

## Voting: A Walk Through U.S. History

This group activity invites participants to **listen to the voices of people who have been “cut out of the picture”** at different times in our nation’s history, and **then discuss the effects of the denial of voting rights.**

- ❖ We suggest you choose 5 or 6 pictures appropriate to your audience. Available pictures are:
  - Founding Fathers
  - White man who did not own land
  - African-American man
  - Mexican-American citizens
  - Women
  - American Indian
  - Women and men of color
  - Asian immigrants
  - Young adults
  - Non-English speakers
  - Supreme Court Decision in 2013

The notes for this activity are on the pages following the directions.

### **Directions: (Total time for this activity is about 30 minutes)**

- **Post the selected pictures** around the room with enough space between each one so that the group may gather around the photo.
- **Introduce** the activity as follows:

"In the history of the United States many different groups of people have been denied the right to vote. For these citizens, participation in the electoral process was achieved through years of struggle. Today we are going to take a brief walk through history to remember some of the people who--at one time or another--were kept from voting."
- Ask the group to **walk** to each picture, **look** at the picture and **listen** to the explanation. **Read** the text that goes with the picture.

*Note: If you have a large group, consider posting the appropriate text under each picture, and asking the group to walk around the room, looking at each picture (in no particular order) and reading the text.*

- When everyone is done walking through the gallery, ask the participants to **gather in groups** of 3 or 4 to **discuss** one or more of the following questions:
  1. Why do you think certain groups of people were kept from voting?
  2. What effect do you think the denial of voting rights to these groups had on the United States?
  3. How do you think the denial of voting rights affected these people and their families?
  4. Are there any people who are denied the right to vote today?
  5. What is the effect on the United States when large numbers of people do not vote?
- After about 10 minutes, **ask each group to share** some of their thoughts with the large group.

## Notes Regarding the Suffrage Dates Used in the Gallery Walk

Determining dates for voting rights (suffrage) for groups of people in the United States is complex. For most groups of people, there is no exact date. In addition, the dates of the Constitutional Amendments which were supposed to guarantee voting rights were not fully enforced for decades. This Appendix provides more information than the quotes in the Gallery Walk activity. However, it is not a thorough description of the movements. It is designed to inspire further discussion.

### White men who owned land

Fifty-five white men gathered in Philadelphia for the Constitutional Convention of 1787. The Constitution they developed did not provide instructions for popular elections, nor did it provide specific protections for voting. Individual states set the qualifications for voting. At that time, although a few northern states permitted a small number of free black men to register and vote, slavery and restrictive state laws and practices guaranteed that voting rights were almost exclusively exercised by white males who owned land.

### White men who did not own land

The voting rights of white men who did not own land were denied at the inception of the United States, but in the early 1800's the tide began to turn. After 1815, the men who ran the U.S. government deliberately expanded voting rights to white men of lesser means to try to ensure they were governing with the consent of the governed. By the 1830's and 1840's this movement peaked as the states changed their constitutions to reflect the principle that manhood, not property, was the most just basis for political rights. In 1800, only three of the fifteen states of the Union granted the vote to all white men, regardless of property; by 1860, in a Union of 30 states, all but seven states extended the ballot to all white men, rich and poor alike.

While suffrage was expanded for white men, it was not guaranteed in all states. Further, white males who were poor — as well as others noted in the Gallery Walk—were prevented from voting due to state laws requiring literacy tests and payment of the poll tax (a payment required to vote). These measures kept many United States citizens from voting well into the 20<sup>th</sup> Century.

### African-American Men

Slavery and disenfranchisement were part of daily life for most African Americans in the United States until after the Civil War. In 1787, the Constitutional Convention developed a Three-Fifths Compromise which established that five slaves equaled three persons for purposes of legislative representation and taxation. However, for those few black males living in the North, there was a brief period of suffrage rights.

Black men enjoyed the same voting rights as white men in all the original Northern states for a generation after the American Revolution. Then, one by one, between 1807 and

1837, five of them—New Jersey, Connecticut, New York, Rhode Island, and Pennsylvania—enacted disenfranchisement provisions.

Shortly after the end of the Civil War, Congress enacted the Military Reconstruction Act of 1867, which allowed former Confederate States to be readmitted to the Union if they adopted new state constitutions that permitted universal male suffrage. The 14<sup>th</sup> Amendment, which conferred citizenship to all persons born or naturalized in the United States, was ratified in 1868. In 1870, the 15<sup>th</sup> Amendment was ratified, which provided specifically that the right to vote shall not be denied or abridged on the basis of race, color, or previous condition of servitude. This superseded state laws that had directly prohibited black voting. Congress then enacted the Enforcement Act of 1870, which contained criminal penalties for interference with the right to vote, and the Force Act of 1871, which provided for federal election oversight.

As a result, in the former Confederate States, where new black citizens in some cases comprised outright or near majorities of the eligible voting populations, hundreds of thousands—perhaps one million—recently freed slaves registered to vote. Black candidates began for the first time to be elected to state, local and federal offices and to play a meaningful role in their governments.

However, the extension of voting rights of black male citizens was strongly resisted. Among others, the Ku Klux Klan, the Knights of the White Camellia, and other terrorist organizations attempted to prevent the Fifteenth Amendment from being enforced by violence and intimidation. Two Supreme Court decisions in 1867 narrowed the scope of enforcement under the Enforcement Act and the Force Act, and, together with the end of Reconstruction marked by the removal of federal troops after the Hayes-Tilden Compromise of 1877, resulted in a climate in which violence was used to significantly depress black voter turnout.

Once whites regained control of state legislatures using these tactics, a process known as “Redemption,” they used gerrymandering of election districts to further reduce black voting strength and minimize the number of black elected officials. In the 1890’s, these states began to amend their constitutions and to enact a series of laws intended to re-establish and entrench white political supremacy.

Such disenfranchising laws included poll taxes, literary tests, vouchers of “good character” and disqualification for “crimes of moral turpitude.” These laws were “color-blind” on their face, but were designed to exclude black citizens disproportionately by allowing white election officials to apply the procedures selectively. Other laws and practices, such as the “white primary,” attempted to evade the 15<sup>th</sup> Amendment by allowing “private political parties to conduct elections and establish qualifications for their members.

The net effect was the disenfranchisement of nearly all black citizens and the removal from office of nearly all black legislators in the former Confederate states by 1910. The process of restoring the rights stolen by these tactics would take many decades.

## **Mexican-Americans**

Mexican-Americans gained United States voting rights when Mexican territory, now the Southwestern U. S., was annexed after the Mexican-American War in 1848. The Treaty of

Guadalupe-Hidalgo ended the war and “sold” the territories of Arizona, California, Colorado, New Mexico, Nevada and Texas to the U.S. for \$15 million in war reparations. Mexican citizens on one day became U.S. citizens on the next because the land they lived on in the Southwest became U.S. territory. Although they were official U.S. citizens after the treaty, Mexican-Americans were limited in their actual access to voting rights by English language requirements and discriminatory practices at polling centers.

The Treaty of Guadalupe-Hidalgo promised Mexicans living in the newly acquired U.S. territory freedom of religion, protection of property, bilingual elections, and open borders. The treaty was not enforced, however, in the long term. The post-war reality within the redrawn borders was in many cases significant discrimination against people of Mexican-origin. Poll taxes, gerrymandering and targeted violence were used to prevent the growing population of Mexican immigrants from voting. With the U.S. Voting Rights Act of 1965 and the expanded Act of 1975, the U.S. Congress voted to ban such discriminatory voting practices and to require bilingual ballots in areas where language minorities made up a significant portion of the region.

## Women

The women’s movement for suffrage spanned from 1776, with Abigail Adams asking her husband to “remember the Ladies” at the Continental Congress, to 1920. It was rooted in the fight for abolition, and many leaders of the movement spoke for the abolition of slavery as well as for women’s voting rights. Sarah Grimke began speaking as an abolitionist and women’s rights advocate in 1836, but male abolitionists tried to silence her because they thought her speaking was a liability.

Elizabeth Cady Stanton and Lucretia Mott convened the Seneca Falls Convention in New York on July 19, 1843. The Declaration of Sentiments and Resolutions specified the injustices in women’s daily lives: domestic abuse without penalty, lack of access to education, professional careers and ability to own property, and low status in most churches. The Sentiments and Resolutions also demanded the right to vote.

In 1851, Sojourner Truth, a feminist, abolitionist and former slave, delivered the famous “Ain’t I a Woman?” speech before a spellbound audience at a women’s rights convention in Akron, Ohio. She described the differences between the treatment of black women and white women, and black women and black men. Because of her commanding presence and ability to articulate the inconsistencies in both the abolition and the women’s suffrage movements, she was an important and prophetic part of U.S. suffrage history.

In 1866, Elizabeth Cady Stanton and Susan B. Anthony formed the American Equal Rights Association, an organization for white and black women and men dedicated to the goal of universal suffrage. *However, the Fourteenth Amendment, designed to extend suffrage to African American men, caused a rift in the movement because it specifically excluded women.* Two factions formed, with Stanton and Anthony forming the National Women Suffrage Association (NWSA), and Lucy Stone, Henry Blackwell and Julia Ward Howe organizing the American Women Suffrage Association (AWSA).

Since the Fourteenth Amendment protected the “privileges and immunities” of “all persons born or naturalized in the United States,” Susan B. Anthony and Sojourner Truth

attempted to vote in November 1872. Anthony cast her vote, was arrested two weeks later, found guilty and fined \$100. Truth demanded a ballot in Grand Rapids, Michigan but was turned away. These two acts of courage pointed to the need for a new Constitutional Amendment to grant all women suffrage.

The bill that would extend suffrage rights to women was introduced in 1878, yet it took more than forty years to pass Congress. The NWSA and the AWSA joined forces in 1890 under Stanton's leadership, calling themselves the National American Woman Suffrage Association (NAWSA). In 1896, Ida B. Wells-Barnett, Margaret Murray Washington, Charlotte Forten Grimke and Harriet Tubman formed the National Association of Colored Women (NACW).

In 1913, Alice Paul and Lucy Burns organized the National Women's Party (1916), to continue the struggle for women's suffrage after the deaths of Stanton and Anthony. A few states had granted women the right to vote, but most states continued to keep women from the franchise. The Women's Party participated in hunger strikes, picketed the White House, and engaged in other forms of civil disobedience to publicize the need for women's suffrage. Jeanette Rankin ran a successful campaign for women's suffrage in Montana, and in 1916, she became the first woman elected to the House of Representatives. Rankin helped draft the Nineteenth Amendment, extending voting rights to women. On August 26, 1920, the Nineteenth Amendment was ratified and women were granted the right to vote in every state.

## **American Indians/ Native Americans/ Indigenous Peoples**

The Iroquois Confederacy served as an example of democracy in the Americas, and this influenced the people who formed the backbone of the United States government. In fact, Benjamin Franklin and Thomas Jefferson had a lifelong fascination with Iroquois culture. While American Indian tribes helped form the ideals upon which the US government is based, they were excluded from the body politic and placed in the category of 'foreign nations.'

American Indians belonging to certain tribes were granted citizenship through specific treaties. Others were granted citizenship through the Dawes Act of 1887. However, it was not until the Indian Citizenship Act of 1924 that all Native Americans were recognized as citizens of the United States and granted voting rights. However, state laws, such as poll taxes and literacy tests, and organized violence often kept American Indians from exercising their right to vote. Currently, there are more than 350 tribal governments in the United States, and many are still unrecognized by the U.S. government. Each tribe has a sovereign government, and there is great diversity among the tribes themselves.

## **Women and Men of Color**

Although the Constitution gave women and men of color the right to vote, violence, intimidation and state and local election laws prevented many of them from voting until the Civil Rights movement. Voters had to pass literacy tests and pay poll taxes. Often, the registration authorities turned voters of color away because unimportant records or papers

were missing or “lost.” In addition, women and men of color who attempted to exercise their right to vote were intimidated, threatened, and/or killed.

American Indians faced state restrictions that required voters be “civilized.” According to state laws, American Indians were “civilized” if they had “sever(ed) their tribal relations...by taking up their abode outside the reservation and there pursuing the customs and habits of civilization.” Other states imposed tax and resident requirements that disenfranchised American Indians.

Mexican-Americans faced a similar struggle. Violence and discriminatory practices against Mexican-Americans were used in Texas and the Southwest as a method of political control. Mexican Americans faced barriers to voting in the form of poll taxes, literacy tests, threats of deportation, gerrymandering, and harassment. Amendments to the Voting Rights Act in 1970, 1975 and 1982 attempted to address the problems that American Indians and Mexican-Americans continued to face, including discrimination and English-only ballots.

The Voting Rights Act of 1965 outlawed obstacles to voting and began to enforce voting rights that the Constitution guaranteed. The movement gained momentum through nonviolent protests occurring in the racially segregated Southern states, under “Jim and Jane Crow” laws. The movement also brought attention to the organized racism and violence that was occurring throughout the country against men and women of color.

The leadership of Rev. Martin Luther King Jr., Ella Baker and Malcolm X, among many others, was pivotal to the movement. Congress passed the Civil Rights Acts of 1964 and the Voting Rights Act of 1965, guaranteeing basic civil rights for all U.S. citizens regardless of race.

## Asian-Americans

Throughout U.S. history, discriminatory laws have denied citizenship to Asian Americans, rendering them ineligible to vote. From 1882 until 1943, most Chinese immigrants were barred from entering the United States. The Chinese Exclusion Act was the nation's first law to ban immigration by race or nationality. Federal law prohibited Chinese residents, no matter how long they had legally worked in the United States, from becoming naturalized citizens. The Geary Act, passed in 1892, required Chinese aliens to carry a residence certificate with them at all times upon penalty of deportation. Immigration officials and police officers conducted spot checks in canneries, mines and lodging houses and demanded that every Chinese person show a residence certificate. The Chinese Exclusion Act was repealed in 1943 and Chinese-Americans gained the right to become citizens and to vote.

Beginning in 1909 and continuing until after World War II, anti-Japanese bills were introduced into the California legislature every year. The issue of U.S. citizenship eventually was decided by the 1922 Supreme Court decision *Takao Ozawa v. United States* which declared that Japanese were ineligible for U.S. citizenship. The Supreme Court ruled that since Ozawa was neither a “free white person” nor an African by birth or descent, he did not have the right of naturalization as a “Mongolian.” The most intense discrimination, however, occurred from 1942-45 when Japanese Americans were incarcerated in fenced and guarded concentration camps. Thirteen temporary detention camps in California were hastily

established to hold more than 120,000 Japanese Americans. Japanese Americans and all Americans of Asian ancestry were granted the right to become naturalized citizens under the 1952 Walter-McCarran Act.

Even today in New York, which boasts the nation's second largest Asian American population at more than 800,000, no Asian American was elected to any city-wide, state-wide or national office until John Liu's election to the City Council in 2001.

## **Young People Age 18 to 21**

While the national debate over the Vietnam War stormed, Congress began a debate about whether 18- to 21-year-olds should have the right to vote. Since the beginning of World War II, every Congress during times of military activity had proposed a Constitutional Amendment to lower the voting age to 18.

The United States' involvement in Vietnam brought the debate to a new level. Young people were protesting against the war and challenging laws that drafted young men to fight in a war in which they had no say. According to Department of Defense statistics, 983,000 of the 3.5 million members of the armed forces were under 21, and almost half of the American service men that died in the Vietnam War were under 21.

While many of America's youth were fighting in Vietnam, and others against it, Congress began taking steps to reduce the age for eligible voters to 18. Senator Birch Bayh made the case for consistency. "If we are concerned about due process and equal protection, we have to be concerned about the fact that half of the young men who die in Vietnam are not old enough to vote. All of them, and all young people, pay taxes; they are tried in our courts; and yet they do not have a voice in shaping policy." In addition, 18-year-olds were legally able to marry, drive, own a gun and consume alcohol. A common theme at anti-war protests was "if they're old enough to fight, they're old enough to vote."

## **Non-English Language Speakers**

Although the U.S. citizenship test covers the English language and U.S. government, many naturalized citizens are unable to fluently speak, read and write in English. Many have a broad understanding of U.S. government but have not yet mastered the difficult English language. Before 1975, states with large non-English speaking populations printed their ballots and other voting materials only in English and provided no translation help. Non-English speakers who were otherwise qualified voters were excluded.

In 1975, the Voting Rights Act of 1965 was expanded to include language requirements. Minority language laws were put in place to remove language as a barrier to political participation and to prevent voting discrimination against people who speak languages other than English. Now, bilingual election materials are available for voters who speak Spanish, Chinese, Filipino, Japanese, Vietnamese and more than a dozen Native American and Alaskan Native languages.

Under the law, polling areas that have a significant percentage of people who speak a minority language are now required to print ballots and election materials in the minority



language and to have translators available. All information about voter registration, candidate qualifications, polling place notices, sample ballots, instructional forms, voter information pamphlets, and absentee and regular ballots must be provided in the minority language.

## **Supreme Court Strikes Down “Preclearance” Requirement of Voting Rights Act**

Although the Voting Rights Act of 1965 (VRA) was expanded in 1975 to insure those unable to speak English fluently would have unimpeded access to the polls, the recent Supreme Court case, *Shelby County v. Holder* (June 25, 2013), has raised concerns that minority voters will now face renewed discrimination. By removing the need for federal oversight (“preclearance”) of localities that have practiced racial discrimination at the polls under the 2006 renewal of the Voting Rights Act (because oversight was determined by 1975 data), the Court opened the path for states and localities to change many of their voting procedures. Voter identification laws, redistricting maps, and even procedural changes such as significant reduction in the number of polling places and limitations on early voting in areas with a long history of racial discrimination in voting practices are now only subject to after-the-fact litigation.

The vote of the Court was 5-to-4 and Justice Ginsburg’s strong dissent noted that “the number of discriminatory changes blocked or deterred by the preclearance requirement suggests that the state of voting rights in the covered jurisdictions would have been significantly different absent this remedy. Surveying the type of changes stopped by the preclearance procedure conveys a sense of the extent to which §5 [of the Voting Rights Act] continues to protect minority voting rights...The sad irony of today’s decision lies in its utter failure to grasp why the Voting Rights Act has proven effective. The Court appears to believe that the VRA’s success in eliminating the specific devices extant in 1965 means that preclearance is no longer needed...With that belief, and the argument derived from it, history repeats itself. The same assumption—that the problem could be solved when particular methods of voting discrimination are identified and eliminated—was indulged and proved wrong repeatedly prior to the VRA’s enactment. Unlike prior statutes, which singled out particular tests or devices, the VRA is grounded in Congress’ recognition of the “variety and persistence” of measures designed to impair minority voting rights...In truth, the evolution of voting discrimination into more subtle second-generation barriers is powerful evidence that a remedy as effective as preclearance remains vital to protect minority voting rights and prevent backsliding.”

In the wake of the 2013 decision, many states have passed additional voting requirements, the effect of which is expected to lead to an overall reduction in the number of minority voters. While the numbers vary, studies consistently indicate that a modest but significant share of adult Americans – up to 13.6 percent – lack government-issued photo ID cards. And the studies consistently show that compared with whites, the share of minorities without photo IDs is far higher.

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## Picture 1: Founding Fathers

We wrote and urged resistance to tyranny. We owned land and fought in the Revolutionary War. We crafted the United States Constitution in 1787.

(Pause)

We wrote the law of the land and always had the right to vote.



## Picture 2: White man who did not own land

We were white men who were poor. Our hard work helped build this nation. But because we did not own property, we were denied the right to vote.

(Pause)

Our right to vote was given in 1840, but many of us who remained poor and did not get a good education were kept from voting because we could not pay the voting tax or pass a reading test.



## Picture 3: African-American Men

Against our will, many of us were taken from our homes in Africa and brought to the Americas on slave ships. We worked from sunrise to sunset. It was illegal to teach us to read and write. Much of the U.S. economy was built on our labor, but we were viewed as property. We could not vote.

(Pause)

After the Civil War and a long struggle for freedom, we gained our right to vote in 1870. However, because of organized violence and intimidation, as well as poll taxes and literacy tests, many of us could not vote until the 1960s.



## Picture 4: Mexican-American Citizens

My family has lived on the land in what is now the southwestern U.S. for hundreds of years. We held many different jobs from working long hours on farms picking cotton in Texas to herding cattle on ranches in New Mexico. At the end of the Mexican-American war in 1848, the land we lived on became U.S. territory. According to the treaty that ended the war, we became U.S. citizens.

(Pause)

If we could speak English, we could legally vote. However, because of discriminatory practices such as poll taxes and literacy tests, many of us were kept from voting until the 1960s.



## Picture 5: Women

We, American women of all races, nurtured generations of children. Side-by-side with men, we built a new nation. We had no vote.

(Pause)

We worked hard and helped build the United States into a great country. We were leaders of our families, our communities and our nation. Although we made up half of the U.S. population, in most states we were excluded from government activities and public offices. We could not vote.

(Pause)

After a long struggle, we gained our right to vote in 1920. According to the law, we could not be denied the vote; however, because of many state laws and organized violence, many of us, especially women of color, could not vote until the 1960's.





## Picture 6: American Indians

My people lived on this land for centuries, long before the white man came. My ancestors loved and cared for this land. Because I was what they called “Indian,” I was denied the right to vote.

(Pause)

I won the right to vote in 1924.



## Picture 7: Women and Men of Color

By 1960, Amendments to the Constitution guaranteed our right to vote. But in reality— because of threats, violence and unfair practices — many of us could not vote. During the Civil Rights Movement, we risked our lives when we registered to vote and voted. We struggled to claim the right that should have been ours since the birth of the United States.

(Pause)

After the Voting Rights Act of 1965, we voted in great numbers.



## Picture 8: Asian Immigrants

Our families immigrated to the United States from many different Asian countries. We worked in farming and in gold mines, and we built nearly every railroad line in the Western U.S. During WWII, some of us were placed in internment camps because of our heritage. Federal laws were crafted specifically to keep many of us from voting and becoming citizens. For many years, only “free white persons” and African descendants had rights to citizenship and voting. Since we were neither, many of us were barred from participation.

(Pause)

In 1952, all Americans of Asian ancestry were granted their rights to citizenship and voting.



## Picture 9: Young Adults

We are 18, 19 and 20 year olds who have held nearly every job, have paid taxes, and have fought in every war since the U.S. was created. However, we could not vote until we turned 21. In the 1960's, the U.S. was fighting the Vietnam War where almost half of the U.S. soldiers killed were under 21. Although 18-year-olds could be drafted to fight in war, we had no voice.

(Pause)

In 1971, after many student protests, 18-20 year olds gained the right to vote.



## Picture 10: Non-English Speaking Peoples

We were U.S. citizens who worked and paid taxes, but could not speak fluent English. We immigrated to the U.S. in search of work and a better life for our families. Many of us live on reservations and in ethnic communities where most of our neighbors also do not speak fluent English. Due to many factors, including unequal educational opportunities in our neighborhoods, our communities had unusually high English illiteracy rates and very low voting participation. Because we could not understand the English-only voter information, we could not vote.

(Pause)

In 1975, a new law passed that requires all voting materials to be available in the first language of people living in minority communities. With this change, we could vote.



## Picture 11: Supreme Court Decision in 2013

Although the Voting Rights Act of 1965 (VRA) was expanded in 1975 to insure those unable to speak English would have access to the polls, the recent Supreme Court case, *Shelby County v. Holder* (2013), has raised concerns that minority voters will now face renewed discrimination. By removing the need for federal oversight of localities that have practiced racial discrimination at the polls (because oversight was determined by 1975 data), the Court opened the path for states and localities to change many of their voting procedures. Voter identification laws, redistricting maps, and even procedural changes such as significant reduction in the number of polling places and limitations on early voting in areas with a long history of racial discrimination are now only subject to after-the-fact litigation.

(Pause)

Many states have passed additional voting requirements, which have led to an overall reduction in the number of minority voters.