

# Celebrate Freedom Week: Recalling the “Literacy Test” to Vote

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In the state of Texas, every social studies class must observe “Celebrate Freedom Week” (a state-wide recognition of Constitution Day<sup>1</sup>), which includes “appropriate instruction concerning the intent, meaning, and importance of the Declaration of Independence and the U.S. Constitution, including the Bill of Rights, in their historical contexts.”<sup>2</sup> The curriculum standards, Texas Essential Knowledge and Skills (TEKS), go on to say that the “study of the Declaration of Independence must include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of its ideas to the rich diversity of our people as a nation of immigrants, the American Revolution, the formulation of the U.S. Constitution, and the abolitionist movement, which led to the Emancipation Proclamation and the women’s suffrage movement.”

While it is understandable to see how the ideals and language used in the Declaration of Independence would inspire patriotism in our students, the arc of “freedom” in the United States is more complex than a direct cause-effect relationship. To assume a linear progression from founding document to freedom (as hinted at in the TEKS standard above) reinforces the “freedom-quest” narrative that is so prevalent in many social studies classrooms and course materials.<sup>3</sup>

## Glossing Over Long-Term Struggles

The notion that the “ideas expressed” in the Declaration of Independence led directly to the Abolitionist and women’s suffrage movements too easily overlooks decades of conflict: intentional oppression by some and struggle against this oppression by others. For example, it is important to highlight the challenges that our country has faced to extend the right to vote to people of color and to women. Further, to imply that the freedoms expressed in that founding document were successfully extended to disenfranchised groups after the Emancipation Proclamation (which nominally freed “all persons held as slaves” in states “in rebellion” in 1863) or after the passage of the Nineteenth Amendment (extending

voting rights to women in 1920) glosses over nearly a century in which Jim Crow and sexist practices were codified in our state and national laws.

In short, state standards like the one quoted above, although they may be well intentioned, oversimplify the struggle to secure and fully experience civil rights by various groups throughout U.S. history.<sup>4</sup>

## Literacy Tests as Voter Suppression

“We came here to exclude the Negro. Nothing short of this will answer.”—Judge S. S. Calhoun, President of the Constitutional Convention of Mississippi 1890

On November 1, 1890, a convention was called to rewrite Mississippi’s state constitution following the “completion” of Reconstruction. The gathering of white men passed a new constitution with clauses that effectively made it impossible for African Americans to vote or serve on juries. The key clause stated that prospective voters must be able to give a reasonable interpretation of the state constitution in order to register to vote. What could be determined as “reasonable” would be left up to the registrar of the county, who would more than likely be white.<sup>5</sup> This clause was an early example of a literacy test being established to suppress the right to vote. By 1907, all southern states and Oklahoma would enact similar restrictions on voting.<sup>6</sup>

This convention marked the beginning of the “nadir of race relations,” the years 1890–1940, according to historian James Lowen.<sup>7</sup> Mississippi officials were extremely successful at lowering the number of African American voters in their state: about 147,000 had been registered prior to 1890, but this number soon dropped to 8,600.<sup>8</sup> Without access to the ballot box, it became nearly impossible for blacks to participate in the political process for generations.<sup>9</sup>

Calhoun’s statement leaves no doubt as to the purpose of a voter literacy test: it would serve as a technique of voter suppression based on race. Soon, however, politicians’ statements

to the public and press became less transparent. Officials would claim instead that literacy tests were used simply to ensure that a state had an educated electorate.

### Do It Yourself ... and Remember

We have students take a historical “literacy test” as part of Celebrate Freedom Week/Constitution Day. (**Handout A**) The exercise serves as an introduction to discussing racial injustice and voter suppression. It invites students to look at voter suppression from a different angle. It challenges them more effectively than does watching a movie or listening to someone read the Declaration of Independence out loud.

To begin the lesson, students take the literacy test from Mississippi in 1955, one that’s particularly interesting because of some trick questions hidden among the others.<sup>10</sup> However, most any historical literacy test could be used. It would be especially interesting to use a test from your own state’s historical record, if that is possible. The CRMVET website, at present, provides background information and historical “literacy tests” from Alabama, Georgia, Louisiana, Mississippi, and South Carolina (Visit the historical collections at [www.crmvet.org/info/lithome.htm](http://www.crmvet.org/info/lithome.htm); see sidebar on page 13).

Give all students **Handout A**, “Sworn Written Application,” which is a voter registration form used in Mississippi during the Jim Crow Era, and provided free online by CRMVET ([www.crmvet.org/info/ms-test.htm](http://www.crmvet.org/info/ms-test.htm)). Ask students to pay close attention to questions 18 and 19 on the form, using the next handout.

Without a pause, give half of the class **Handout B** (which is a short, easy passage from that state’s constitution) for students to copy and interpret. Give the other half of the class **Handout C** (a longer, difficult passage full of legal jargon). Keep students ignorant of the fact that they are not all getting the same passage to copy and interpret as they answer questions 18–20 on the form.

After students have worked silently (and it might be hard for them to stay silent!) for 5 minutes completing the two-page application, draw them into a discussion. Students might notice any number of oddities, including that there is almost no space on the paper (!) to write an answer to question 18, which tells the applicant to “write and copy in the space below”[sic !].

Students might notice that it is nearly impossible for a person to know if “there is more than one person of your same name in the precinct.” Ask students: “What is the purpose of such a test? Were these questions written in a confusing manner to

test a person’s literacy—or to enable a poll worker to purposefully fail African American citizens and keep them from voting in the state of Mississippi? What evidence can you now point to as evidence for your answers?”

In addition to the many obvious difficulties present in the literacy test, there are several pitfalls that citizens taking the test could have fallen victim to. For example, question 20 asks for a “statement setting forth your understanding of the duties and obligations of citizenship.” Do students realize that this question can have—for citizens in a democracy—a unique answer for each citizen? Teachers can highlight this fact with students through a class activity in which several students share their answers to question 20 verbally or by writing on cards. Then the class as a whole can track the similarities and differences between everyone’s answers. The teacher could point out ways that the unique answers that citizens given for question 20 (and other questions) provide “wiggle room” for county registrars to target and blithely fail African Americans, thereby denying them the right to vote. This helps students to better understand how voter suppression during the Jim Crow era worked.



Civil rights activist Annie Lee Cooper as depicted by Oprah Winfrey in the movie *Selma* (Paramount Pictures, 2014). Read about Cooper at [onevotesncc.org/profile/annie-lee-cooper](http://onevotesncc.org/profile/annie-lee-cooper).

### Reflecting on the Activity

Show students that while voting is a constitutional right, it is vulnerable to being manipulated away from certain segments of society through the passage of laws, and that this loss of voting rights leads to a loss of political power for those groups. Invite students to look critically at the history of voter suppression, and to keep a historical framework in mind when


analyzing whether current voting laws in certain states have affected some classes of citizens more than others.

By “looking to the bottom” of society (as one scholar has phrased it), students can get a clear picture of the difficulties faced by people struggling to obtain the right to vote.<sup>11</sup> If students can analyze the effect that literacy tests had on African Americans from 1890 to 1964, they’ll be better able to understand the mechanics of racism and suppression.<sup>12</sup> This understanding will help students analyze the effects that modern voter laws may be having on minority communities.

### Current Controversies

The TEKS document cited at the opening of this article directs teachers to have students “identify and discuss how the actions of U.S. citizens and the local, state, and federal governments have either met or failed to meet the ideals espoused in the founding documents.” Today, some states’ voting and election laws have come under legal challenges for being restrictive towards certain segments of the citizenry.<sup>13</sup> Examples include laws requiring voters to present specific forms of identification (voter ID), denying the vote to ex-felons, or eliminating early voting and same-day registration.<sup>14</sup>

What are the real effects of these laws on poor citizens, the elderly, or ethnic or other minority populations? “Preventing voter fraud” is the usual rationale given for such laws. How effective are such laws at doing that? And how big a problem is voter fraud at the ballot box? Such questions are being asked now in the media, in court cases, and in civic forums across the nation. Inviting our students to begin engaging in this current controversy by first studying a historical example of voter

suppression could add new meaning to their lessons during Celebrate Freedom Week/Constitution Day this September in Texas. 

### Notes

1. This year, Constitution Day is celebrated on September 16, 2016. See [constitutioncenter.org/constitution-day](http://constitutioncenter.org/constitution-day).
2. Texas Education Agency (TEA), “Chapter 113. Texas Essential Knowledge and Skills for the Social Studies. Subchapter C. High School” (Austin, TX: TEA, 2010), [ritter.tea.state.tx.us/rules/tac/chapter113/ch113c.html](http://ritter.tea.state.tx.us/rules/tac/chapter113/ch113c.html).
3. Bruce VanSledright, *The Challenge of Rethinking History Education: On Practices, Theories, and Policy* (New York: Routledge, 2011), 23-24.
4. Howard Zinn, *A Peoples History of the United States* (New York: HarperCollins, 2003), 209.
5. James Loewen, *Teaching What Really Happened: How to Avoid the Tyranny of Textbooks & Get Students Excited About Doing History* (New York: Teachers College Press, 2010), 192.
6. \_\_\_\_\_, *Lies My Teacher Told Me: Everything Your American History Textbook got Wrong* (New York: Touchstone, 2007), 144.
7. \_\_\_\_\_, *Teaching What Really Happened*, 192.
8. Susan Cianci Salvatore, “Civil Rights in America: Racial Voting Rights,” in *A National Historic Landmarks Theme Study*, p. 14, [www.crmvet.org/info/nps\\_voting\\_rights.pdf](http://www.crmvet.org/info/nps_voting_rights.pdf).
9. Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2011), 1.
10. “Mississippi Literacy Test- 1965,” Archived by Civil Rights Movement Veterans (CRMVET), [www.crmvet.org/info/la-test.htm](http://www.crmvet.org/info/la-test.htm).
11. Mari Matsuda, “Looking to the Bottom: Critical Legal Studies and Reparations,” *Harvard Civil Rights-Civil Liberties Law Review* 22, no. 2 (1987): 323-401.
12. Ryan Crowley, “Interest Convergence and ‘Looking to the Bottom,’” in *Doing Race in Social Studies: Critical Perspectives*, Prentice T. Chandler, ed., (Charlotte, NC: Information Age Publishing): in press.
13. *NAACP v. McCrory*, 2013, Middle District of North Carolina (Case 1:13-cv-658).
14. “Texas’ Voter-ID Law: So, Is It Suppressing Voters?” *The Economist* (November 3, 2014), [www.economist.com/blogs/democracynamerica/2014/11/texass-voter-id-law](http://www.economist.com/blogs/democracynamerica/2014/11/texass-voter-id-law).

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SWORN WRITTEN APPLICATION FOR REGISTRATION

[By reason of the provisions of Section 244 of the Constitution of Mississippi and House Bill No. 95, approved March 24, 1955, the applicant for registration, if not physically disabled, is required to fill in this form in his own handwriting in the presence of the registrar and without assistance or suggestion of any other person or memorandum.]

1. WRITE THE DATE OF THIS APPLICATION \_\_\_\_\_
2. WHAT IS YOUR FULL NAME? \_\_\_\_\_
3. STATE YOUR AGE AND DATE OF BIRTH \_\_\_\_\_
4. WHAT IS YOUR OCCUPATION? \_\_\_\_\_
5. WHERE IS YOUR BUSINESS CARRIED ON? \_\_\_\_\_
6. BY WHOM ARE YOU EMPLOYED? \_\_\_\_\_
7. ARE YOU A CITIZEN OF THE UNITED STATES AND AN INHABITANT OF MISSISSIPPI? \_\_\_\_\_
8. FOR HOW LONG HAVE YOU RESIDED IN MISSISSIPPI? \_\_\_\_\_
9. WHERE IS YOUR PLACE OF RESIDENCE IN THE DISTRICT? \_\_\_\_\_  
\_\_\_\_\_
10. SPECIFY THE DATE WHEN SUCH RESIDENCE BEGAN \_\_\_\_\_
11. STATE YOUR PRIOR PLACE OF RESIDENCE, if any \_\_\_\_\_  
\_\_\_\_\_
12. CHECK WHICH OATH YOU DESIRE TO TAKE:
  1. General \_\_\_\_\_
  2. Minister \_\_\_\_\_
  3. Minister's Wife \_\_\_\_\_
  4. If under 21 years at present but 21 years by date of general election \_\_\_\_\_
13. IF THERE IS MORE THAN ONE PERSON OF YOUR SAME NAME IN THE PRECINCT, BY WHAT NAME DO YOU WISH TO BE CALLED? \_\_\_\_\_  
\_\_\_\_\_
14. HAVE YOU EVER BEEN CONVICTED OF ANY OF THE FOLLOWING CRIMES: BRIBERY, THEFT, ARSON, OBTAINING MONEY OR GOODS UNDER FALSE PRETENSES, PERJURY, FORGERY, EMBEZZLEMENT OR BIGAMY? \_\_\_\_\_
15. IF YOUR ANSWER TO QUESTION 14 IS YES, NAME THE CRIME OR CRIMES OF WHICH YOU HAVE BEEN CONVICTED, AND THE DATE AND PLACE OF SUCH CONVICTION OR CONVICTIONS: \_\_\_\_\_
16. ARE YOU A MINISTER OF THE GOSPEL IN CHARGE OF AN ORGANIZED CHURCH, OR THE WIFE OF SUCH A MINISTER?
17. IF YOUR ANSWER TO QUESTION 16 IS YES, STATE THE LENGTH OF YOUR RESIDENCE IN THE ELECTION DISTRICT \_\_\_\_\_
18. WRITE AND COPY IN THE SPACE BELOW SECTION \_\_\_\_\_ OF THE CONSTITUTION OF MISSISSIPPI [Instruction to registrar: You will designate the section of the Constitution and point out same to applicant]:

19. WRITE IN THE SPACE BELOW A REASONABLE INTERPRETATION (THE MEANING) OF THE SECTION OF THE CONSTITUTION OF MISSISSIPPI WHICH YOU HAVE JUST COPIED:

20. WRITE IN THE SPACE BELOW A STATEMENT SETTING FORTH YOUR UNDERSTANDING OF THE DUTIES AND OBLIGATIONS OF CITIZENSHIP UNDER A CONSTITUTIONAL FORM OF GOVERNMENT:

21. SIGN AND ATTACH HERETO THE OATH OR AFFIRMATION NAMED IN QUESTION 12.:

\_\_\_\_\_   
 The applicant will sign his name here

STATE OF MISSISSIPPI         }  
   }  
 COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me by the within named  
 \_\_\_\_\_ on this, the \_\_\_\_\_ day of  
 \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_   
 County Registrar

**From the State Constitution—ARTICLE 12 Section 240.**

All elections by the people shall be by ballot.

**Handout C**

**From the State Constitution—ARTICLE 7 Section 182. [Excerpt]**

The power to tax corporations and their property shall never be surrendered or abridged by any contract or grant to which the state or any political subdivision thereof may be a party, except that the Legislature may grant exemption from taxation in the encouragement of manufactures and other new enterprises of public utility extending for a period of not exceeding ten (10) years on each such enterprise hereafter constructed, and may grant exemptions not exceeding ten (10) years on each addition thereto or expansion thereof, and may grant exemptions not exceeding ten (10) years on future additions to or expansions of existing manufactures and other enterprises of public utility.

**Civil Rights Movement Veterans—CRMVETS.org**

**Sidebar**

The Civil Rights Movement Veterans' website CRMVETS.org, (hosted by Tougaloo University in Tougaloo, Mississippi) is a tremendous resource for teachers to utilize in their classroom. It is a rich collection of different types of primary sources. In addition to numerous literacy tests, it includes political strategy and organizing documents that allow for an in-depth look at the methods used to gain civil rights. There is also a large cache of photographs showing moments of protest, violence (such as the aftermath of bombings), and other important events. There are several interviews from veterans of the civil rights movement, first-hand accounts from people beyond the "major figures" mentioned in students' textbooks. There is a list of freedom songs and poems that can draw in students who are musically or artistically inclined. These resources could inspire cross-curricular planning between different departments at your school. There are audio recordings, personal letters, and reports on the movement from major activists at that time such as Fannie Lou Hamer, Rosa Parks, and Howard Zinn. Having all of these resources in one place allows a teacher to incorporate so much into any lesson that they are teaching about the civil rights movement. This website was instrumental as we developed this lesson.