



# Fulfilling the Promise of Full Citizenship: History as Foresight into the Continued Struggle for Universal Suffrage

## 2020 Constitution Day Dialogue Guide

### Introduction to this Dialogue Guide

The following guide has been compiled to guide dialogue participants in reaching individual and collective understandings about the history and future of voting. The conversations these materials are designed to facilitate are not about debating or contesting the historic or current reality of voter suppression in this country. Rather, these conversations will critically examine case studies and themes in our histories of voter suppression so that we might better navigate the present and actualize the ideals and principles of social democracy through the franchise.

Voter suppression is a throughline in the history of democracy in the United States. Since the country's inception, entire demographics have been excluded from the franchise. Non-property holding white men, women, and Black people were among the people disenfranchised by the definitions and requirements of early voting laws. These restrictive provisions have been uprooted by massive social movements and upheaval, with disenfranchised people reconstructing the meaning of suffrage and citizenship in their pursuits for the vote.

The purpose of this dialogue guide is to provide the basis for a nuanced and action-minded discussion about the history, current state, and future of voting and civic engagement in the United States.

### This guide includes:

- ★ Two case studies of moments in the centuries-long struggles for enfranchisement and full citizenship, “**(Re)considering the Nineteenth Amendment Centennial**” (pp. 3–5) and “**Voter Suppression and the Constitution**” (pp. 3–5), as entry points to contemplating the function, meaning, and promise of the vote today.

- ★ **“The Voting Ease Checklist” (pp. 11-12)** reflection and discussion exercise.
- ★ **References (pp. 13-14)** from the narrative case studies.
- ★ **Additional resources** are available at [tinyurl.com/IAMNCCDialogueResources2020](https://tinyurl.com/IAMNCCDialogueResources2020)

## **About Iowa & Minnesota Campus Compact**

Iowa & Minnesota Campus Compact’s mission is to support our member colleges and universities as they fulfill the public purpose that is at the heart of higher education. We partner with institutions to assist in prioritizing what matters most and to adapt to changing times in ways that allow us to continue to have a positive impact in our communities and on the world.

We strengthen the capacity of colleges and universities to fulfill the public purposes of higher education through its network of 60 campuses. This includes educating students through community and civic learning experiences and making an impact in communities through reciprocal partnerships that address community-identified goals. IAMNCC creates partnership opportunities, supports quality programming through professional development, and promotes the importance of the civic mission. Learn more about us at the [Campus Compact national website](#), the [Iowa Campus Compact website](#), and the [Minnesota Campus Compact website](#).



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## **Case Study:**

### **(Re)considering the Nineteenth Amendment at its Centennial**



**As you read the following narrative, consider:**

**How can new perspectives on suffragists working to pass the Nineteenth Amendment help us better understand who is (and is not) represented in stories about expanding voting rights?**

2020 marks the centennial of the passage of the Nineteenth Amendment, which expanded the franchise by barring state and federal government from denying the right to vote to citizens on the basis of sex. This milestone was the culmination of decades of protest, lobbying, and political campaigns orchestrated by women across the country. However, the Nineteenth Amendment did not secure equal access to the ballot for all women. The movement that spurred its passage failed to account for the intersection of racism and sexism in Black women's struggle for the ballot. Suffragette leaders like Alice Paul and Carrie Chapman Catt and their organizations, the National Woman's Party and the National American Woman Suffrage Association respectively, excluded women of color and especially Black women from their movement's ranks, demands, and demonstrations.<sup>1</sup>

White suffragists' policy of exclusion extended back to the 19th century. While Elizabeth Cady Stanton and Susan B. Anthony loom large in feminist memory, both women espoused racism, siding with white supremacist reasoning and causes when it was politically expedient for the white suffragist agenda. Stanton characterized Black men as rapists, insinuating that the passage of the 15th Amendment would lead to the degradation of white women at the hands of Black men.<sup>2</sup> While the constitutional amendment white women sought did not technically exclude Black women from its mandate, white suffragists' efforts to exclude Black women from the cause and company of the suffragist movement created rifts that impeded the possibility of political cooperation or meaningful solidarity across racial lines.

To white suffragists, the vote was a means of achieving parity with male counterparts. In contrast, Black women pursued the vote as one of several

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<sup>1</sup> Martha S. Jones, "The US Suffragette Movement Tried to Leave out Black Women. They Showed up Anyway," *The Guardian*, 2020.

<sup>2</sup> Brent Staples, "How the Suffrage Movement Betrayed Black Women," *New York Times*, July 28, 2018.

measures to protect their communities from racial terror and violence in the decades following emancipation. There was no single-issue struggle, and while the right to vote was viewed as a means to produce more expansive reforms, Black women did not wait for its mandate to build political representation and power through community institutions like mutual aid societies and churches and through the growing national Colored Women's Club Movement.

With a legacy extending back through the 18th and 19th centuries, the Black women's club movement became a force in Black women's 20th century campaign for the ballot.<sup>3</sup> Established to fulfill a wide variety of social and political aims, these clubs coalesced to build Black women's political power by the 20th century. Treating the ballot as only one of several measures necessary to secure political representation and equality, Black clubwomen pursued agendas that encompassed a wide breadth of social and political reforms while also directing their time and resources toward improving material conditions and creating greater educational and economic opportunities for their local communities. They opened schools for Black students, provided medical care in communities where hospitals remained segregated, and mobilized their networks to meet the immediate and long-term needs of Black families.

As the suffragist movement gained momentum in the early twentieth century, Black women's concerns and leadership were again ostracized from the white suffragists' cause. White suffragists prioritized accommodating the white southern suffragist delegations who refused to march, demonstrate, or conspire with Black women. In 1913, organizers of a national parade in Washington D.C. demanded that Black participants march in a segregated assembly at the back of the parade rather than with their respective state delegations.<sup>4</sup> Instead of standing up to the intimidation and deception Black people were met with at the polls, white suffragists like Alice Paul treated Black suffrage as a trading piece that could be discarded in the service of securing white women's suffrage. While the 19th Amendment brought white women closer to achieving full citizenship and political parity with their male counterparts, it did not have the same effect for Black women. When Black women flocked to the polls, they were met with the same tactics election officials used to prevent Black men from exercising their right to the vote since the passage of the 15th Amendment. Poll taxes, literacy tests, and a range of tactics designed to intimidate and repel Black people from exercising the vote prevented Black women

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<sup>3</sup> "From Suffrage to the Montgomery Bus Boycott, the Little-Known Club Movement That Changed a Country," *PBS American Experience*, July 6, 2020.

<sup>4</sup> Brent Staples, "How the Suffrage Movement Betrayed Black Women," *New York Times*, July 28, 2018.

from experiencing the passage of the 19th Amendment as a victory for their struggle.

### **Questions for Reflection and Dialogue**

- ★ **What are the lessons we can take from the contested and incomplete struggle for the ballot?**
- ★ **How can the fracturing of the movement for women's suffrage on account of racism and classism inform our efforts to expand the franchise today?**

## **Case Study:**

### **Examining Voter Suppression Through a Constitutional Lens**



**As you read the following narrative, consider:**

**What are lessons we can take from Constitutional histories that can help to expand access to the ballot today?**

The 15th Amendment, along with the 13th and 14th Amendments which abolished slavery and established birthright citizenship in the United States respectively, transformed American democracy by inserting into the Constitution for the first time the basic idea of equality for Black and white Americans. The amendment was particularly momentous for its marked departure from recent US Supreme Court decisions like the 1857 Dred Scott decision, which delegitimized Black citizenship and upheld whiteness as a prerequisite for its attendant rights and privileges.<sup>5</sup> The Reconstruction Amendments restructured the provisions and meanings of citizenship by incorporating African American people into the civic body. Coupled with the decades of Black political organizing that shaped their provisions, the amendments prompted legislators, courts, and everyday people to confront new questions regarding the privileges and immunities of citizenship.

Debates over the rights encompassed in citizenship did not originate or unfold only in Congress, the courts, and local and state legislative bodies. African American people had for decades deliberated the definitions, provisions, and meanings of citizenship by the time the question came before Congress and the nation after Emancipation. Black delegates defined and enacted citizenship before it was constitutionally accorded as they participated in the Colored Conventions Movement, served as legislators in Reconstruction governments, and established churches, mutual aid societies, and an infrastructure of civic and community organizations. African Americans envisioned a citizenship that included the right to vote, the right to equal treatment before the law, and a full program of public rights that would have required the desegregation of public facilities and education.<sup>6</sup>

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<sup>5</sup> "'Second Founding' Examines How Reconstruction Remade The Constitution," interview by Terry Gross and Eric Foner, Fresh Air, September 17, 2019.

<sup>6</sup> "'Second Founding' Examines How Reconstruction Remade The Constitution," interview by Terry Gross and Eric Foner, Fresh Air, September 17, 2019.

The Reconstruction Amendments transformed the Constitution by codifying a limited version of the ideals and principles of racial equality envisioned by Black Americans. However, the 13th, 14th, and 15th Amendments did not include the enforcement mechanisms and protections necessary to fulfill their intended purposes and withstand attacks at the local and state level and by entities like the Supreme Court. For all of its symbolic and material significance in opening the franchise to Black men, the 15th Amendment's enforcement and effects fell short of significantly expanding suffrage rights. The 15th Amendment stated that the right to vote cannot be "denied or abridged...on account of race, color, or previous condition of servitude." With negative provisions, the amendment prohibited denying Black men the right to vote, but neglected matters of women's suffrage and created leeway for states to impose voter suppression within constitutional means. In the decades following the amendment's ratification, states became remarkably adept in limiting and preventing the Black vote through measures like literacy tests and poll taxes. These loopholes were anticipated by the Republican legislators who drafted and debated the amendment in 1869, with one senator noting its failure to address "all the existing irregularities and incongruities in suffrage." So long as these measures did not directly invoke race, they could withstand challenges to their constitutionality.<sup>7</sup>

The 15th Amendment ratified in 1869 was only a skeleton of the provisions and possibilities envisioned not only by the Radical Reconstruction Congress, but by African American freedpeople. Radical Republicans proposed amendments that would have created a positive definition of suffrage and one with far-reaching implications for women, immigrants, and other groups excluded from the franchise. Representative Samuel Shellabarger's proposal would have ended property, tax, nativity, and literacy requirements alongside racial discrimination in the franchise. Senator Henry Wilson's amendment would have opened the franchise without regard to "race, color, nativity, property, education, or religious belief." While his amendment would have left women disenfranchised, it would have protected the voting rights of groups like Chinese laborers and other immigrants, and it would have built Black political power by creating a broad right to vote and hold office.<sup>8</sup> After months of debate and party infighting over several versions of the amendment, it became clear that Congress would not pass an amendment that would make significant strides toward universal suffrage. The

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<sup>7</sup> "'Second Founding' Examines How Reconstruction Remade The Constitution," interview by Terry Gross and Eric Foner, *Fresh Air*, September 17, 2019.

<sup>8</sup> Jamelle Bouie, "The Equality That Wasn't Enough," *New York Times*, 2020.

failure of these alternatives meant that Black Americans and other people targeted by restrictive definitions of suffrage rights, would wait decades to see the ideals of Black Reconstruction be realized.

The amendment's negative approach to Black male suffrage additionally opened it to legal challenges and interpretations that ultimately weakened the power of the federal government to protect voting rights for all disenfranchised and minoritized groups. White politicians worked around amendment to institute sweeping programs of voter suppression aimed at eroding not only Black suffrage, but the Black political power African Americans in the South accessed in the 1870s and 1880s through Reconstruction governments in former Confederate states. Restrictions based on property, literacy, and native birth were constitutional under the 15th Amendment, and former Confederates and white politicians used these concessions to catalyze a sweeping sabotage of Black political power and to build a system of Jim Crow and racial terror to prevent its resurgence.

The racist backlash and violence of white politicians and voters against Black voting and political representation during Reconstruction initiated a pattern of retrogression. This pattern of legal and political retrogression made itself known once again during the Civil Rights Movement of the 1960s. Often recognized as the "Second Reconstruction," the boycotts, marches, and mass community and political organizing of this era produced significant victories for civil rights and especially voting. Hailed as one of the most consequential pieces of civil rights legislation in the country, the 1965 Voting Rights Act banned literacy tests and other common tactics employed to disenfranchise Black people. It additionally stipulated that federal election supervisors should be sent to states and counties with histories of discriminatory practices. In these "special coverage areas," local and state governments were required to submit any changes to their election laws or voting procedures to the federal government for approval.<sup>9</sup>

Since the passage of the Voting Rights Act in 1965, efforts to widen access to and protect the vote have retrogressed. The passage of the Voting Rights Act marked another phase in a pattern of expanded Black political representation and power

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<sup>9</sup> Lawrence Goldstone, "How the Supreme Court Undermined the Black Vote," Yes! Solutions Journalism, June 16, 2020.



and white backlash that extends back to the Reconstruction Era, when the Supreme Court undermined the provisions and protections of Black enfranchisement stipulated in the 14th and 15th Amendments. Granting local and state governments increased jurisdiction over elections contributed to widespread Black disfranchisement in the Jim Crow Era. Southern states were empowered by the Supreme Court to pass a litany of voter ID laws and other measures like voting literacy tests that included questions like "how many bubbles does a bar of soap have?" in these decades.<sup>10</sup>

The Voting Rights Act has been among the latest targets of legal and legislative efforts to weaken the protections afforded to historically disenfranchised communities. The 2013 *Shelby v. Holder* Supreme Court decision ruled "special coverage areas" as unconstitutional, arguing that after nearly 50 years, such regulation was obsolete. Using the same rationale of "states' rights" deployed to strip Black Americans of the vote after Reconstruction, the Court upheld the rights of states and localities to change their election laws without federal preclearance.<sup>11</sup> Just as efforts to disenfranchise Black voters through intimidation, fraud, and terror spread across the South after Reconstruction, the *Shelby v. Holder* ruling produced an onslaught of laws restricting voting across the country. Texas announced it would enforce a photo ID law within 24 hours of the ruling. In the months and years that followed, states purged voters from the rolls, blocked registration, and implemented Voter ID and other restrictive laws suppressing the vote of people of color and poor people. Additionally, polling places have been shut down and relocated from areas with predominantly voters of color and gerrymandering has diluted the voting power of voters of color in Alabama, North Carolina, Texas, and Virginia.<sup>12</sup>

The current state of racialized mass disenfranchisement has been manufactured through the convergence of systemic voter suppression and mass incarceration. The United States is unmatched in its levels of voting disenfranchisement on the basis of criminal convictions. The 6.1 million Americans stripped of the vote as a

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<sup>10</sup> Rashawn Ray, "Do Black People Vote? The Racist Lie Rooted in the American Psyche," *The Guardian*, December 19, 2019.

<sup>11</sup> Lawrence Goldstone, "How the Supreme Court Undermined the Black Vote," *Yes! Solutions Journalism*, June 16, 2020.

<sup>12</sup> Katherine Culliton-González, "Retgression and What It Will Take to Restore the Voting Rights Act," *American Constitution Society Expert Forum*, August 6, 2015.

result of state policies constitutes a population larger than the voting-eligible population of New Jersey. 4.7 million of these people have served their time and are now taxpayers, laborers, and community members relegated to second-class citizenship.<sup>13</sup> Disenfranchisement on the basis of criminal convictions disproportionately impacts people of color. The disenfranchisement rate for Black Americans is more than four times greater than that of all other Americans, and in four states, over one in five Black adults are stripped of the right.<sup>14</sup>

## **Questions for Reflection and Dialogue**

- ★ **How is voter disenfranchisement maintained and justified today? What are its historical reverberations? How can knowing this history equip us to more effectively address voter disenfranchisement today?**
- ★ **How does voter suppression negate or limit the Democratic promise of the United States? How could expanding voting rights change American democracy?**

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<sup>13</sup> Erin Kelley, *Racism & Felony Disenfranchisement: An Intertwined History*, report, 2017.

<sup>14</sup> Erin Kelley, *Racism & Felony Disenfranchisement: An Intertwined History*, report, 2017.

## **Individual Reflection Activity: Voting Ease Checklist**

One way to get familiar with the inequities that influence voting is to consider how your own experience compares with that of others. Read through the “voting ease checklist” below; the more statements that apply to you, the easier it is for you to register and vote.

- I have been asked to register to vote.
- My state has automatic voter registration.
- My state has online voter registration.
- My state doesn't require excessive documentation to register to vote.
- It was easy for my grandparents to vote in my state.
- As a child, I accompanied my parent, guardian, or other relative to vote.
- I have reliable transportation to my polling place.
- My polling place is within walking distance of my home.
- I've never been told I wasn't on the voting rolls when I've gone to vote.
- My state has same-day voter registration.
- I have never had to get an ID issued specifically for the purpose of voting.
- My state offers opportunities to vote early.
- My state offers opportunities for absentee voting or voting by mail.
- I voted in the first election in which I was eligible.
- I can take time off work to vote.
- I have waited in line for more than an hour to vote.
- I'm not disqualified from voting because of my citizenship status.
- I'm not disqualified from voting because I was convicted of a crime.

*Voting Ease Checklist created by Teaching Tolerance. Find this and other resources on the history*

*of voter suppression by clicking on the following link:*

<https://www.tolerance.org/magazine/teaching-the-truth-about-voter-suppression>

## **Discussion Activity: Voting Ease Checklist**

**First, individually reflect on personal voting experiences.** After reading through and completing the checklist on your own, take a few minutes to consider the following questions about your experience:

- ★ What surprised you about your ease of voting? What confirmed what you already knew?
- ★ What stories do you tell or have you been told about experiences of voting in your family? In your neighborhood or community?
- ★ Where do you get most of your information about voting, either in the present time or historically? What do you value about this source?

**Next, discuss in pairs or small groups.** *Please note that sharing is always by invitation only, and no one should be forced to speak or share their responses to either the voting ease checklist or the personal reflection questions.* Break into pairs or small groups and offer the opportunity for participants to share their experiences completing and reflecting on the voting ease checklist. After you've finished sharing, discuss the following questions in the pairs or small groups:

- ★ Where and how have you learned about or discussed the ease of voting for yourself and others before? What was the occasion or reason?
- ★ What are some visible or explicit barriers to voting ease in your state? What are some less visible barriers?
- ★ What questions emerged for you about the ease of voting for yourself and others in your state after completing the voting ease checklist?

**Finally, debrief and brainstorm next steps in a large group discussion.** As time allows, invite pairs and small groups back to the large group and invite sharing, particularly about questions generated and plans for further investigation.

- ★ What do you plan to investigate further after participating in reflection and discussion of the voting ease checklist? How and when?

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