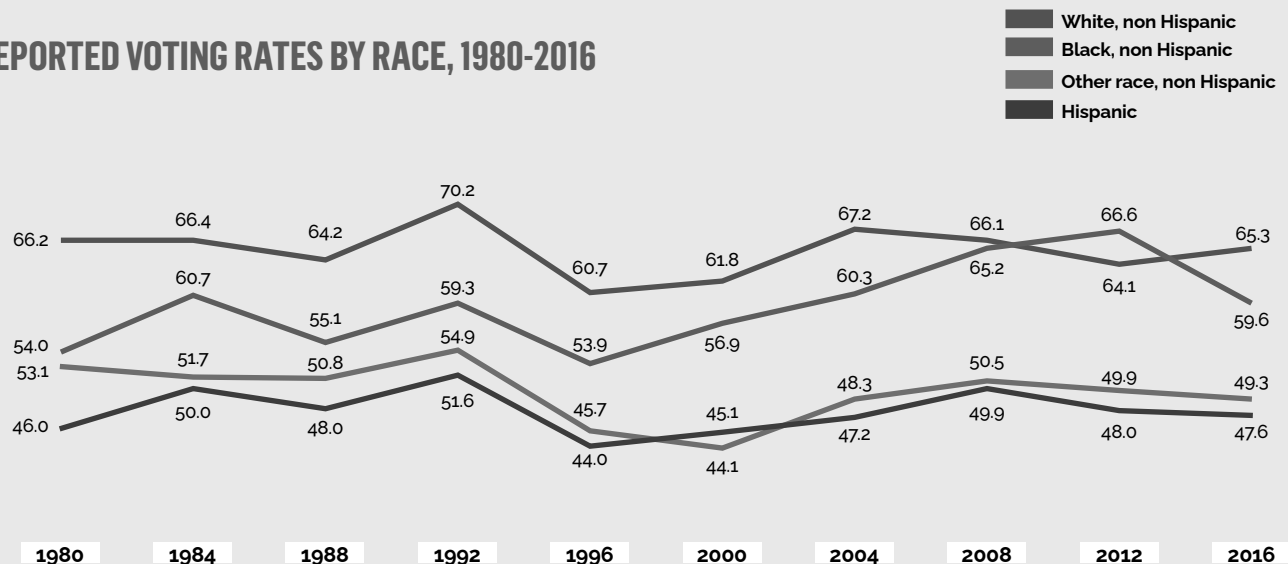


HANDOUT - VOTING RATES BY RACE³⁹

VOTER REGISTRATION RATE BY RACE, 1965, 2004

	1965			2004		
	White	Black	Gap	White	Black	Gap
Alabama	69.2%	19.3%	49.9%	73.8%	72.9%	0.9%
Georgia	62.6%	27.4%	35.2%	63.5%	64.2%	-0.7%
Louisiana	80.5%	31.6%	48.9%	75.1%	71.1%	4.0%
Mississippi	69.9%	6.7%	63.2%	72.3%	76.1%	-3.8%
South Carolina	75.7%	37.3%	38.4%	74.4%	71.1%	3.3%
Virginia	61.1%	38.3%	22.8%	68.2%	57.4%	10.8%

REPORTED VOTING RATES BY RACE, 1980-2016



https://www.usccr.gov/pubs/2018/Minority_Voting_Access_2018.pdf



CIVICS/GOVERNMENT UNIT: FAIR AND FREE ELECTIONS - ENDING VOTING SUPPRESSION

**“WHAT IS DEMOCRACY? DEMOCRACY IS A
SYSTEM IN WHICH THE VOTERS CHOOSE THE PEOPLE
THAT GOVERN THEM.”**

- FRANCES FOX PIVEN, *ALL IN: THE FIGHT FOR DEMOCRACY*

EDUCATOR OVERVIEW

The United States was founded on the idea of striving towards a “more perfect union,” with democratic principles that rely on fair and free elections that enable voters to choose their governing representatives. Throughout our history groups of citizens have struggled and fought to expand the right to vote beyond the initial 6% of the population, white, land-owning men to whom it was first granted. Even as steps towards progress were achieved, groups in power have responded with fear and worked to maintain their power by limiting or suppressing the votes of those who they believe will threaten their positions of power.

In this unit, students will engage with modern electoral politics to understand what happened with regard to voter suppression since the 2013 *Shelby County v. Holder* Supreme Court decision. The decision dramatically reduced the power of the 1965 Voting Rights Act, in part by removing the “preclearance” condition that required states and districts with records of discriminatory voting practices to undergo federal review before changing voting policies. Immediately after the Shelby decision and since that time, a rash of voter suppression tactics emerged in states across the country. **ALL IN: The Fight for Democracy** highlights the uptick of restrictions that sprung up within minutes of the decision delving into the case of Georgia and demonstrating how voter suppression threw doubt on the outcome of the 2018 gubernatorial election.

At this moment in time, voter restrictions are having powerful effects to the detriment of our democracy. Acknowledging this reality is not a partisan effort to assign blame or favor, rather it enables students to examine current events as a case study, and to work towards free, fair, and safe elections for all. The Brennan Center, a non-partisan law and policy institute, describes the modern history of gerrymandering (one type of voter suppression) in this way:

“Over the past decade, (gerrymandering has) led to maps that lock in a comfortable majority of seats for one side, even when voters are split evenly between the two parties. The result is election outcomes that don’t reflect what voters want, uncompetitive races that encourage politicians to cater to the extremes, and, too often, under-representation of communities of color.”⁴⁰

This civics unit is designed to engage students in learning about voter suppression tactics in order to be able to critically evaluate the voting structures and policies in their home communities. They will explore non-partisan reporting, analyze population data, and reflect on their own values with regard to voting.

ESSENTIAL QUESTIONS



- ★ What are the tactics of voter suppression, and how do they change the outcomes of elections?
- ★ Who benefits from voter suppression tactics, and who is excluded?
- ★ What laws, policies, and legislation protect voters and voting rights?
- ★ How can every person living in the United States take part in ensuring free and fair elections?

LESSON ONE



MODERN TACTICS OF VOTER SUPPRESSION

**"ONCE YOU STRIP SOMEONE THEIR ACCESS OF BEING ABLE TO VOTE
IT TAKES AWAY THEIR ROLE WITHIN OUR DEMOCRACY."**

- JAYLA ALLEN, *ALL IN: THE FIGHT FOR DEMOCRACY*




ESSENTIAL QUESTION

- ★ What are the tactics of voter suppression, and how do they change the outcomes of elections?

OVERVIEW

Fair elections are the cornerstone of democracy, but throughout our history we have witnessed voter suppression tactics and strategies that are designed to prevent specific groups of people from voting. Voter suppression has been used to exclude groups of voters based on racial/ethnic background, socio-economic standing, party affiliation, and on specific causes and issues.

In this lesson, students will learn about current tactics of voter suppression that have emerged in states across the country since the 2013 *Shelby County v. Holder* decision.

Look for the  designating a media literacy focused exercise.



Learning Objectives

Students will:

- ★ Define voter suppression and describe how it is used to influence election outcomes
- ★ Analyze specific voter suppression tactics to understand how they work and who they benefit
- ★ Propose methods to critically evaluate voting rules and regulations to assess their potential for voter suppression



Materials

- ★ Film Clip
- ★ Voter Suppression Note Catcher Handout
- ★ Film Clip Transcript



Length

Two 50-minutes class periods

LESSON ACTIVITIES



1. OPENING

In person: use a “cross the line” exercise, ask students to line up side by side behind a line of tape or other marker of separation in the classroom, and step forward if they agree with or support the statements.

Online: use a thumbs up or thumbs down to complete the exercise.

After you read each of the following statements aloud, have students show whether they **support** or **agree** or **don't support** or **disagree** with the statement. Once they have chosen their side, have one or two students share why they chose to stand where they did.

Cross the line statements:

- ★ Voting should be required of all citizens in every election
- ★ Voting is a right all citizens should have
- ★ Voting is a privilege that citizens should earn
- ★ There should be no limitations on who is allowed to vote
- ★ There are reasonable limitations to who should be allowed to vote
- ★ People under age 18 should be allowed to vote

After completing the exercise, have students discuss the following questions:

- ★ Were you surprised by any of your peers' or your own answers?
- ★ What do you think about the rules and requirements you are aware of in the country or your state that dictate the right to vote?
- ★ How do you decide what voting rules and regulations are reasonable or unreasonable?

2. WATCH FILM CLIPS

Distribute the **Voter Suppression Note Catcher** handout and the clip transcripts. Ask students to read through the questions before showing the clip(s). The note catcher asks students to record the suppression tactics in use in various states, who supports or promotes the tactic, and who it excludes.

Explain the context of the film clip:

The 2013 *Shelby County v. Holder* Supreme Court decision lifted the burden of federal "preclearance," as defined in the 1965 Voting Rights Act. Preclearance required certain counties and states to receive federal approval in order to enact any new voting rules that might limit specific groups' access to the right to vote.

Watch the clips:

- ★ **Read Film Clip Transcript One or access via [Amazon Prime](#) timecodes 58:06-59:51 (1:45 minutes)**

This clip explains the voter suppression tactic gerrymandering

Begin: Center Frame Graphic "Shelby County, Georgia"

End: "We didn't do anything wrong. The era of racism is over."

- ★ **Film Clip (free): [Voter suppression post-Shelby](#) (5:51 minutes)**

*This clip describes voter suppression tactics that emerged nationally after the *Shelby County v. Holder* decision.*

After watching the clip(s) or reading the transcript, offer students a few minutes to complete their note catchers. Discuss students' reactions to the clip(s), and answer any questions that come up.



Media Literacy Skills-Building:

- ★ Discuss the techniques the filmmakers used to represent the effects of the *Shelby County v. Holder* decision across the country. What types of footage did they use? What music or other sounds did you hear?
- ★ What emotions did this clip evoke? How might those emotions influence how you understand the clip?
- ★ How do you think people from different political, racial, class, or other perspectives might view this clip differently?

3. SMALL GROUP WORK: ANALYZING THE TACTICS OF VOTER SUPPRESSION

Split students into small groups to do an analysis of the tactics introduced by these two film clips. Have one student record and be prepared to report out. Remind students that this is not a comprehensive list of voter suppression tactics.

Each group will use the recommended resources (which can be uploaded to a shared class drive, or printed out), or credible⁴¹ resources of their own, to analyze each tactic using the following:



CRITICAL THINKING QUESTIONS

- ★ Who supports the change?
- ★ What evidence is presented to support the tactic's implementation? What is your assessment of that evidence?
- ★ Who will be excluded by the new rule?
- ★ Who will benefit from it?
- ★ How might the tactic change the outcome of elections?

Restoring Voting Rights for Returning Citizens:

There is a variable patchwork of legislation across states that prevents approximately 5.85 million Americans with felony (and in several states misdemeanor) convictions from voting. Three states, Iowa, Kentucky, and West Virginia, permanently disenfranchise anyone with a felony conviction. Only Maine and Vermont allow returning citizens who have completed their sentences to vote. This is legally referred to as felony disenfranchisement. Work is underway, largely led by system impacted communities, to restore the right to vote to those who have completed their sentences.

www.sentencingproject.org/issues/felony-disenfranchisement

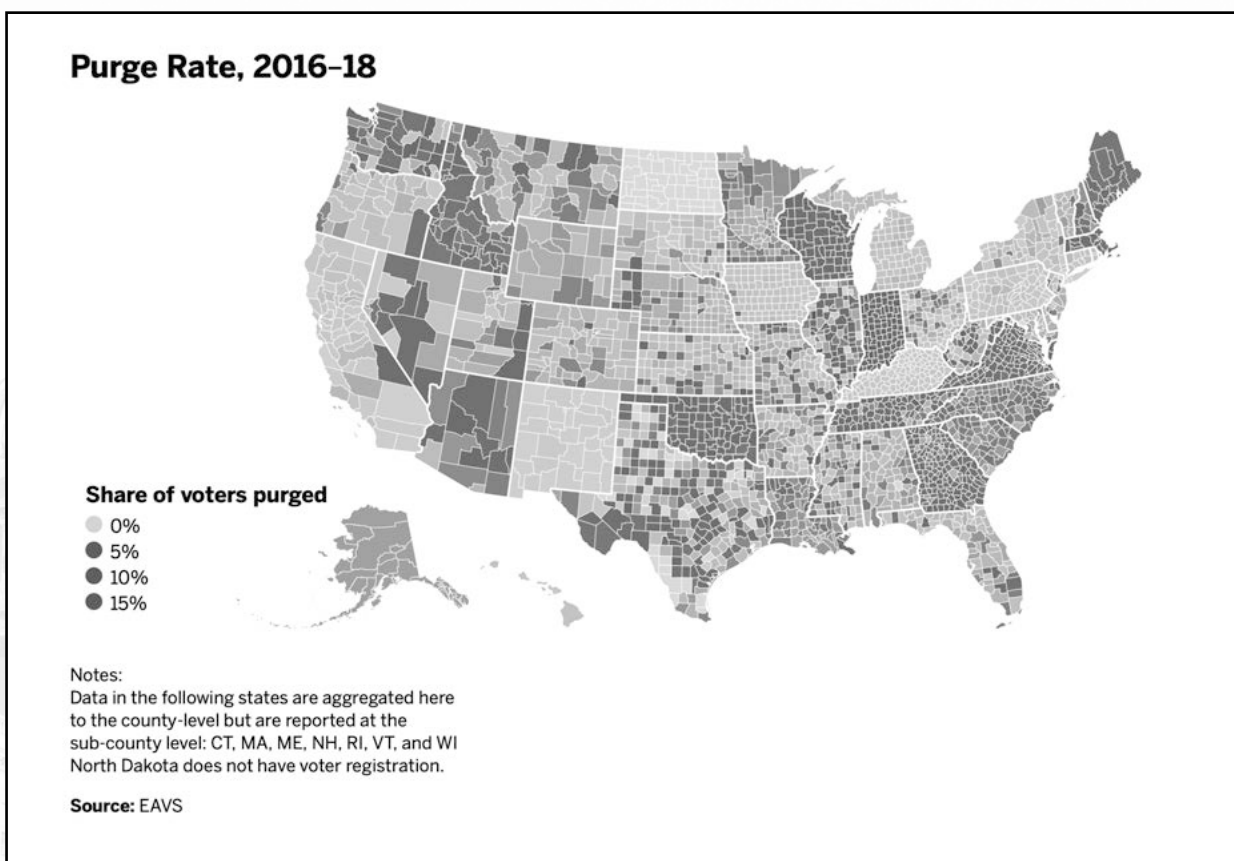
Desmond Meade and the [Florida Rights Restoration Coalition](#), featured in the film, organized to restore the right to vote for returning citizens in Florida.

Gerrymandering:

Every 10 years, states redraw district lines based on population data gathered during the census. When conducted properly, district lines are redrawn to reflect population changes and racial diversity. However when states use redistricting as a political tool to manipulate the outcome of an election, this is called gerrymandering. www.brennancenter.org/our-work/research-reports/extreme-maps

Purging Rolls:

"Purging" refers to cleaning up state voting records as people move, die, or become ineligible to vote for other reasons. Voting purges are an often-flawed process and can prevent eligible voters from casting their ballots. The "use or lose it" laws in nine states are an example of this nefarious tactic:



*Students can use this interactive map at the county level to learn about voter purge rates in their own communities: www.brennancenter.org/our-work/analysis-opinion/voter-purge-rates-remain-high-analysis-finds

Voter Identification (ID) Laws:

A policy whereby a voter must present one of a limited type of government-issued photo IDs to cast a regular ballot.

- ★ Thirty-six states have voter ID requirements at the polls
- ★ Seven states (KS, MS, TN, IN, WI, VI, GA) have strict photo ID laws where a voter is required to present a government issued photo ID (driver's license, state issued photo-ID) in order to vote. If a voter does not have the required identification, they are given a provisional ballot and the ballot will not be counted unless the voter returns within a set number of days to an elections office and shows the required ID. The number of days varies state-by-state.

www.fivethirtyeight.com/features/what-we-know-about-voter-id-laws

★ In the state of Texas, you can't use a student ID to vote, but you can use a gun license.

★ Many Native Americans who live on reservations use PO boxes for their mailing addresses, so have a hard time getting government-issue IDs.

Inflexible Voting Rules/Closing Precincts:

Raising barriers to voting, such as adhering to strict hours during the work day, or closing voting precincts in certain neighborhoods is a proven method of deterring voters. For those in states without early or mail-in voting, people like wage workers, family care takers, and others with strict schedules may not be able to take time off during the work week to vote. In neighborhoods and precincts where polling places close, voters may lack time, resources, or transportation to reach open precincts.

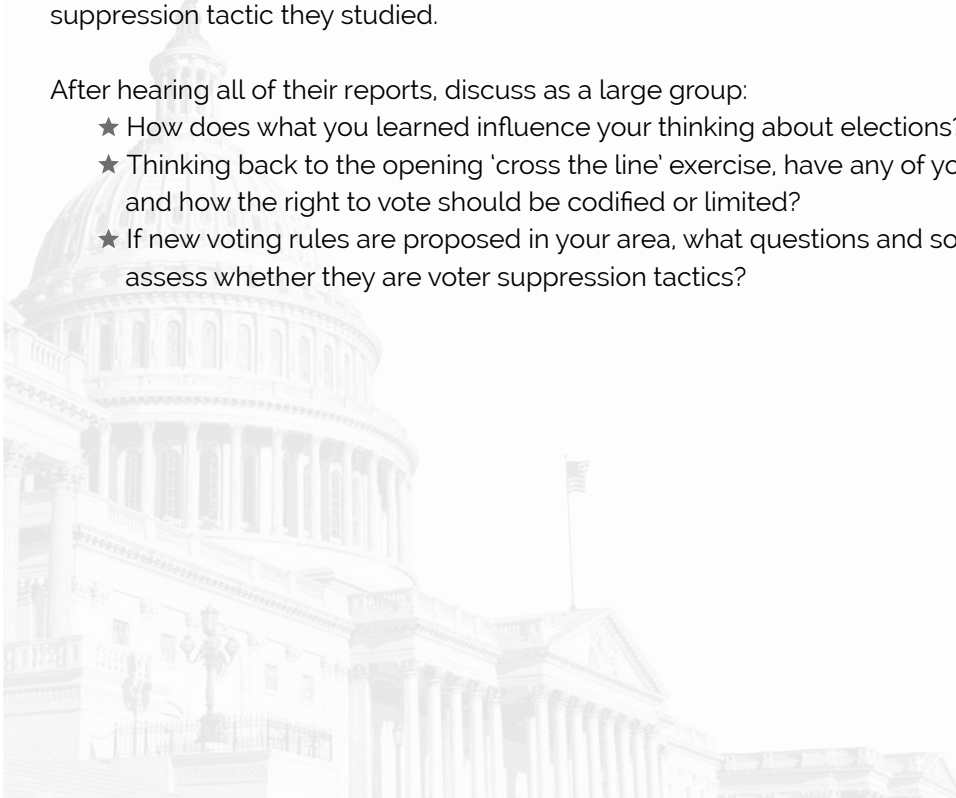
www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/09/04/polling-places-remain-a-target-ahead-of-november-elections

4. CLOSING

Each of the small groups will report out the answers to their critical thinking questions about the voter suppression tactic they studied.

After hearing all of their reports, discuss as a large group:

- ★ How does what you learned influence your thinking about elections?
- ★ Thinking back to the opening 'cross the line' exercise, have any of your ideas changed about whether and how the right to vote should be codified or limited?
- ★ If new voting rules are proposed in your area, what questions and sources of information will you use to assess whether they are voter suppression tactics?



OPTIONAL ASSESSMENT EXERCISE/HOMEWORK

1. INVESTIGATING MISINFORMATION

Students will use the critical thinking questions from their tactic exercise to analyze the August, 2020 misinformation that was spread to sow doubt and create controversy around mail-in voting for the 2020 Presidential election. They will research whether and how limiting mail-in voting might affect election outcomes, and write an argument in favor of or against limiting mail-in voting.



CRITICAL THINKING QUESTIONS

- ★ Who supports the change?
- ★ What evidence is presented to support the tactic's implementation?
- ★ Who will be excluded by the new rule?
- ★ Who will benefit from it?
- ★ How might the tactic change the outcome of elections?

Students might start from one of these articles, or another credible source, about the controversy:

- ★ <https://www.npr.org/2020/06/04/864899178/why-is-voting-by-mail-suddenly-controversial-heres-what-you-need-to-know>
- ★ <https://www.nbcnews.com/politics/2020-election/coronavirus-has-ignited-battle-over-voting-mY-mail-here-s-n1178531>



2. MEDIA LITERACY EXERCISE

Have students watch the full episode from [John Oliver's Last Week Tonight](#) episode about gerrymandering (runtime 19:33).

Respond to the following prompts:

- ★ Compare and contrast the messages from the gerrymandering clip from the film, which excerpts the John Oliver episode, and the episode itself.
- ★ In your own words, describe gerrymandering and its impact on the American system of elections.
- ★ Describe and assess the solutions to gerrymandering described in the film and/or episode, or propose a solution of your own.

VOTER SUPPRESSION NOTE CATCHER

As you watch, or after watching the film clip, answer the following questions:

For each of the states mentioned in the clip, write down the change in voting rules, who supported it, and who was affected by it:

Texas:

New Hampshire:

North Dakota:

Wisconsin:

Ohio:

Georgia:



MEDIA LITERACY THINKING

- ★ Were there any perspectives you don't feel were appropriately heard or represented in this clip?
- ★ How might you go about investigating those different perspectives?

TRANSCRIPT CLIP ONE

GERRYMANDERING

Shelby County, Alabama

ARI BERMAN:

Shelby County, Alabama. There was an election there in which the districts were redrawn so that the only African American city council member lost his race. Voter suppression and gerrymandering are two sides of the same coin:

efforts by politicians in power to try to manipulate the process to benefit themselves at the expense of others.

JOHN OLIVER:

Gerrymandering is a real problem. It's the practice of drawing voting districts in a way that creates unfair advantages for whoever happens to be drawing the lines.

A.E. DICK HOWARD

In the age of computers, you can gerrymander with scientific precision. You can run in and out of alleys and up and down streets, and carefully include and exclude whichever voters you want in one district and not in another.

JOHN OLIVER:

Shouldn't all of this be illegal? Well, that's complicated. Because if you are gerrymandering to disadvantage minorities, yes, that is illegal under the Voting Rights Act. But if you are gerrymandering to disadvantage voters of an opposing party, that has generally been allowed.

CAROL ANDERSON

Shelby County willfully violated federal law. They didn't bother to go up to the Department of Justice to check on whether it was okay, as they were changing the voting boundaries as the Voting Rights Act required. When they got called on it, when they got sued (chuckles) they said, "We didn't do anything wrong. The era of racism is over."

TRANSCRIPT CLIP TWO

VOTER SUPPRESSION POST-SHELBY

New voting laws after *Shelby County v. Holder*

CAROL ANDERSON:

Texas took the lead on this one. It spread like wildfire. So you're seeing them in Pennsylvania. You're seeing them in Kansas. You're seeing them in Wisconsin. You're seeing them in Ohio.

NEWSWOMAN:

Nine more states are enforcing new laws requiring eligible voters to present a government-issued photo I.D. at the polls.

HANS VON SPAKOVSKY:

Overwhelming majority of Americans, regardless of their political views and regardless of their race or ethnicity, support voter I.D. laws. This is not Jim Crow. This is not a police dog. This is not a fire hose.

STACEY ABRAMS:

When you restrict access to the right to vote by creating a narrow set of I.D.'s that can be used, it is creating blocks to people being able to participate. They try to make it seem rational and facially neutral, racially neutral, but it's not.

SEAN YOUNG:

We had voters who were born in the Jim Crow South who had no birth certificates because white hospitals would not allow them to give birth in their facilities.

GLADYS HARRIS:

I had my Social Security card, my To Go Pass. I had my UnitedHealthcare. I had my red, white and blue card, and I had my Ford card. And that still wasn't enough to vote.

ARI BERMAN:

About 21 million Americans don't have strict forms of government-issued I.D. That works out to about 10 percent of the electorate.

ERIC HOLDER:

You look at Texas. If you have a state-issued photo I.D. that says you're allowed to carry a concealed weapon that's sufficient to allow you to vote. If, however, you have a state-issued photo I.D. that says you're a student at the University of Texas, that's insufficient.

MICHAEL PARSONS:

Young people in America, they could have the most power of any electoral bloc in the country. If you take out one or two campuses, you can swing an election. So that's exactly what New Hampshire Republicans decided to do.

JAYLA ALLEN:

Studies will show that if you can get young adults to vote between the ages of 18 and 24, they're more likely to vote going further into their adulthood. Once you strip someone their access of being able to vote, it takes away their role within our democracy.

STACEY ABRAMS:

Voter suppression has often targeted communities that are seen as non-normative. And we saw this come into sharp relief in North Dakota, where a law that required a residential address on driver's licenses seemed benign, but the reality was that, for those communities, getting a residential address on a reservation required that the state or local government grant that to you, and it didn't happen.

DJ SEMANS:

A majority of Indian country does not have physical addresses. They use post office boxes. It became very evident that the law was created to suppress the Native American vote.

BARB SEMANS:

The only way to get recognition is to vote. And that's what it is, a matter of survival.

ARI BERMAN:

In Wisconsin, they put a new voter I.D. law in effect in the run-up to the 2016 election.

JOURNALIST:

A lot of Republicans, since 1984, in the presidential races have not been able to win in Wisconsin. Why would it be any different for a Ted Cruz or a Donald Trump?

POLITICIAN:

Well, I think Hillary Clinton is about the weakest candidate the Democrats have ever put up, and now we have photo I.D. And I think photo I.D. is gonna make a little bit of a difference as well.

ARI BERMAN:

Up to 23,000 people were blocked or deterred from voting. And Donald Trump only won the state of Wisconsin by just over 22,000 votes. So, this one restriction in Wisconsin alone, had a huge impact on Donald Trump becoming the next president of the United States.

DAVID PEPPER:

Ohio has become, sadly, the leader in creating certain types of voter suppression that other states have followed. And there's no bigger example of that than purging. There is certainly need to update your voting rolls. People pass away. People move. There also are some states that are really smart about this. Things like automatic voter registration. But Ohio does the exact opposite. Ohio's had a purging process where, if you don't vote in several elections and you don't respond to a postcard, you're knocked off the rolls.

NEWSMAN TO CAMERA:

When it comes to the right to vote, Ohio is a "use it or lose it" state.

JASON AUBRY

In a split five-to-four decision, the Supreme Court ruled that, in Ohio, you can be dropped from the voter rolls if you do not vote for about six years and do not respond to a card the state sends you in the mail.

MARCIA FUDGE:

They send you a postcard to your house. It really does look like a piece of junk mail. If you don't send it back, they assume you're not there. Then they purge you from the roll. They say, "This person didn't send it back. We're gonna drop them."



LESSON TWO



REFORMS TO ADDRESS VOTER SUPPRESSION

"THE DESIRE TO KEEP CERTAIN PEOPLE AWAY FROM THE POLLS, IT'S A REALITY THAT WE HAVE TO BE PREPARED TO CONFRONT. BUT **UNLESS WE CONFRONT THAT REALITY AND BASE ACTIONS ON THAT REALITY WE WON'T MAKE THE PROGRESS THAT WE ALL WANT TO MAKE IN THIS COUNTRY."**

- ERIC HOLDER, FORMER U.S. ATTORNEY GENERAL, *ALL IN: THE FIGHT FOR DEMOCRACY*



ESSENTIAL QUESTION


- ★ What laws, policies, and legislation can be enacted to protect voting rights?

OVERVIEW

The struggle for fair and free elections has a long history in the United States, and has had many advocates and supporters, from those individuals who insist on their voting rights at the polls to legislation and court decisions that protect voting rights.

In this lesson, students will use Georgia's 2018 gubernatorial election as a case study to learn about election structure and policies. Students will analyze proposed reforms that would protect voters from suppression tactics, and make recommendations for what would have made a more fair election. Older students will demonstrate their understanding by exploring and assessing the election system in their own state and voting districts.

**Note: The final lesson in this series, "Every Vote Matters" will focus on community organizing and advocacy work that is happening to encourage voter participation.*

Look for the  designating a media literacy focused exercise.



Learning Objectives

Students will:

- ★ Describe the ways in which elections are organized
- ★ Articulate and assess proposed policies, laws, and legislation that protect the right to vote
- ★ Summarize the election structure and voting rules in their home communities
- ★ Draft an argument that supports or critiques the electoral process in their home communities



Materials

- ★ Film Clip
- ★ Handouts:
 - ★ Address Voter Suppression Note Catcher
 - ★ Film Clip Transcript
 - ★ Brennan Center Election Reforms Proposals



Length

One, 50-minutes class period with optional homework or second day project.



ACTIVITIES

1. OPENING THINK-PAIR-SHARE EXERCISE

Have students discuss the following questions in small groups or pairs (in person), and ask a few students to share their answers with the class:

- ★ What do you know about how elections are run? Who is in charge? Who are the decision-makers?

2. MINI-LECTURE- WHO DETERMINES ELECTION LAWS?

Note: If you did not complete the US History Unit, it may be helpful to go back to **We the People: The Constitution, The State, and the Right to Vote lesson to review why the founders left the time, manner, and place of elections up to state control.*

Depending on your class familiarity with voting and elections, walk through the voting and election terms at [USA.gov](https://www.usa.gov).⁴³

Read aloud this explanation aloud:

Federal elections are administered by state and local governments, although the specifics of how elections are conducted differ between the states. The Constitution and laws of the United States grant the states wide latitude in how they administer elections.⁴⁴

The Constitution's "Elections Clause," Article 1, Section 4, states that the federal government administers federal elections on a schedule of every four years for President, and every two years for Congress. The clause grants state legislatures the right to determine the time, manner, and place of elections, as well as their own schedules for elections of governors, state legislatures, and all other elected positions. However, Congress does have the right to preempt state laws with federal requirements, such as establishing a single national voting day, and creating limits on campaign donations.

The Fourteenth Amendment to the Constitution and the 1965 Voting Rights Act protect voting rights for US citizens over the age of 18, and bar states from placing undue burden on voters. As represented in **ALL IN**, however, states and districts interpret and codify those voting rights in different ways that have enabled voter suppression to take place.⁴⁵

3. WATCH FILM CLIP

Distribute the **Election Day in Georgia Note Catcher** and have students read through the questions before watching the clip. Distribute the film clip transcript if desired.

- ★ **Film Clip (free): Election Day in Georgia (4:06 minutes)**

This film clip includes press coverage and commentary about the day of the 2018 Georgia gubernatorial elections.

Group Discussion:

- ★ What was suspicious, or clearly wrong about this election?
- ★ Which voters had the most difficult time voting?
- ★ Brian Kemp was both the candidate, and the Secretary of State in charge of elections. Discuss why that combination is problematic.



MEDIA LITERACY THINKING

- ★ What is the main message you think the filmmakers want you to take from this clip?
- ★ As you watch the clip, was there anything that stood out to you as curious, or difficult to believe? If so, how might you go about learning more about the facts presented?
- ★ Whose perspectives and experiences were represented in the clip? If you were the filmmaker, who else would you have liked to interview, and why?

4. SMALL GROUP EXERCISE: HOW CAN WE PROTECT THE RIGHT TO VOTE?

In small groups, have students compare their notes from the Election Reforms Note Catcher and use them to generate a list of actions, laws, and policies that prevented Georgia voters from exercising their right to vote.

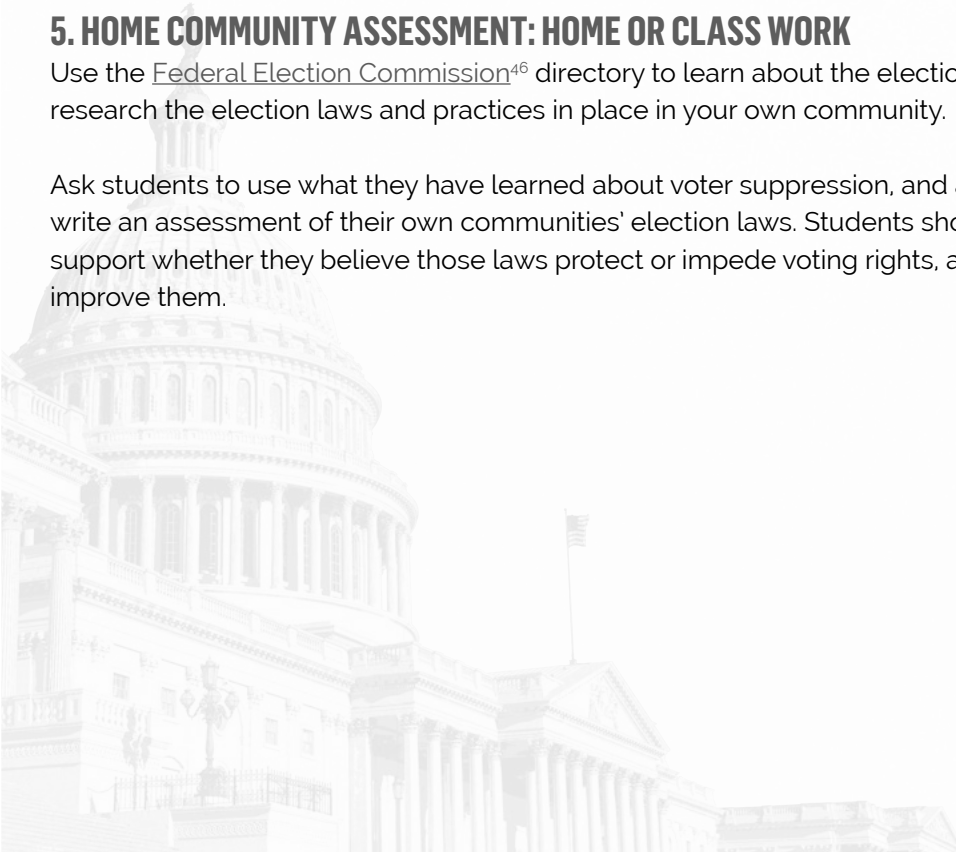
Distribute the **Brennan Center Election Reforms Proposals** Handout to the small groups and have them read the proposals out loud. Groups should then make recommendations for which of the proposals they believe would have protected voting rights in Georgia. Students can also propose their own rule changes if there are any missing from the list.

For older students who want more information, the full Brennan Center report, "[An Election Agenda for Candidates, Activists, and Legislators](#)" offers more details about each of the election reform proposals.⁴⁵

5. HOME COMMUNITY ASSESSMENT: HOME OR CLASS WORK

Use the [Federal Election Commission](#)⁴⁶ directory to learn about the election structures in your state, and research the election laws and practices in place in your own community.

Ask students to use what they have learned about voter suppression, and about protecting voter rights, to write an assessment of their own communities' election laws. Students should cite credible evidence to support whether they believe those laws protect or impede voting rights, and propose reforms that might improve them.



EXTENSIONS



Media Literacy Skills-Building

Students will compare and contrast election ads from Brian Kemp and Stacey Abrams:

- ★ Brian Kemp (runtime :30 seconds) <https://www.youtube.com/watch?v=5Q1cfjh6VfE>
- ★ Stacey Abrams (runtime :30 seconds) <https://www.youtube.com/watch?v=W81NozyQ2uo>

Discuss/Reflect:

- ★ What is the main idea of each ad?
- ★ What kind of imagery did you see in each ad? What do the images tell you about the message and the audience?
- ★ Who do you think each ad appeals to, and why?
- ★ In what way, if any, does seeing the ads influence how you think about the election day clip?

The Electoral College (for high school students)

[Article II, Section I of the US Constitution](#) describes the Executive Branch of the government and includes the formation of the Electoral College's role in presidential elections.

For an extended learning assignment, students should examine the history of the Electoral College and the ongoing controversy surrounding it and write an argument citing credible evidence stating their own opinion about whether the United States should keep the Electoral College system, or abolish it in favor of the popular vote for President.



ELECTION DAY IN GEORGIA NOTE CATCHER

Write down all the actions, rules, or laws in the clip that made it difficult or impossible for some Georgia voters to vote:

What patterns did you notice about the people who were excluded from voting?



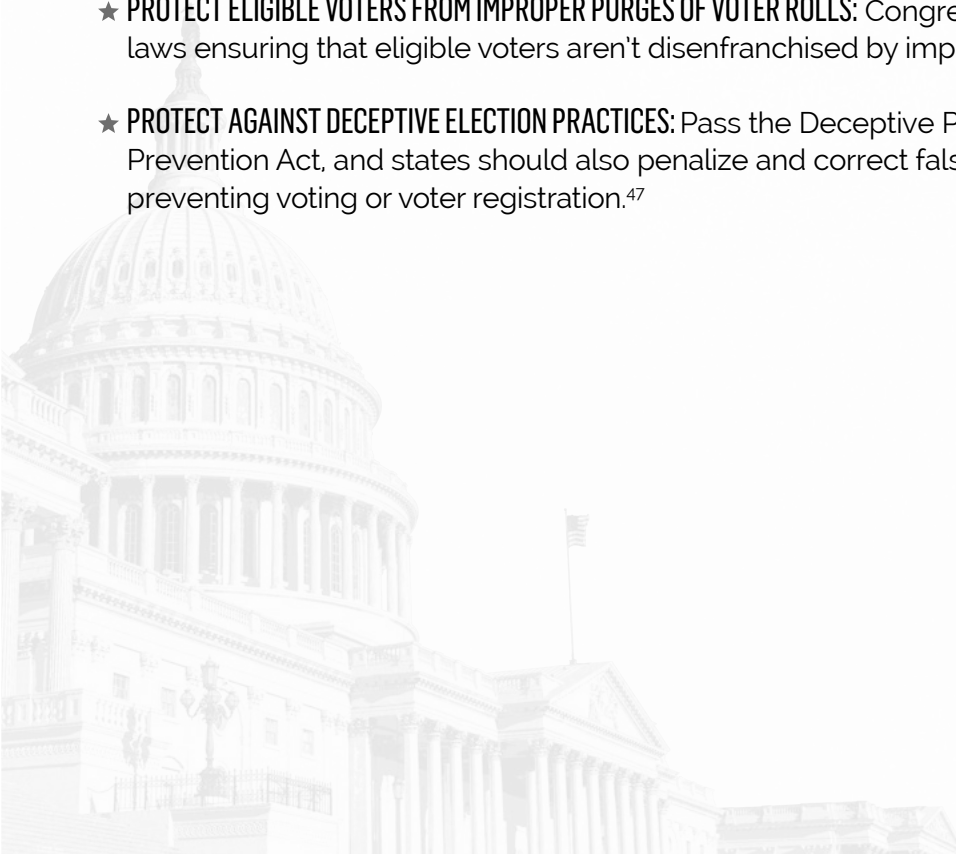
BRENNAN CENTER ELECTION REFORMS PROPOSALS

MODERNIZE THE VOTING PROCESS

- ★ **ENACT AUTOMATIC VOTER REGISTRATION:** Pass the Automatic Voter Registration Act, and states should continue to adopt automatic voter registration.
- ★ **EXPAND EARLY VOTING:** Set minimum early voting requirements in federal elections, and the states that don't offer early voting should adopt it.
- ★ **PREVENT LONG LINES TO VOTE BY ENFORCING POLLING PLACE STANDARDS:** Set and enforce standards to ensure all polling places have sufficient voting machines, poll workers, and other resources to avoid long lines.

PROTECT VOTING RIGHTS

- ★ **PASS THE VOTING RIGHTS ADVANCEMENT ACT:** Restore the full protections of the Voting Rights Act, with states supplementing those protections.
- ★ **RESTORE VOTING RIGHTS TO CITIZENS WHO HAVE BEEN CONVICTED OF CRIMES:** Pass the Democracy Restoration Act, and states should also ensure that if you're a voting-age citizen living in the community, you get to vote.
- ★ **PROTECT ELIGIBLE VOTERS FROM IMPROPER PURGES OF VOTER ROLLS:** Congress and the states should pass laws ensuring that eligible voters aren't disenfranchised by improper purges.
- ★ **PROTECT AGAINST DECEPTIVE ELECTION PRACTICES:** Pass the Deceptive Practices and Voter Intimidation Prevention Act, and states should also penalize and correct false information aimed at preventing voting or voter registration.⁴⁷



TRANSCRIPT CLIP ONE

ELECTION DAY IN GEORGIA

November 6, 2018

REPORTER:

We were with Brian Kemp and his family as they showed up to vote.

BRIAN KEMP:

It said this was an invalid card.

POLL WORKER:

You go back in there. I'll redo it for you.

REPORTER:

And Kemp had some voting issues when his voter card said "invalid." You just went and cast your ballot there.

REPORTER:

You just went and cast your ballot there. During your tenure as Secretary of State here, you've made it harder for tens of thousands of people in Georgia --

BRIAN KEMP:

Well, I would disagree with that question completely because you have no factual basis on making it harder for people to vote. It has never been easier for people to vote in the, in the state of Georgia than it is right now.

NEWSMAN:

One of the races we've been watching really closely is the Governor's race in the state of Georgia.

NEWSMAN:

From mid-town to Marietta, we're seeing long lines at polling places across the area.

VOTER:

This morning, we got here when the polls opened at 7:00. We were told that the machines weren't working. Finally, at 11:00, they got machines that were working. So we've been in line for five hours.

REPORTER:

How long have you waited in line here this morning?

BRENDA GREER:

About three and a half hours.

REPORTER:

You gonna go home? Come back?

BRENDA GREER:

I'm hurting. I'll be back. I got to go take some medicine.

LAUREN GROH-WARGO

These lines are insane. We had a big f*ing problem. Um, people are leaving lines all over. I'm getting these reports.

WOMAN:

My parents are U.S. citizens. They've voted in the past. But today, when they showed up to vote, they were told that they were purged from the voter rolls.

STACEY ABRAMS:

We'd received thousands of calls to our Voter Protection Hotline. Conversations about people being turned away from the polls.

POLL WORKER:

I can't find this one. This is where you would normally vote? (subtitled) Your name didn't come up. Even when I search.

STACEY ABRAMS:

Those stories were coming to me at every moment.

NEWSWOMAN:

Some were here for three hours, others here for much longer after the express-poll machines stopped working Annistown Elementary polling place Tuesday morning.

LAUREN GROH-WARGO:

We knew who we were up against. We had been fighting this guy for years. And then to see what the result was of intentional underfunding of elections, intentional non-training of local elections officials.

NEWSWOMAN:

He says he went to cast his ballot Tuesday morning, he handed the poll worker his I.D., and then she...

WHITTEN:

"Mr. Whitten, wait. Stop. You've already voted." I said, "No, I think I would've remembered that." She says, "No, I see here that you voted, and it looks like several days ago."

LAUREN GROH-WARGO:

Intentional purges, intentional precinct consolidation.

COORDINATOR:

They combined two locations, gave us three machines. Last election, I had 12. I don't know why.

LAUREN GROH-WARGO:

Intentional lack of training around absentee and provisional ballots. All the compendium coming together.

STUDENT:

Students were showing up, and their names were not on the actual roll. And so they were casting provisional ballots, so much so that they actually ran out of provisional ballots.

LAUREN GROH-WARGO:

It was just out of control.

STACEY ABRAMS:

We knew people were trying to be heard but I also knew they weren't being listened to.

ARI BERMAN:

Election night, I knew something had gone horribly wrong.

NEWSMAN:

Take a look at where the numbers stand right now the numbers are now tightening, the spread is some only 60,000. Several counties have yet to process their provisional and emergency ballots leaving an estimated 22,000 ballots outstanding.

STACEY ABRAMS:

By 1:00 a.m., what we knew was that the race was too close to call. I'm here tonight to tell you votes remain to be counted. There are voices that were waiting to be heard. Across our state, folks are opening up the dreams of voters in absentee ballots and we believe our chance for a stronger Georgia is just within reach. But we cannot seize it until all voices are heard. And I promise you, tonight, we are gonna make sure that every vote is counted. Every single vote.

LESSON THREE



EVERY VOTE MATTERS

"VOTER TURNOUT IS THE BEST REMEDY FOR VOTER SUPPRESSION."

- STACEY ABRAMS, *ALL IN: THE FIGHT FOR DEMOCRACY*




ESSENTIAL QUESTIONS

- ★ What factors influence whether or not eligible voters participate in elections?
- ★ How can every person participate in encouraging eligible voters to participate in elections?

OVERVIEW

Every person in the United States, no matter their age, citizenship status, or political point of view, has a role in protecting fair and free elections and empowering voters to exercise their rights. The advocates, activists, historians, and legal experts in *ALL IN: The Fight for Democracy* suggest multiple ways that individuals and communities can work together to participate in and protect elections, and in doing so, preserve the core tenet of representation in our democracy.

Look for the  designating a media literacy focused exercise.



Learning Objectives

Students will:

- ★ Define the concept of voter turnout
- ★ Identify factors that influence whether or not voters choose to exercise their rights
- ★ Describe grassroots organizing efforts that have effectively increased voter turnout
- ★ Explain the skills and steps voters should take to ensure their vote is counted
- ★ Analyze artwork that promotes voting
- ★ Create their own messages that will inspire and empower others to vote



Materials

- ★ Film Clips
- ★ Film Clip Transcripts
- ★ Learning About Non-Voters and All In For Voting Action Steps Handout
- ★ Method to print or project images from the "Art of Voting" collection
- ★ Poster paper, art supplies to create their own "Art of Voting" posters



Length

Two, 50-minutes class periods

DAY ONE ACTIVITIES



1. OPENING

Partner Interviews: Find a partner and interview one another with the following questions:

- ★ What, if anything, have you learned about voting and elections from your family? Your community? The media?
- ★ Has there ever been an election, for any elected official from President to School Board, or issue, such as gun ownership or abortion rights, that you were eager to participate in? What about that issue motivates you?

2. WATCH FILM CLIP

Distribute the **Get Out the Vote Note Catcher** Handout, and if desired the clip transcripts. Give students a moment to look over the questions on the note catcher and remind them to take notes as they watch the clip.

Both of the following film clips showcase individuals and organizations who are dedicated to expanding the right to vote, and to encouraging others to participate in voting.

- ★ **Read Film Clip Transcript One or access clip via [Amazon Prime](#) - timecodes 26:53-30:51 (3:58 minutes)**

In this clip, Desmond Meade establishes the Florida Rights Restoration Coalition to restore the right to vote to returning citizens.

Begin: Graphic "Florida"

End: "They are the legacy of attempts to permanently disenfranchise African Americans and to block their participation in society."

- ★ **Film Clip (free): [Lucha](#) (2:27 minutes)**

Alejandra Gomez and the organization Lucha register voters in Maricopa County, Arizona

Large group discussion questions:

- ★ What motivated Desmond Meade, Alejandra Gomez, and others in these clips to act?
- ★ What tactics and strategies did they employ to achieve their goals?
- ★ What did you hear or see in these clips about why people decide to vote, or not?
- ★ Alejandra Gomez says, "The most important part of voter registration is that human connection and being able to understand why that person does not trust." What does that mean to you?



Media Literacy Questions

- ★ How did you respond to hearing the individual stories of Desmond Meade, Alejandra Gomez, and Alex Delgado Garcia? What is the power of individuals' stories in understanding a national problem like voter suppression?
- ★ When you think of big social issues like voting rights, whose voices are you accustomed to hearing? How do the voices in these clips compare or differ from those voices?

3. SMALL GROUP WORK: UNDERSTANDING VOTER TURNOUT

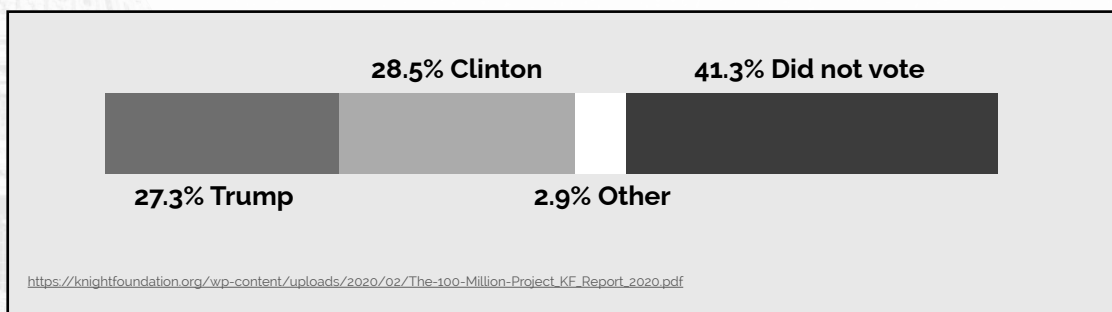
In the film *ALL IN*, Stacey Abrams says, "Voter turnout is the best remedy for voter suppression."

Ask a few students to explain their understanding of the quote, including the phrase, 'voter turnout'. If they are unfamiliar with the term, use this explanation:

'Voter turnout' is the percentage of eligible voters who participate in an election. 'Voter turnout' is a common measure of civic participation.⁴⁸

Explain to students that voter turnout is lower in the US than in most other developed countries. The chart below is reflective of a typical presidential election in the US, in which an average of between 50-60 percent of eligible voters tend to participate. Congressional elections (also known as midterm elections) elicit even lower participation, between 40-50 percent, depending on the election.⁴⁸

Show the percentage of eligible voters who participated in the 2016 Presidential Election:



Discuss:

- ★ What does this chart tell you?
- ★ What do you think motivates people to vote?
- ★ Why do you think people do not vote?

Distribute the **Data Analysis: Non-Voters** Handout.

In small groups, have students read through the handouts and as a group generate answers to the following questions:

- ★ How does this data reinforce or challenge what the clips showed about voter turnout?
- ★ What does the data tell you about why people don't vote?
- ★ What, if anything, is surprising to you?
- ★ What, if anything, feels intuitive or 'right' to you?
- ★ What aspects of the data do you suspect are influenced by voter suppression tactics, past or present?
- ★ What further questions do you have about why people do or don't vote?
- ★ What further questions are raised by the data?

4. DAY ONE CLOSING

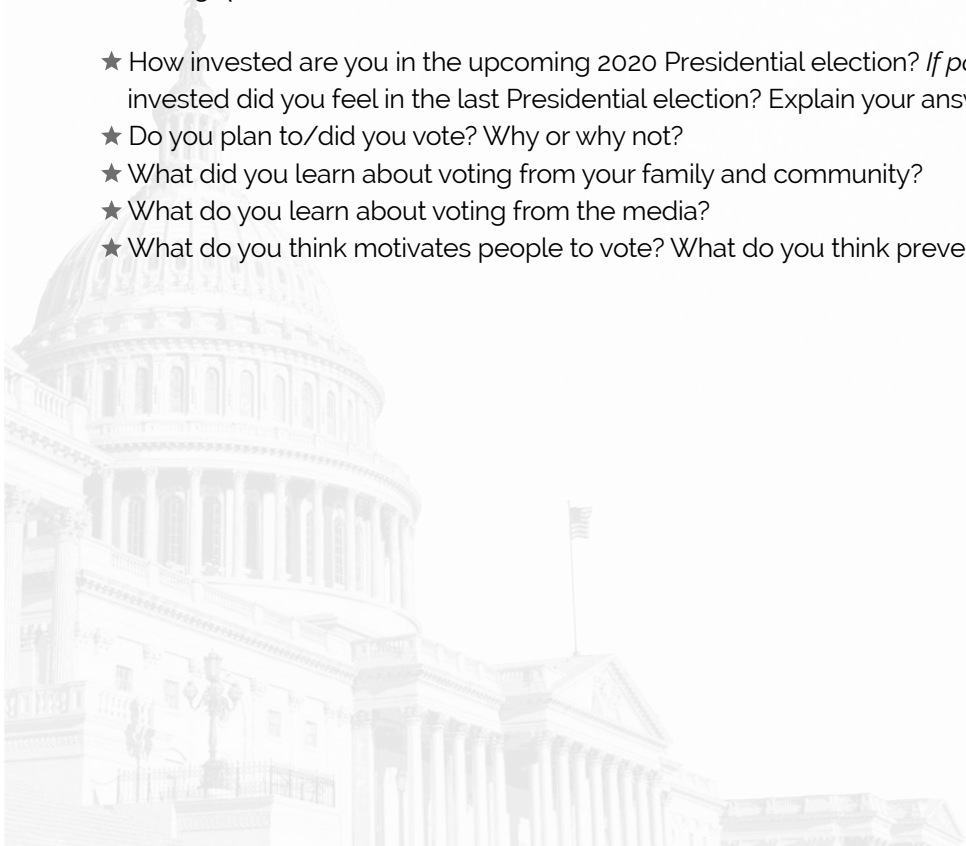
Ask students to reflect personally on their own thoughts about and/or experiences with voting, and generate a list of those influences that make them 'likely' to vote.

Collage Creation: On a post-it or colored piece of paper, have each student write down a word or phrase that most strongly describes the factor that makes them most likely to vote. In the classroom, have students stick their voting reasons up on the wall to create a classroom collage. Online, have students post answers in a shared space.

Homework:

Have students conduct a brief interview of a family member, neighbor, or other trusted adult about voting using the following questions:"

- ★ How invested are you in the upcoming 2020 Presidential election? *If post-2020 election*, How invested did you feel in the last Presidential election? Explain your answer.
- ★ Do you plan to/did you vote? Why or why not?
- ★ What did you learn about voting from your family and community?
- ★ What do you learn about voting from the media?
- ★ What do you think motivates people to vote? What do you think prevents them from voting?



DAY TWO ACTIVITIES



"IT'S NOT GONNA BE THE COURTS THAT SAVE US. IT'S NOT GONNA BE THE JUSTICES
IN THEIR ROBES. IT'S GOT TO BE THE PEOPLE."

- MICHAEL WALDMAN, *ALL IN: THE FIGHT FOR DEMOCRACY*



1. VOTING INTERVIEW REPORT BACK

In pairs or small groups, have students share what they learned from their voting interview

- ★ How did their interviews align with (or not) the voter turnout data?
- ★ Were any of the responses surprising, or new to them?

2. WATCH FILM CLIP

Distribute the **Film Clip Transcript**, and have students follow along as you show the clip. Students will star or underline moments in the clip that stood out, excited them, or that they thought were particularly effective.

★ **Film Clip (free): *Get Out the Vote* (1:56 minutes)**

In this film clip, voters (including some famous people) offer advice for how to vote, and how to encourage others to vote.

Discuss:

- ★ How did watching the clip make you feel about voting?
- ★ What artistic tools, such as music, facial expressions, voices, lighting, the people included, or other aspects of the clip elicited the biggest reaction from you?
- ★ Why do you think the filmmakers chose to use celebrities to share these voting messages? What are the advantages and disadvantages of using celebrity voices?
- ★ Did the advice in the clip address concerns or reinforce strengths you learned about from the voter turnout data? What would you change or add to get people to vote?

3. ANALYZE “ART OF VOTING POSTERS”

Read aloud this explanation of a national project called the Art of Voting:

The Art of Voting features original political posters from more than 60 visual storytellers working at the top of their fields. These inspirational images are paired with personal essays contributed by activists, advocates, and people working within government, as well as everyday citizens. Together, over 100 voices provide an urgent call to action united around a single message: Our democracy is worth saving, and we have the power to do it.⁴⁹

In Person: Post the Art of Voting posters around the classroom with the artists' statements next to each. Have students do a gallery walk around the room at their own pace to examine the posters.

Online: post the attached [Powerpoint presentation](#) in a shared classroom space for students to be able to peruse images and statements at their own pace.

After their gallery review, have students take a few minutes to write reflectively about the images. Have them choose one or more of their favorites and write about how the image made them feel, what attracted them to it, and whether and why they think it will effectively encourage others to vote.

In the large group, invite students to share parts of their answers.

3. CREATE YOUR OWN VOTING STATEMENT

Thinking back to the data about voting, the responses to voter interviews, and their own responses to the images, ask students to make their own creative expressions to motivate others to vote. Students can choose their medium, such as:

- ★ Visual Art
- ★ Poetry/Spoken Word
- ★ Video
- ★ Meme or Infographic
- ★ Songwriting

Students should draft an artists' statement that includes:

- ★ Some information about themselves
- ★ Their thoughts and ideas about voting
- ★ The message they want their work to convey

Extensions/Homework:

Creative class expressions can be compiled and shared in many ways. Here are some ideas for events or ways for students to share their works::

- ★ In the lobby of your school
- ★ On a shared electronic space that will be viewed by other classes in your school
- ★ With parents and families in your school
- ★ With a local voting rights organization
- ★ Through a local newspaper or online news outlet

GET OUT THE VOTE NOTE CATCHER

FLORIDA RIGHTS RESTORATION COALITION

What does it mean to Desmond Meade to be able to vote?

What strategies did the Florida Rights Restoration Coalition use to motivate voters toward their cause?

The conservative Republican voter says, "This issue isn't about politics, it's about people." Why do you think the director chose to include that perspective?

How do you think the passage of Amendment 4 in Florida might influence other voters? Would it make them more likely to want to vote, or less? Explain your answer.

LUCHA

What inspired Alejandra Gomez to found the voting registration organization Lucha?

What are the barriers that Lucha volunteers encounter as they try to register new voters?

How do the volunteers of Lucha succeed at registering voters?

DATA ANALYSIS: NON-VOTERS

To learn more about why people don't vote, the Knight Foundation's [100 Million Project](#) conducted a national survey of people who did not vote in 2016, and included people who were too young to vote at the time. The following data comes from their report, "The Untold Story of American Non-Voters."⁵⁰

The study found the following reasons for not voting to be shared across demographics like gender, race, and economic class:

- ★ A lack of faith in the integrity of the election systems, and that their vote would count
- ★ Do not actively seek out news, and do not feel informed on how to vote, or have enough information about the issues and candidates to decide
- ★ Non-voters do not have a clear party affiliation, though they do have a diversity of opinions about major issues like health care and immigration
- ★ Young people (ages 18-24), feel even less informed and interested in politics than older people, and report they are less likely to vote in 2020.

DEMOGRAPHIC TRENDS

Gender: Gender does not seem related significantly related to non-voting or active voting

Race: The majority of non-voters are white (65 percent). However, the proportion of non-voters who are Black, Indigenous, and People of Color (34 percent) is slightly higher than that of White voters (28 percent).

Education: There is a pronounced trend showing that non-voters on the whole are less likely to be college graduates than voters:

- ★ People who have a college degree or higher make up 37 percent of non-voters, and 54 percent of active voters.
- ★ People who have a high school diploma or less education make up 31 percent of non-voters and 16 percent of active voters.

Household Income:

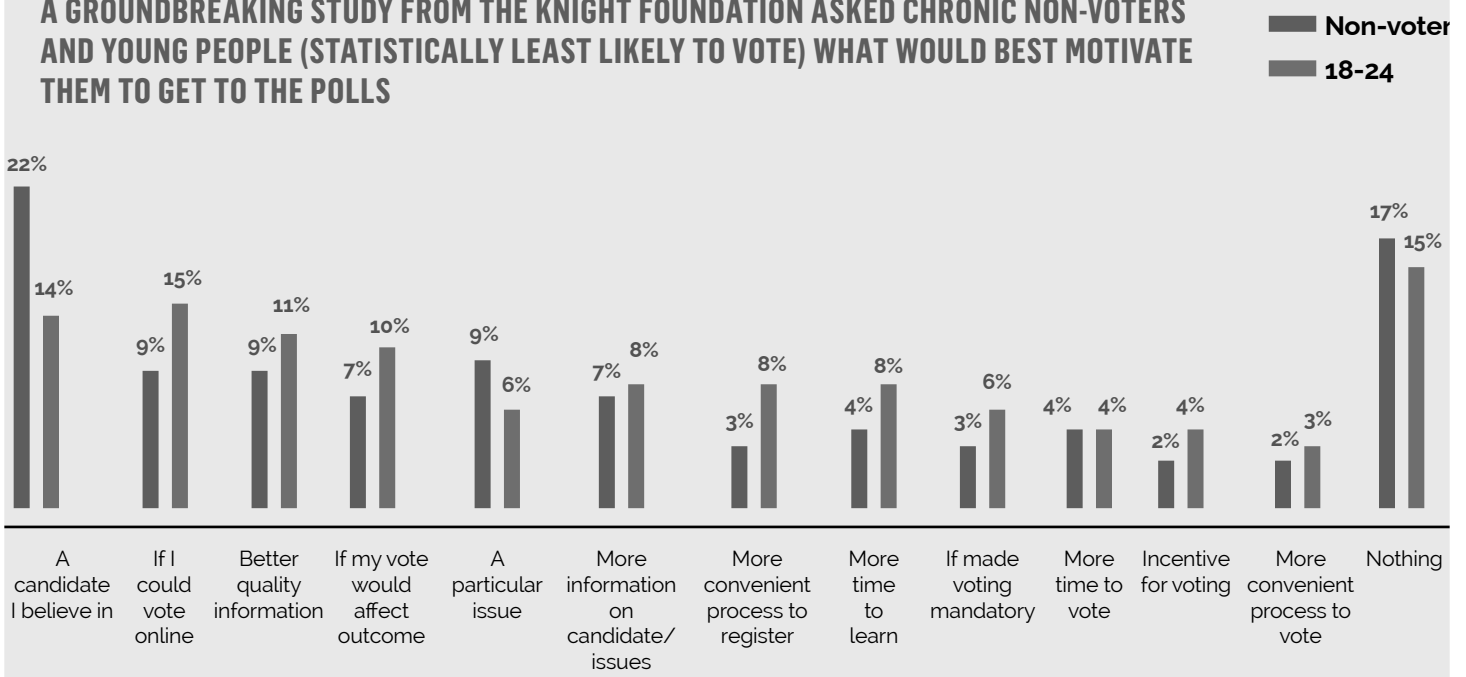
- ★ People from households with higher incomes are more likely to be active voters:
- ★ People whose household incomes are less than \$50,000 make up 44 percent of non-voters and 26 percent of active voters
- ★ People with household incomes higher than \$100,000 make up 13 percent of non-voters and 29 percent of active voters.

Age:

- ★ Ages seems to be a major factor, where older people (ages 46-74) are the most likely to be active voters:
- ★ People ages 25-40 make up 40 percent of non-voters, and only 30 percent of active voters
- ★ People ages 46-74 make up 43 percent of non-voters and 52 percent of active voters

MOTIVATIONS TO VOTE

A GROUNDBREAKING STUDY FROM THE KNIGHT FOUNDATION ASKED CHRONIC NON-VOTERS AND YOUNG PEOPLE (STATISTICALLY LEAST LIKELY TO VOTE) WHAT WOULD BEST MOTIVATE THEM TO GET TO THE POLLS



https://knightfoundation.org/wp-content/uploads/2020/02/The-100-Million-Project_KF_Report_2020.pdf



TRANSCRIPT CLIP ONE

FLORIDA RIGHTS RESTORATION COALITION

PREACHER:

The Word says, "Great is the Lord and pregnant to be praised." I'm gonna pray to my God and get up.

DESMOND MEADE:

My name is Desmond Meade. I grew up in Miami, Florida. I am what we call a returning citizen. Returning citizens are people with previous felony convictions. You know, I used to tell people that my story didn't have a happy ending because I lived in Florida, where over 1.68 million people had a lifetime ban from voting and other things. After graduating high school, I went into the service. When I returned home, I was addicted to drugs and I was in and out of jail. And I ended up checking myself into drug treatment. I experienced a transformation. What have I done with my life to make a difference?

NEWSMAN:

Florida leads the nation in denying the right to vote to one specific group: felons.

MEADE:

For years, we have lobbied politicians to change these old Jim Crow laws and we were not able to accomplish anything.

RICHARD HARRISON:

If there's a million and a half convicted felons in Florida and they're suddenly all qualified to vote that universe of people are probably gonna be more inclined to favor the Democratic Party.

INTERVIEWER:

What data is there to support that?

HARRISON:

None.

MEADE:

So, if the politicians did not have the political strength or courage to actually change the policies, then the next best thing was to let the citizens, uh, take it into their own hands.

CROWD CHANTING:

Let our people vote! Let our people vote!

MEADE:

In October of 2014 we launched the ballot initiative. All of the experts thought that it was impossible to even get it on the ballot. But this was an organic grassroots movement. We knocked on a lot of doors.

VOLUNTEER:

We're gonna change history.

MEADE:

We made a ton of phone calls.

VOLUNTEER INTO PHONE:

We're talking to voters about Amendment 4, the voting restoration amendment on the ballot this November. Have you heard about it?

MEADE:

And our message was very simple. When the debt is paid, it's paid. Ah, and that this was an all-American issue that impacted people from all walks of life.

NEIL VOLTZ:

I'm a 20-plus-year conservative Republican. I bring that up not to make an issue of it but to actually not make an issue of it. This issue isn't about politics. It's about people.

MEADE:

Out of all the civil rights, nothing speaks more to citizenship than being able to vote.

MARCO:

Today is midterm Election Day. Voting's gonna be in full swing here in just a few hours.

NEWSMAN:

Voters in Florida are preparing to vote on a measure that would restore voting rights to 1.4 million people. One in five African Americans in Florida and 10 percent of the state's adult population.

NEWSWOMAN:

Amendment 4, if it passes, is expected to change the shape of Florida's electorate for decades to come.

NEWSMAN:

Millions of votes already cast here in Florida, but millions more will vote today.

NEWSWOMAN:

It looks like Amendment 4 will pass. That's a big deal in Florida. Amendment 4 passing by a wide margin. 64% there.

CROWD CHANTING:

Get the vote! Get the vote! Get the vote!

MEADE:

I need every returning citizen here on this stage.

WOMAN:

That's right!

MEADE O.S.:

When Amendment 4 passed, there was a feeling of joy and appreciation for folks to be able to participate in our democracy.

WOMAN:

We did it!

MAN:

Oh, my God. I am feeling, like, on cloud nine right now.

STACEY ABRAMS:

That population in Florida and around the country they are the legacy of the Black Codes. They are the legacy of the Mississippi Plan. They are the legacy of attempts to permanently disenfranchise African Americans and to block their participation in society.

TRANSCRIPT CLIP TWO

LUCHA

Tent City Jail, Maricopa Count

NEWSWOMAN:

America's most unwelcoming prison regime likes to advertise it always has vacancies.

JOE ARPAIO:

It shows I will always have room for illegals.

NEWSWOMAN.:

The man who calls himself America's toughest sheriff makes his prison as unpleasant as possible.

ALEJANDRA GOMEZ:

Arpaio became the face of terror for our community. We would see posses going to neighborhoods to do roundups. There were checkpoints to ask people for their papers. It created a righteous anger, saying that we deserve more and we do not deserve to live under this.

GARCIA:

We gotta tell the whole world!

GROUP:

This is ACE territory!

GARCIA:

Okay, my people!

GROUP:

Yeah!

GARCIA:

We got a story!

GROUP:

Yeah!

GARCIA:

We gotta tell the whole world:

GROUP:

This is ACE territory!

GARCIA TO GROUP:

All right, dope. How's everybody doing? Good?

GROUP:

Good.

GARCIA:

How's everybody doing, y'all?

GROUP:

Good.

GARCIA:

All right, dope. About almost three years ago, it was my first day at LUCHA and Stephanie was up here at the front and she was talking about how we're gonna register a lot of people to vote.

And I remember her giving me the clipboard, right? And she was like, "All right, we're gonna go to Walmart." And I was so scared.

ALEJANDRA GOMEZ:

Our volunteers are standing on the shoulders of folks that have paved the way for us to be able to cast that ballot and become part of a power community that is now impacting policies.

GARCIA:

Hi. Are you a registered voter? No? How come?
Are you a citizen? Hola. Está usted registrada
para votar? No? Por qué no? Pues muchas gracias.
There is always a debate on, why aren't our
communities participating?

WOMAN:

We're already registered.

GARCIA:

Oh, you are? What about y'all?

MAN:

Naw.

GARCIA:

No? How come?

MAN:

I don't know. I don't trust politicians.

GARCIA:

No, you're right.

MAN:

I'm not interested.

GARCIA:

No, heck yeah. I feel like-I mean, that's how I
thought, too, right?

GOMEZ:

The most important part of voter registration
is that human connection and being able to
understand why that person does not trust.



ART OF VOTING POSTERS AND ARTISTS' STATEMENTS

JORDAN CHARLES

Link to Poster File:

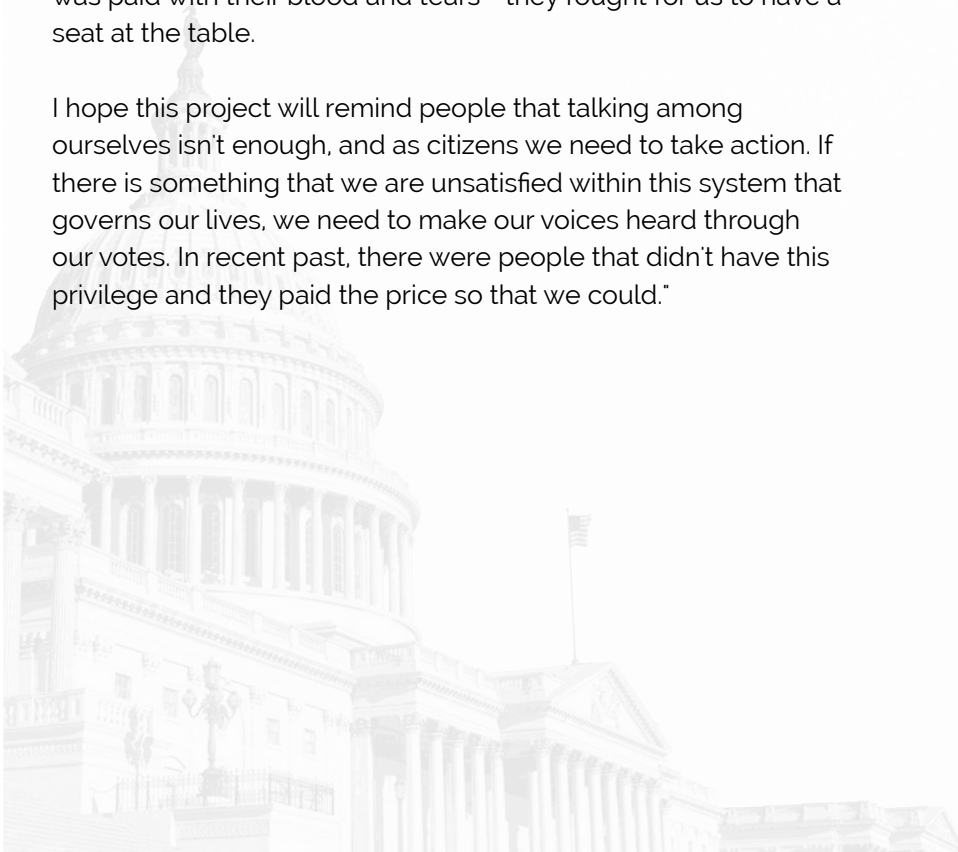
https://drive.google.com/file/d/1eQOLKVcqX_UiQoJJh-kya6ns2jEo4Xsy/view?usp=sharing

Artist Statement:

"I'm an interdisciplinary designer passionate about crafting meaningful experiences and narratives. While my day job involves conceptualizing digital interfaces and designing buildings, I moonlight as a wannabe illustrator where I attempt to create dope characters of color.

Voting gives us a voice within a complex system that has the power to influence our lives, both positively and negatively. However, the privilege to vote wasn't always available to every citizen and certain demographics had to fight, and in some cases die, to obtain this right. These sacrifices are sometimes overlooked when the power of a vote is underestimated and downplayed. This piece was created as a reminder that there are people that paved the way for us to have this right and the price was paid with their blood and tears - they fought for us to have a seat at the table.

I hope this project will remind people that talking among ourselves isn't enough, and as citizens we need to take action. If there is something that we are unsatisfied within this system that governs our lives, we need to make our voices heard through our votes. In recent past, there were people that didn't have this privilege and they paid the price so that we could."



SHANNON LAMB

Link to Poster File:

https://drive.google.com/file/d/1t_kocpu74hghMqheYzWjODdDe8qcc6aB/view?usp=sharing

Artist Statement:

"I'm a Graphic Designer and Illustrator who is passionate about creating work that engages, educates and brings a little fun to the everyday.

I wanted to create a poster that addressed this specific time in voting history where we are fighting a pandemic and fighting to make our voices heard in the most important election of our lives. Voting by mail is a crucial tool in this election as it allows us to cast our votes while still protecting our own health and the health of our communities. I hope that my poster will inspire people to request their vote-by-mail ballot and make their voices heard!

I hope the Art of Voting Project will inspire people to vote. I'm so excited that the project will benefit Fair Fight, and hope that it will help in the fight against voter suppression."



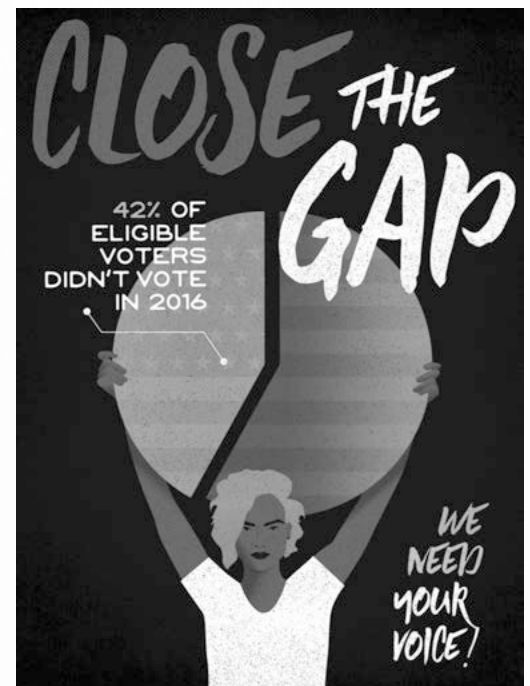
AVIVA OSKOW

Link to Poster File:

https://drive.google.com/file/d/1UtssEe4vQgOayNg-DMp_YYrawtMKmKpu/view?usp=sharing

Artist Statement:

"Aviva Oskow is a multidisciplinary designer and artist who has always believed in the power of creativity to expand the fight for social justice and a better world. She has supported many political and social movement campaigns through visual design and creative strategy, and works as a civic technologist, designing products that improve the user experience of government services. In her digital illustration, "Close the Gap" for The Art of Voting project, she wanted to convey a stark statistic—that 42% of eligible voters didn't vote in the 2016 presidential election*. Data can be powerful when presented in a compelling way, and this piece is meant to inspire a sense of social responsibility, encouraging people to vote and pass the message along to their fellow Americans. While voting is not the end-all-be-all for social change, and many Americans are currently denied fair and equal representation, it is an incredibly important piece of the puzzle. We must both exercise our right—and fight to increase access and improve elections for all."



*Statistic Sources: Pew Research Center, Washington Post, Scatterplot blog

GET OUT THE VOTE FILM SCRIPT TRANSCRIPT

DIRECTIONS: As you watch the film clip, underline or star the words or moments that you think are exciting, or particularly effective in motivating voters.

WOMAN:

Register to vote. Even if you think you're already registered, check your registration status.

WOMAN #2:

Seriously, check to see if you're registered to vote at allinthe film.com. Don't be a victim of voter purge.

WOMAN #3:

If you're registered, make sure the information is correct. If not, update it.

DRAG QUEEN:

Oh, and make sure to keep your receipts. Take a screenshot so that no one can deny your registration.

WOMAN #3:

Get informed. Find out which documents or ID are required for you to vote in your state so that you will have time to prepare to vote.

GLORIA STEINEM:

Make a plan. Look up your polling place, and the time it's open and how you're getting there. And what you can do to stay safe if you're casting your socially distance vote in person.

BEARDED MAN:

Some states allow any voter to vote absentee, other states have stricter requirements. Head to allinthe film.com to find out details about your state and how to request a ballot.

YOUNG WOMAN:

Go to 2020census.gov and complete your census form. Insure that your community is counted and help combat gerrymandering.

DESMOND MEADE:

And most importantly, know your rights.

YOUNG MAN:

If the polls close and you in the line, man, stay in the line, because you got the right to vote.

NICK JONAS:

If you make a mistake on your ballot, ask for a new one.

KEVIN JONAS:

If the machines are down at your polling place, ask for a paper ballot.

JOE JONAS:

If they can't find your name on the voter rolls, then ask for a provisional ballot.

YOUNG WOMAN:

And if you run into any problems or have any questions on Election Day, call the Election Protection Hotline: 866-OURVOTE.

NICK JONAS:

Think you got all that?

DRAG QUEEN:

Are you all in?

YOUNG WOMAN:

Perfect. Now...

JOE JONAS:

Go and tell literally everyone...

BEADED MAN:

Everyone.

WOMAN:

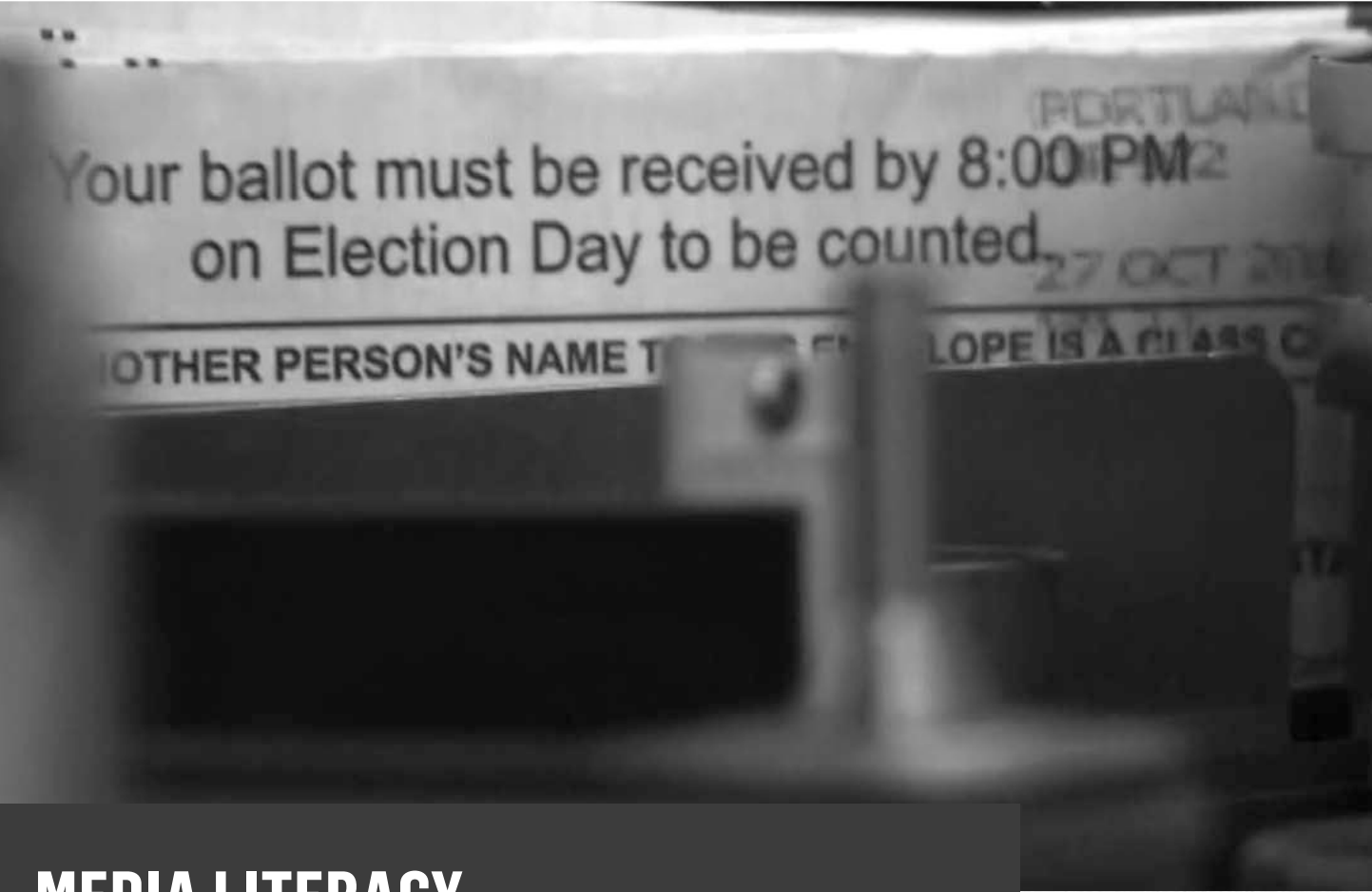
Everyone you know.

WOMAN #3:

Everyone you know.

WOMAN:

Literally everyone you know.

A blurred photograph of a ballot box. The text on the box is partially legible. At the top right, it says "(PORTLAND)". Below that, it says "Your ballot must be received by 8:00 PM" and "on Election Day to be counted". To the right of this, it says "27 OCT 2020". Below the main text, there are two lines of text: "OTHER PERSON'S NAME T" and "LOPE IS A CLASS C".

(PORTLAND)
Your ballot must be received by 8:00 PM
on Election Day to be counted. 27 OCT 2020
OTHER PERSON'S NAME T
LOPE IS A CLASS C

MEDIA LITERACY

"JAMES BALDWIN SAID THAT, 'PEOPLE ARE TRAPPED IN HISTORY AND HISTORY IS TRAPPED IN PEOPLE.' WE CAN'T ESCAPE WHERE WE COME FROM, BUT IT'S OUR RESPONSIBILITY TO RESHAPE WHAT THAT STORY LOOKS LIKE."

- STACEY ABRAMS, *ALL IN: THE FIGHT FOR DEMOCRACY*

LESSON ONE



ALL IN FOR CIVIC AND MEDIA LITERACY: USING THE FULL FILM



ESSENTIAL QUESTIONS

- ★ How does the documentary *ALL IN: The Fight for Democracy* tell the story of American democracy, voting rights, and voter suppression past and present?
- ★ How do media literacy skills inform civic literacy?

OVERVIEW

ALL IN: The Fight for Democracy tells the story of the 2018 gubernatorial race in Georgia and the insidious voter suppression tactics used throughout the campaign leading up to election day. The film offers students a historical overview of voter suppression tracing its roots to our nation's founding, and insight into how individuals, communities, and social movements fought to guarantee and expand the right to vote.

In this lesson, students will practice critical media literacy skills to “read” and analyze the documentary film *ALL IN: The Fight for Democracy*. By strengthening and practicing these skills, students can become more discerning consumers of all media, increase their civic literacy, and become more responsible and engaged citizens.



Learning Objectives

Students will:

- ★ Watch the full documentary, *ALL IN: The Fight for Democracy*
- ★ Analyze the documentary using critical media literacy questions
- ★ Demonstrate skills to 'read' film with a critical media literacy lens



Materials

- ★ Film Trailer
- ★ Handout: [NAMLE Key Questions to Ask When Analyzing Media Messages](#)
- ★ Information for students to access and watch the full film
- ★ Access to or copies of the letter from filmmakers



Length

This lesson includes a suggested flipped classroom model, where students will do a short introductory exercise as a class, watch the full film as homework, and come together for the class activities.

Suggested pacing:

- ★ Fifteen minutes class pre-work
- ★ Film viewing at home
- ★ One 55-minutes class period

HELPFUL DEFINITIONS

MEDIA LITERACY empowers people to be critical thinkers and makers, effective communicators and active citizens and strengthens their ability to access, analyze, evaluate, create, and act using all forms of communication.

CIVIC LITERACY provides the knowledge and skills to participate effectively in civic life knowing how to stay informed, understand governmental processes, and how to exercise the rights and obligations of citizenship at the local, state, national, and global level.

CLASS PRE-VIEWING WORK

PRE-VIEWING ACTIVITY (15 MINS)

1. Watch the trailer for *ALL IN: The Fight for Democracy* (2:55 minutes)

After watching the trailer, discuss the following questions:

- ★ What ideas and stories do you think this film will explore?
- ★ Who do you think the producers will interview?
- ★ Who do you think is the intended audience for this film?
- ★ What do you hope to learn from this film?
- ★ What does the title, "All In: The Fight for Democracy," tell you about the film?

2. Media Literacy Groups: Jigsaw

- ★ Organize students into small groups of three and assign each group a number. This will be their jigsaw group.
- ★ Distribute the [NAMLE Key Questions to Ask When Analyzing Media Messages](#). (NAMLE is an acronym for National Association of Media Literacy Education). Read over the top of the handout "Using this Grid" and answer questions. Assign each student to an expert group:
 - ★ #1: Authors & Audiences
 - ★ #2 Messages & Meanings
 - ★ #3 Representation & Reality
- ★ Have students read over the questions in their assigned group. Clarify that only relevant questions need to be answered and encourage them to generate new questions and observations to share with the entire class as they watch the documentary.

3. Explain Homework

- ★ Watch *ALL IN: The Fight for Democracy* on Amazon Prime
- ★ After watching the full film at home, students should come to class prepared with typed answers to the questions for their assigned section. If your class uses shared online docs, create folders for each group and have students upload their documents before class begins.

NEXT DAY ACTIVITIES

1. DISTRIBUTE AND READ ALOUD THE LETTER FROM THE FILMMAKERS

Quick Write: Have students take a few moments to write down their responses to the letter.

Discuss:

- ★ Did the letter match your expectations with regard to the filmmakers' point of view?
- ★ Was there anything in the letter that surprised you, or changed your thoughts about the film, or any of the answers to the questions in your section?

2. EXPERT GROUPS

- ★ Have students get into their Expert Groups -- Authors & Audiences, Messages & Meanings, or Representations & Reality.
- ★ In groups have students share their observations and answers before working to reach a general consensus as an Expert Group.
- ★ If in-person, return to original jigsaw group of three members. If online, have students go into breakout rooms with the initial three group members.

3. JIGSAW SHARING

Starting with expert group #1 Authors & Audiences, and moving through each of the three groups, have students share their consensus answers. Allow enough time for each student to share and discuss.

4. CLOSING

After all groups finish, review the exercise and invite students to reflect on the process of watching a film with specific media literacy questions in mind.

- ★ In what ways was this different from how you normally watch films?
- ★ Which category or question stood out to you as particularly revealing with regard to the film's message, perspective, or potential bias?
- ★ How would you apply this exercise to other media about elections, politics, or other social issues?
- ★ If you could ask director Liz Garbus or producer Lisa Cortés any question about making ***ALL IN: The Fight for Democracy***, what would you ask?

5. DISCUSSION EXTENSIONS

1. At 42 minutes in, the film discusses how the footage from Selma was a turning point in the public's perception of racial violence, protest, and the civil rights movement. Carol Anderson shares,

They cut into their movie of the week to show the footage of Bloody Sunday. The nation was appalled, because one of the ways that Jim Crow worked so smoothly and so effectively, is that you didn't have to see it. But when you see the violence raining down on people who are just fighting for the right to vote it tells you that something is systemically, fundamentally wrong in this democracy.

- ★ Do you think visually seeing images and footage of injustice, such as Bloody Sunday, has a greater impact on audiences than only hearing about it? Why?
- ★ Are there examples from current events that stand out as demonstrating how injustice caught on tape leads to change?

2. The film drives viewers to the AllInForVoting.com website. Before going to the website, what do you expect the site to contain given the content of the film?

- ★ Explore the website and assess whether it contains the information you predicted.



HANDOUT - NAME KEY QUESTIONS

NAMLE

KEY QUESTIONS TO ASK WHEN ANALYZING MEDIA MESSAGES

USING THIS GRID – Media literate people routinely ASK QUESTIONS IN EVERY CATEGORY – the middle column – as they navigate the media world. Occasionally a category will not apply to a particular message, but in general, sophisticated “close reading” requires exploring the full range of issues covered by the ten categories. • The specific questions listed here are suggestions; you should adapt them or add your own to meet your students’ developmental level and learning goals. • Encourage students to recognize that many questions will have more than one answer (which is why the categories are in plural form). • To help students develop the habit of giving evidence-based answers, nearly every question should be followed with a probe for evidence: HOW DO YOU KNOW? WHAT MAKES YOU SAY THAT? • And remember that the ultimate goal is for students to learn to ask these questions for themselves.

		SAMPLE QUESTIONS
AUTHORS & AUDIENCES	AUTHORSHIP	Who made this?
	PURPOSES	Why was this made? What does this want me to do? Who is the target audience? Who are they talking to? or Who is this for?
	ECONOMICS	Who paid for this?
	EFFECTS	Who might benefit from this message? Who might be harmed by it? Is this message good for me or people like me? What does the storyteller want me to remember?
	RESPONSES	What actions might I take in response to this message? How might I participate productively? How does this make me feel and how do my emotions influence my interpretation of this?
MESSAGES & MEANINGS	CONTENT	What does this want me to think (or think about)? What would someone learn from this? What does this tell me about [insert topic]? What ideas, values, information, or points of view are overt? Implied? What is left out that might be important to know?
	TECHNIQUES	What techniques are used and why? How do the techniques communicate the message?
	INTERPRETATIONS	How might different people understand this message differently? What is my interpretation and what do I learn about myself from my reaction or interpretation?
REPRESENTATIONS & REALITY	CONTEXT	When was this made? Where or how was it shared with the public?
	CREDIBILITY	Is this fact, opinion, or something else? How credible is this (and how do you know)? What are the sources of the information, ideas, or assertions? Can I trust this source to tell me the truth about this topic?

Adapted by Faith Rogow & Cyndy Scheibe from NAMLE's Core Principles for Media Literacy Education (April 2007) www.NAMLE.net/coreprinciples.
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LETTER FROM THE FILMMAKERS

LIZ GARBUS (DIRECTOR), LISA CORTÉS (DIRECTOR/PRODUCER)

September, 2020

Though the "right to vote" is at the core of our democracy, the ability to vote is not.

Each year, millions of registered voters are purged from voter lists, hundreds of polling stations are closed, and voter ID laws disproportionately hinder the voting rights of people of color, the poor, and younger voters. And given the unprecedented conditions of this moment in time, ensuring that voting is safe for all Americans is critical. The right to vote is not a partisan issue - we must come together to ensure fair and equal access to the ballot for every American.

That is why we as filmmakers felt so moved to create ***ALL IN: The Fight for Democracy*** with Stacey Abrams, and the #ALLINFORVOTING campaign to educate and engage voters, and why we're so thankful that you are taking the time to watch the film and discuss it in your community.

As we write this—just weeks from an incredibly consequential election— the voting rights of millions of Americans are currently under attack. The same tactics that Brian Kemp used to steal the Georgia Governor's race from Stacey Abrams are being deployed to stop marginalized communities from voting across the country.

New and unprecedented suppression attacks have been waged against the USPS and the safety and security of the widely-used mail-in-ballot process.

But we have fought back before, and we will continue to—that is what ***ALL IN*** is all about. We hope that the film will allow you to take away with you the knowledge and tools necessary to protect your vote and help fight for your fellow Americans' voting rights.

Our film is about more than this moment in time—it is about a movement for civil rights that has been building for many generations and which we are honored to contribute.

As Stacey Abrams says in the film, "The fundamental power of democracy lies in the right to vote. If you protect that right, you create possibilities for everything else."

It is our sincerest hope that this film will leave you thinking of the possibilities that can come when we fight for a more just world and how we can realize that vision. Let's go #AllinForVoting together!

In solidarity and thanks,

Liz Garbus, Lisa Cortés, Dan Cogan, and the entire ***ALL IN*** filmmaking team

END NOTES

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- 2 <https://www.loc.gov/classroom-materials/elections/right-to-vote/voting-rights-for-native-americans/>
- 3 <https://www.pbs.org/wgbh/aia/part4/4p2957.html>
- 4 <https://www.pbs.org/wgbh/aia/part4/4p2957.html>
- 5 <https://www.aclu.org/issues/voting-rights/voting-rights-act/history-voting-rights-act>
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- 16 Erwin Chemerinsky, *Constitutional Law: Principles and Policies* 901 (4th ed. 2011).
- 17 Reuven Ziegler, *Article: Legal Outlier, Again? U.S. Felon Suffrage: Comparative and International Human Rights Perspectives*, 29 B.U. INT'L L.J. 197, 217 (2011).
- 18 Angela Behrens, *Voting—Not quite a Fundamental Right? A Look at Legal and Legislative Challenges to Felon Disfranchisement Laws*, 89 MINN. L. REV. 231, 236 (2004).
- 19 U.S. CONST. amend. XV, § 1.
- 20 *Washington v. State*, 75 Ala. 582, 585 (Ala. 1884) (arguing that felony disenfranchisement is designed to "preserve the purity of the ballot box, which is the only sure foundation of republican liberty, and which needs protection against the invasion of corruption, just as much as against that of ignorance, incapacity, or tyranny.").
- 21 U.S. CONST. amend. XIV, § 2.
- 22 *Trop v. Dulles*, 356 U.S. 86 (1958).
- 23 Eric Foner, "Reconstruction: America's Unfinished Revolution," Library of America lecture, March 13, 2018, <https://www.youtube.com/watch?v=49McvjkZmlw>
- 24 These facts are excerpted from Eric Foner, "Reconstruction: America's Unfinished Revolution," Library of America lecture, March 13, 2018, <https://www.youtube.com/watch?v=49McvjkZmlw>
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- 42 <https://www.usa.gov/voting-and-election-definitions>
- 43 <https://www.whitehouse.gov/about-the-white-house/elections-voting/#:~:text=Federal%20elections%20are%20administered%20by,in%20how%20they%20administer%20elections.>
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- 48 <http://www.electproject.org/>
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#ALLINFORVOTING

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