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James Crow Jr., Esquire and Voter Suppression

By

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A thesis submitted to the faculty of The University of Mississippi in partial fulfillment of the requirements of the Sally McDonnell Barksdale Honors College.

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ABSTRACT

James Crow Jr., Esquire and Voter Suppression (Under the direction of Mark K. Dolan)

This thesis lays out Voter ID laws and the effects they have on minorities. A new era of Jim Crow legislation in the 21st century as referred to by the well-respected, civil activist, Al Sharpton, as James Crow Jr., Esquire, creating laws that negatively impact voting. “Fait accompli,” a term used to describe the plight and pressure put upon the minority who are already at a disadvantage because the laws are established to discriminate against them. How can a silenced group change legislation when they cannot access the ballot? I will explore Supreme Court cases such as *Yick Wo v. Hopkins* and *Dred Scott v. Sanford* that present a pattern and establish a precedent to allow Voter ID laws. The *Shelby v. Holder* decision gave the states the power to require voter ID cards, allowing discrimination to continue legally. The preclearance law within the Voting Rights Act of 1965 prevented states with a history of discrimination from controlling the voting process. However, since the Voter ID laws were passed, that section no longer exists. I will interview a citizen who has lived through and witnessed the struggle to vote, but who persisted in exercising their right. The fight continues today as the mindsets of the elected officials and majority party affiliations continue to promote segregation and separation between the powerful and the powerless through ways such as voter ID laws. The position I will take in my thesis is that the Voter ID laws continue to be a form of discrimination preventing the oppressed population from influencing laws that will benefit and empower themselves.

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CHAPTER ONE

James Crow Jr., Esquire and Voter Suppression

Voter ID laws create a preliminary set of obstacles that thwart racial equality. The status of voting rights in America mirrors a calling card of the past: segregation and separation. Donald S. Strong, an American Political Scientist, asked in 1968 in Negroes, Ballots, and Judges, would it matter if African Americans were supposedly able to exercise their right to vote if they could not even register in their local community?¹ Why does his question from 1968 sound so relevant in 2020? I will use articles, Supreme Court cases, and laws to describe the injustice that has been perpetuated by allowing the Voter ID laws to exist. The Voting Rights Act of 1965 supposedly outlawed voter discrimination. It eliminated the use of literacy tests, grandfather clauses, and other discriminatory devices used to disenfranchise African Americans. It also required federal oversight in any state that had used these tactics, or preclearance laws, as they had been termed. After the Voting Right Act of 1965, in Mississippi alone, voter turnout among blacks increased from six percent in 1964 to fifty-nine percent in 1969.²

How can racial equality and fairness exist if there are separate preliminary steps involved with voting? Throughout the history of the South, the Jim Crow Era, and recent events in many former slaveholding states, voter suppression in the South is no stranger. Southern states, such as Mississippi, needed the Voting Rights Act of 1965 to end voter discrimination and suppression.³

¹ Strong, Donald S., *Negroes, Ballots, and Judges: National Voting Rights Legislation in the Federal Courts*. (University (Ala.): The University of Alabama Press, 1970)2.

² Sullivan, Missy, Amanda Onion, and Matt Mullen. "Voting Rights Act of 1965." History.com. A&E Television Networks, November 9, 2009. <https://www.history.com/topics/black-history/voting-rights-act>. niversity (Ala.): The University of Alabama Press, 1970)2.

³ "Voting Rights Act (1965)." Our Documents - Voting Rights Act (1965). Accessed April 5, 2020. <https://www.ourdocuments.gov/doc.php?flash=true&doc=100>.

However, the mistreatment of minorities continues in these states after the passing of the Voting Rights Act, thus making it harder to exercise a fundamental right given to all citizens of the United States, to democratically elect presidents, senators, representatives, and local public officers. Correspondingly, if the entire population does not have proper access to voting, the cycle of poverty continues. The denial of voting prevents the opportunity for citizens to change issues such as education, employment, and housing.

President Lyndon B. Johnson decided after many years of segregation, and struggle for African Americans to allow them to access their constitutionally given rights via the Voting Rights Act of 1965. This landmark legislation should have allowed any person, regardless of skin color to vote fairly and equally. Historian Brennan Center writes, "The Voting Rights Act was passed in 1965 to ensure state and local governments do not pass laws or policies that deny American citizens the equal right to vote based on race. As the leading democracy of the world, the U.S. should work to keep voting free, fair."⁴

Discouraging the minority vote should be illegal. This topic struck me when I took Dr. McKee's Pre-Civil War literature class, and although we did not speak about the act of voting per se, we talked about the treatment and placement of African Americans within books and poetry. Historic laws such as ones discussed during this class are crucial to understanding that America never respected and never planned on seeing a slave as a person. America certainly never recognized African Americans as people with rights and even more having a name. I remember our discussion about Uncle Tom's anti-heroism in Harriet Beecher Stowe's novel. However, many students felt differently. The mindset of my former classmates is what allows legislature

⁴ "The Voting Rights Act." Brennan Center for Justice, March 4, 2019. <https://www.brennancenter.org/issues/the-voting-rights-act>.

like the Voting Rights Act to continue. Through seeing Uncle Tom as anything more than a coward is unfathomable, but to believe he is a hero is a colossal misjudgment. Uncle Tom was a slave willing to stay to protect his master's family rather than running to freedom. I see Uncle Tom as a portrayal of a scared slave too afraid to save his own life by protecting a life he has always known, slavery. A tunnel vision of only seeing a circumstance from one, privileged, empowered perspective, that should not be what the American Government is.

The Ninth Amendment is crucial to voting rights. A decision left up to the people, their state government, to be exact. The Ninth Amendment declares, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."⁵ The unenumerated rights include voting rights, travel rights, and the right to privacy.

Voter ID laws create segregation due to the color of a person's skin and the amount of money they have. "Full equality still is a distant prospect in the United States."⁶ Voter ID matters, even more, today than in the past, and the fight continues in the courts. Especially the state courts of Dallas County, Alabama, where *Shelby v. Holder* arose. As a result of *Shelby v. Holder*, the state governments now have full control of their citizen's voting process in elections. This fight continues in rural communities and towns as the mindsets of the elected officials, and majority party affiliations continue to promote the segregation and separation between the powerful and the powerless through Voter ID laws.

The media is promoting and providing this helpless, hopeless image of disenfranchised voters in rural communities. Wendy Wisner discusses that Voter ID laws are not only affecting

⁵ "Ninth Amendment - U.S. Constitution." Findlaw. Accessed April 5, 2020. <https://constitution.findlaw.com/amendment9.html>.

⁶ Wu, Edith Y. "Failure to Enforce the 13th, 14th, and 15th Amendments." *Race, Racism, and the Law*, 2014. <https://racism.org/articles/law-and-justice/citizenship-rights/117-slavery-to-reparations/reparations/525-repara27?showall=1>.

African Americans, but also Native Americans. Wiser writes, "The court recently declined to block North Dakota's voter I.D. law, despite evidence that thousands of Native Americans who live on reservations could be stymied by its requirement that their I.D.s include a residential mailing address."⁷

The Native Americans are not allowed to vote in North Dakota because they do not have a permanent address because they live on reservations. The same reservations that their ancestors were demanded to stay on after being forcefully removed from their homes. Throughout history, Native Indians were the target of forced migration. They were powerless to affect legislation to benefit themselves since they cannot vote. Similar to African Americans, after forced migration to America. The ones in power oppress them because many cannot vote. Fannie Lou Hamer, a former sharecropper, was fired from her job and pushed off her property for attempting to vote in the Mississippi Delta. "They also risked harassment, intimidation, economic reprisals, and physical violence when they tried to register or vote."⁸ The accessibility and financial ability of the less fortunate, disenfranchised population of Mississippi are purposefully ignored when addressing Voter ID laws. Senators, Representatives, and even local vocal members of communities are publicly ignoring the rights of people of color to be a citizen in 2020.

The suppression of minority voters in Mississippi due to the Voter ID law is the main focus of this thesis. What if voting was accessible to each citizen? Would there be a difference in elections? Section 5 in the Voter Rights Act kept states that had a previous history of racial segregation concerning voting. "Much of the U.S. was not paying attention when states with a

⁷ Weiser, Wendy R. "This Is the Worst Voter Suppression We've Seen in the Modern Era." Brennan Center for Justice, November 2, 2018. <https://www.brennancenter.org/our-work/analysis-opinion/worst-voter-suppression-weve-seen-modern-era>.

⁸ "The Voting Rights Act." Brennan Center for Justice, March 4, 2019. <https://www.brennancenter.org/issues/the-voting-rights-act>.

history of racist election laws passed bill after bill that made it more difficult for some Americans, usually people of color, most likely to support Democrats to vote."⁹ This gave traditionally Supremacist politicians and leaders the motivation and opportunity to create another unfair, but also legal step before voting.

Voter ID is yet another hurdle that Mississippi requires its citizens to jump through. Designed on purpose with white mentality and privilege to promote that voting is more of a birthright than a constitutional right is deplorable. Through interviews with my grandfather, Jesse J. Holland, a school teacher raised in the Mississippi South during the time of literacy tests. His account of this voter discrimination tactic gives a true testament to the ridiculous questions approved by governments such as Mississippi. Jesse Holland is my grandfather, a former Memphis City School teacher. He has lived in Memphis and North Mississippi his whole life, as he turned 18 in Marshall County, he was given a literacy test before voting. Although he couldn't remember all of the questions within the examination, he remembered one. He remembers this question, "If two states were to be conjoined, who would have to vote to approve it?" Questions like these that required full and extensive knowledge of the Constitution that no African American in the South had access to.

However, my grandmother is only a few years younger than my grandfather. She did not have to experience the discriminatory practices of North Mississippi. If my grandfather, a school teacher, could not answer the questions, how did the local government in Mississippi believe that uneducated African Americans could? The answer is they did not expect them to and not only that, but they did not want them to.

⁹ "Understanding the Devastating Impact of 'Shelby County v. Holder.'" Who, What, Why, October 28, 2018. <https://whowhatwhy.org/2018/10/20/understanding-the-devastating-impact-of-shelby-county-v-holder/>.

But this suppression of Africans in America is not a new phenomenon. It started with the Three Fifths Compromise in 1787, only 11 years after the founding of a new, free United States of America. The government decided that Africans were not only property, but a single slave was not equal to a single person. The Three Fifths Compromise kept the South from having complete control over the government. With the number of slaves, it would outnumber the northern population giving more power to the South. The Three-Fifths Compromise was a grouping mechanism. A mechanism of depression, degrading, and demolishing of the individualism of an African within America, which still exists today through legislation such as Voter ID laws. Especially in southern states, where it was not only law but tradition to keep powerless in their place such as through practices such as sharecropping.

Progress is possible even in the most stubborn, tradition-driven places like Mississippi. Though literacy tests, gerrymandering, and poll taxes kept African Americans from voting in their communities until President Johnson created the Voting Rights Act of 1965. This act eliminated all the discriminatory tactics of white Americans to destroy the right to vote.

However, in 2013 this all changed through *Shelby v. Holder* and the enacting of the Voter ID laws. Once again, segregating people based on the color of their skin and the amount of money they make is unfair. Through media outlets, articles, and graphs, I will explain why Voter ID laws are similar to the Jim Crow legislature. The chapters within will discuss the history up until 2013, *Shelby v. Holder*, Media's covering of voting issues, the solution, and conclusion.

CHAPTER TWO

American Property or African American?

This chapter explores the many laws, cases, perceptions, and treatment of Africans as Americans as of 1865. The year of 1865 and the Emancipation of Proclamation with the freeing of slaves is when Africans became African Americans. American history, in regards to the Africans and their treatment in this country, is deplorable. From 1865 until 2020, many horrible events have inflicted Africans in their attempt to be Americans. The legislation and events designed to disenfranchise and defeat the hopes of African Americans and other minorities are the basis of this chapter.

The issue of voting rights started in 1791, with the Ninth Amendment. This amendment discussed rights like voting. William Baude, New York Times writer, explains his understanding of the Ninth Amendment. Baude writes, “But I can’t help but noticing one interesting and important difference between the right to free speech and the right to vote or to obtain an abortion. The right to free speech, an enumerated right in the text of the Constitution.”¹⁰

Without voting, legislation to change state, local, and federal laws will not happen. Only the majority voice is heard when the poor are forced to be silent. Through acts of separation, segregation, and sneaky state legislation, such as the Voter ID exists. Sarah Childress, PBS writer, discusses voting and how it negatively minimizes the minority races' impact on the

¹⁰ Baude, Will. "Free Speech vs. Voting Rights and Abortion Rights." The Washington Post. W.P. Company, October 25, 2014. <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/10/25/free-speech-vs-voting-rights-and-abortion-rights/>.

American government. Childress writes, “We need to look at what we call second-generation barriers, how laws have a negative impact on minorities’ ability to vote, and what that means.”¹¹

The progress of Mississippi from 1817 to the present is not miles, but inches. Reconstruction, Civil War, Jim Crow: the only differences between these events are the dates and the thin line between enslaved and disencumbered. What is the difference between slaves and citizens? The list should include the right to vote, but it does not.

The discrimination against minorities in Mississippi continues to persist through states’ laws allowing segregation through laws such as the Voter ID. Frederick Douglass, a famous abolitionist, turned influential African American writer. Douglass writes,

By depriving us of suffrage, you affirm our incapacity to form an intelligent judgment respecting public men and public measures; you declare before the world that we are unfit to exercise the elective franchise, and by this means lead us to undervalue ourselves, to put a low estimate upon ourselves, and to feel that we have no possibilities like other men.¹²

The states may not be imprisoning current citizens like during *Yick Wo v. Hopkins*, but they are being discriminatory based on race/religion and fining them through fees such as purchasing the license or Voter ID to have access to constitutionally granted rights. The Supreme Court case of *Yick Wo v. Hopkins* in 1868, “not only recognized that other minorities were being racially discriminated against with voting laws/requirements, but it brought to light minorities were not

¹¹ Childress, Sarah. “Where Is Voter Discrimination the Worst?” PBS. Public Broadcasting Service, August 4, 2016. <https://www.pbs.org/wgbh/frontline/article/where-is-voter-discrimination-the-worst/>.

¹² Clapp, Jake. “Douglass's Fight for Voting Rights.” FREDERICK DOUGLASS'S ROCHESTER, July 26, 2018. <https://rocdouglass.com/2018/07/26/douglasss-fight-for-voting-rights/>.

even given the opportunity to lay eyes on a ballot.”¹³ *Yick Wo v. Hopkins*, a discriminatory case that set precedence using the Fourteenth Amendment for minorities in the United States of America. San Francisco used legal discrimination against poor Chinese laundry mat owners to fine and falsely imprisoned them. Due to the racist bigotry toward this group owning a large percentage of the laundry mats. However, San Francisco granted permits to their white counterparts to continue to run their business. The case states,

The Court reversed and held that no reason for discrimination existed except hostility to the race and nationality to which petitioners belonged. The discrimination was, therefore, illegal, and the public administration that enforced it was a denial of the equal protection of the laws in violation of U.S. Const. amend. XIV. Thus, the imprisonment was also illegal.¹⁴

“Fait accompli,” is a term describing the plight and pressure put upon the minorities that is a disadvantage over which they have no power to change. The American government should protect them from terror and violence. However, violence persisted, allowing horrible, anti-equality rules to be laws such as the Black Codes and Jim Crow.

In 1870, many laws were passed, such as The Fifteenth Amendment and Enforcement Act of May 1870. However, neither had much effect on rural communities run by terrorists of the South, the Ku Klux Klan. The Enforcement of May 1870 targeted groups like the KKK and their unified terror tactics.

Congress describes The Enforcement of May 1870 as that

Which prohibited groups of people from banding together "or to go in disguise upon the public highways, or upon the premises of another" with the intention of violating

¹³ Foster, Lorn S., Pomona College (Claremont, Calif.). Department of Government, and Claremont Colleges. Intercollegiate Department of Black Studies. *The Voting Rights Act: Consequences and Implications*. New York: Praeger, 1985, 45.

¹⁴ “*Yick Wo v. Hopkins* - 118 U.S. 356, 6 S. Ct. 1064 (1886).” Lexis Nexis. Lexis Nexis. Accessed January 20, 2020. <https://www.lexisnexis.com/community/casebrief/p/casebrief-yick-wo-v-hopkins-1830540487>.

citizens' constitutional rights. Even this legislation did not diminish harassment of black voters in some areas.¹⁵

The Fifteenth Amendment had no positive impact on minority voters in the South. Although the Fifteenth Amendment supposedly granted the right for African Americans to vote, “not to be denied by the United States or any state.” Lorn S. Foster, a current professor, is discussing African American impact on society. Foster writes, “Following the Civil War, vague restrictions for illiteracy, economic and social status, and conviction of certain crimes served as not-so-subtle means to continue to disfranchise blacks, despite the Fifteenth Amendment.”¹⁶ Grandfather clauses, literacy tests, gerrymandering, and poll taxes all existed legally under the Fifteenth Amendment.

These were examples of exclusion of African Americans and other minorities from their fundamental right to vote. All these acts of segregation were in the late 1960s, a hundred years after the adoption of the Fifteenth Amendment. The methods changed from all-white hooded outfits and burning crosses to complicated applications and unanswered inquiries. For example, McAdams writes, “Throughout their stay in America, African Americans have been the victims of institutionalized political powerlessness.”¹⁷

The Ku Klux Klan is a group determined to destroy any hope or help created for African Americans. The KKK demolished churches, burned crosses, hung innocent people to scare progress into regress.¹⁸

¹⁵ “Landmark Legislation: The Enforcement Acts of 1870 and 1871.” U.S. Senate: Landmark Legislation: The Enforcement Acts of 1870 and 1871, February 11, 2020.

¹⁶ Foster, 45.

¹⁷ McAdam, Doug. *Political Process and the Development of Black Insurgency*, 232.

¹⁸ “Ku Klux Klan.” Southern Poverty Law Center. Southern Poverty Law Center. Accessed September 27, 2019. https://www.splcenter.org/fighting-hate/extremist-files/ideology/ku-klux-klan?gclid=EAIaIQobChMI_8ii0Zfl5AIVERx9Ch1Wtgt2EAAAYASAAEgKAmPD_BwE.

Voting is an implied right, 'Because the rights protected by the Ninth Amendment in 1791 are not specified, also known as "unenumerated." The Supreme Court found that implied rights include such necessary rights as the right to travel, the right to vote, the right to keep personal matters private, and to make important decisions about one's health care or body."¹⁹

The most recent case of legalized segregation and separation are *Shelby v. Holder*. However, this Supreme Court decision is a precedence set by previous cases. Cases such as *Dred Scott v. Sandford*, *Yick Wo v. Hopkins*, and many others. If these past cases would not have set the tone for racism and bigotry to expand and extend into the 21st century, would *Shelby v. Holder* be in effect?

Although, as time progressed, Jim Crow laws were enacted in the late nineteenth century. Continuing until the 1960s, causing a backslide in voting due to laws determined to disenfranchise African American citizens. Voting in the South became almost impossible due to literacy tests, poll taxes, grandfather clauses, and other acts of voter suppression. These acts of suppression spiraled into lynching, mobbing, and terror acts that propelled the Civil Rights Movement. The local terrorizers tried to scare progress from coming to fruition by killing African Americans by hanging anyone who dared to want to vote even in the late 1960s. The deep South and their Jim Crows motivated government barely saw the murder of African Americans in the 1960s as crimes. Especially through the way, the Media portrayed their killings. Jim Crow became a way of life for African Americans suck in southern states, such as Mississippi.

¹⁹ "Ninth Amendment: Non-Enumerated Rights Retained by People." National Constitution Center – constitutioncenter.org. Constitution Daily, February 9, 2014. <https://constitutioncenter.org/blog/ninth-amendment-non-enumerated-rights-retained-by-people-2>

The Reverend Al Sharpton, a Civil rights activist, discussed Jim Crow and its impression on the South at the 50th anniversary of the March on Washington. Sharpton states, “I come to tell you just like our mothers and fathers beat Jim Crow; we will beat James Crow Jr., Esquire.”²⁰ We know what laws he was referring to when he spoke of Jim Crow. The results of James Crow Jr., Esquire are similar to the demands of Jim Crow, only impacting a different generation that should not still be fighting this battle. The results that are depriving people of their rights, reminiscent of the fight in the 1960s.

Until the 1960s, America denied a large percentage of its citizens this implied right to freely express their opinion. Benjamin Barber, TED talk speaker, dives into gerrymandering and other voter suppression tactics. Barber writes, “Abrams and voting rights advocates pointed to voter suppression tactics deployed by Kemp, who as secretary of state overseeing the election led the effort to restrict the influence of the African-American voting bloc.”²¹ The African American vote is unwanted and undervalued compared to their white counterparts.

African Americans are not valued. Less than 60 years ago, the infamous Bloody Sunday happened in Alabama in Dallas County, a place where more than 50% of the population was African American, but only one percent was registered to vote.²² This march from Selma to Montgomery resulted in killings, beating, and the inhumane release of dogs. This horror inflicted on African Americans just wanting the rights they were to receive for being American. However,

²⁰ Dingle, Derek T. “March On Washington at 50: We Must Ring The Bell Of Economic Freedom.” Black Enterprise. Black Enterprise, November 15, 2017.

²¹ Barber, Benjamin. “Stacey Abrams' Latest Project Takes Aim at Voter Suppression in the States.” Facing South. The Institute for Southern Studies, August 29, 2019. <https://www.facingsouth.org/2019/08/stacey-abrams-latest-project-takes-aim-voter-suppression-states>.

²² Klein, Christopher. “How Selma's 'Bloody Sunday' Became a Turning Point in the Civil Rights Movement.” History.com. A&E Television Networks, March 6, 2015. <https://www.history.com/news/selma-bloody-sunday-attack-civil-rights-movement>.

the aftermath of the march led President Johnson to say, “All Americans must have the privileges of citizenship regardless of race.”²³ But President Johnson refers to voting rights as “privileges” that is not what voting should be. Voting is a right that belongs to any American, and for it to be referred to as an entitlement should not happen.

The problems in the South blistered and festered into marches such as Bloody Sunday and many other unjust killings of American people attempting to obtain their rights. This resulted in the Civil and Voting Rights movement, propelled by Ella Baker, Fannie Lou Hamer, and others, fighting for a supposedly fundamental right. Furthermore, these movements that resulted in the Voting and Civil Rights Act of 1965, which hoped to end segregation and separation in the South to embrace the presence and opinions of the African American citizens.

Doug McAdams, a professor at Stanford, discusses the backward American legislation consequences released on the African American citizen. McAdams writes, “Blacks have consistently found themselves barred from participation in a system of institutionalized politics that has proven to be generally unresponsive to their interests.”²⁴ With the help of many people like Ella Baker, grass-roots organizations such as NAACP, YNCL, SCLC, and SNCC assisted African Americans to access their voting rights in southern states like Mississippi. The most important organization is the NAACP, which fought tirelessly for the fair treatment of African Americans within voting and many other aspects of life. National Association of Advancement of Color People was created to combat the injustices that plagued the African

²³ “The Civil Rights Act of 1964 and the Voting Rights Act of 1965 (Article).” Khan Academy. Khan Academy. Accessed April 6, 2020. <https://www.khanacademy.org/humanities/us-history/postwarera/civil-rights-movement/a/the-civil-rights-act-of-1964-and-the-voting-rights-act-of-1965>.

²⁴ McAdam, 232.

American people in any part of American life. These organizations arranged events like Freedom Summer, gathering numerous volunteers to effect change in rural Mississippi.

William Hastie, the first African American judge, writes, “Democracy is a process, not a static condition. It is becoming rather than being. It can easily be lost, but never is fully won. Its essence is eternal struggle.”²⁵ This eternal struggle is with the mindsets of Republicans and governments of small rural towns in southern states. An eternal struggle that we are losing due to legislature such as the Three Fifths Compromise, Black codes, and recently, Voter ID laws.

A history of injustice, inequality, separation, segregation, and discrimination, but the same minority that is and was plagued by this standard are subject to the will of these same local/state governments. Susan Goldman Rubin, a writer, explains the importance of the Amendment and its impact on African Americans. Rubin writes, “These unenumerated rights were implied by the first 10 Amendments and were protected by the Constitution. These unenumerated rights also could not be violated by state governments.”²⁶ However, by enacting legislation such as the Voter ID law, restricting the right of free speech of voting for only the minorities and the poor. Does that not violate the very laws and acts put in place by our Founding Fathers? The claims of minorities are being ignored because the Courts see them as poor and powerless.²⁷ The Fourteenth Amendment reads,

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or

²⁵ Hastie, William H. “Democracy.” Democracy. Accessed April 6, 2020. <https://beingacitizenofademocracy.weebly.com/>.

²⁶ Rubin, Susan Goldman. *Brown v. Board of Education: a Fight for Simple Justice*. New York: Holiday House, 2016, 216.

²⁷ Baude, Will. "Free Speech vs. Voting Rights and Abortion Rights." *The Washington Post*. W.P. Company, October 25, 2014. <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/10/25/free-speech-vs-voting-rights-and-abortion-rights/>.

property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.²⁸

Are states ignoring the Fourteenth Amendment guarantee of life, liberty, and pursuits of happiness? Without voting, what access do citizens have to shape their own life, liberty, and pursuit of happiness? The answer is none. Politicians mold the life of Americans based on the values and beliefs of their constituents. How can the constituents voice their concerns when they cannot even access the ballot? Historian, Grace Hemmingson discusses the Fourteenth Amendment in excess to illuminate the plight that African Americans received from a law that completely ignored this Amendment. Hemmingson writes,

Though the Fourteenth Amendment declared that African Americans were not to be treated differently by the state governments, the Jim Crow Laws flagrantly disregarded that intention in favor of the interests of former slave-holders in southern states who suddenly found themselves without a captive workforce.²⁹

Thus, “separate but equal” came from a case that involved the Fourteenth Amendment, *Plessy v. Ferguson*. This case exposes the Fourteenth Amendment was utterly and legally ignored because of the supremacist mindsets of the nineteenth century.³⁰ The Jim Crow Era kept racist and discriminatory practices in southern states regardless of the Amendments. These same Jim Crow Era laws and mindsets are still impacting African Americans.

²⁸ “Fourteenth Amendment.” Legal Information Institute. Legal Information Institute. Accessed January 20, 2020. <https://www.law.cornell.edu/constitution/amendmentxiv>.

²⁹ Hemmingson, Grace. “The Virginia Tech Undergraduate Historical Review.” The Virginia Tech Undergraduate Historical Review. VT Publishing, May 1, 2014. <https://vtuhr.org/articles/10.21061/vtuhr.v3i0.24/>.

³⁰ Hemmingson, Grace. “The Virginia Tech Undergraduate Historical Review.” The Virginia Tech Undergraduate Historical Review. VT Publishing, May 1, 2014. <https://vtuhr.org/articles/10.21061/vtuhr.v3i0.24/>.

However, for voting to exist, the United States must first see someone as a citizen. When were minorities treated as citizens and not previously forced/owned labor? How can the American minority public expect current laws to reflect fair treatment?

The case of *United States v. Hines* in Alabama brings voter injustice to the Court in 1971. James T. Wooten, a former White House correspondent, discusses a paramount case at a time where news like this was slim to none: “A white, segregationist judge who deleted the names of Negro candidates from a 1968 ballot was found guilty here today of both civil and criminal contempt of Federal Court.”³¹ Not only was the case resolved, but the victims of this crime were given seats on the county's Court of Commissioners and Board of Education. If the courts could stop the removal of six citizens from voting, why can't the states commit to that level of protection in 2020?

There is a more fundamental problem that amendments are failing to create change.³² For example, Jim Crow laws were outlawed by the Fourteenth Amendment, but southern states such as Mississippi did not care. The system of Jim Crow created not only problems but unnecessary violence based on the need to reminiscence on the Old South. A problem that persists and has precedence due to cases like *Plessy v. Ferguson* matters – a problem that should have been resolved through checks and balances and human decency. Iiya Somin, a former editor of the Supreme Court Economic Review, analyzes *Plessy v. Ferguson*. Somin writes, “Historically, many of the court's worst decisions were cases where it chose not to strike down

³¹ Wooten, James T. “Alabama Judge Is Found Guilty In Keeping Negroes Off the Slate.” The New York Times, January 8, 1971. <https://www.nytimes.com/1971/01/08/archives/alabama-judge-is-found-guilty-in-keeping-negroes-off-the-slate.html>.

³² Hemmingson, Grace. “The Virginia Tech Undergraduate Historical Review.” The Virginia Tech Undergraduate Historical Review. VT Publishing, May 1, 2014. <https://vtuhr.org/articles/10.21061/vtuhr.v3i0.24/>.

an oppressive, unconstitutional policy – cases like *Plessy v. Ferguson*, which permitted racial segregation.”³³ Oppressive legislation made by states with a history of segregation, separation, and unfair treatment such as Mississippi. The *United States v. Mississippi*, a case where the Supreme Court was acting as a role model to dissolve discriminatory practices concerning the right to vote. The case reports,

The complaint charging that the State of Mississippi and its officials for over three quarters of a century had enacted and enforced constitutional provisions, statutes, rules and regulations, and engaged in discriminatory practices, to keep the number of white voters as high and the number of Negro voters as low as possible, stated a cause of action and it was error to dismiss the complaint without trial.³⁴

However, the Supreme Court reversed the decision to have no trial, based on numerous Amendments.

Mississippi would deny and try to dismiss a case concerning discriminatory practices in its courts. A place where African Americans are the highest population, but the majority of politicians are Caucasian. Five out of six politicians from Mississippi are not only Republican but also white.³⁵

Despite, as numerous writers explored and explained amendments, groundbreaking cases, and enforcements used to prevent the unfair treatment of the African American people, little progress ensued. As a result of Jim Crow, Bloody Sunday, and the Voting Right Act of 1965 emerged, but Al Sharpton believes, James Crow Jr. was on the horizon in 2013. He was correct. The same year he exclaimed that statement on the anniversary of the March on Washington is the

³³ Somin, Ilya. “Is the Supreme Court Too Powerful?” The New York Times. The New York Times, February 15, 2016. <https://www.nytimes.com/roomfordebate/2015/07/06/is-the-supreme-court-too-powerful/the-supreme-court-is-a-check-on-big-government-protection-for-minorities>.

³⁴ “United States v. Mississippi,” 1964. Accessed April 14, 2020.

<http://cdn.loc.gov/service/ll/usrep/usrep380/usrep380128/usrep380128.pdf>

³⁵ “Mississippi.” GovTrack.us. Accessed April 6, 2020.

(<https://www.govtrack.us/congress/members/MS#senators>.)

same year that *Shelby v. Holder* appeared. However, Rev. Sharpton mentioned it was a battle, a war the younger generation will have to fight. With the technological advances of the 21st century, the solution is also on the horizon. Through the exploration of historical cases, the precedence for *Shelby v. Holder* is set. In the next chapter, I discuss *Shelby v. Holder* and its effect on minorities.

CHAPTER THREE

Shelby County, Alabama 2013

After discussing the history of America and the torment of African Americans, how can anyone be surprised that suppression still exists? James Crow Jr., the son of Jim Crow in the 1960s, as referred to by legendary Rev. Al Sharpton. These laws were made to shackle the progress made since Reconstruction. *Shelby v. Holder* also is shackling that chance. *Shelby v. Holder* eliminates the preclearance law and gives state governments' complete control of the voting process.

Shelby v. Holder destroyed the hopes of African Americans and minorities to voice their opinion due to the strenuous requirements based on economic status and skin color. The Voting Rights Act of 1965 was created to protect African Americans from the states that did not want them to vote with the preclearance rule in several states with a history of discrimination.

The Voter ID law legally denies African Americans the right to vote in mostly southern states. From 1965 to 2013 is less than fifty years, the Voting Rights Act took almost 200 years. Is two hundred years enough time for an extensive racist history to pass? The majority opinion relied on the premise that the South no longer needed guidance. Justice Roberts declares, "In his majority opinion, Chief Justice John Roberts argued that the coverage formula was no longer 'grounded in current conditions' because the 'country has changed' since the formula was first adopted in 1965."³⁶ The current conditions are not the same ones in the 1960s but have similar targets: African Americans and their rights as citizens. These restrictions are reminiscent of Jim Crow laws such as literacy tests, and poll taxes, and gerrymandering.

³⁶ Feldman, Max. "Voting Rights in America, Six Years after *Shelby v. Holder*." Brennan Center for Justice, June 25, 2019. <https://www.brennancenter.org/our-work/analysis-opinion/voting-rights-america-six-years-after-shelby-v-holder>.

The Voter ID law is nothing more than a different strategy to prevent minorities from exercising the right that has been fought for over centuries in the same places, especially in the South. Now that the preclearance law is gone, who is protecting the rights of minority citizens to vote?

Is the protection in the voting precinct closings, increase in voter purges, and increased voter suppression? Is it the backslide entering into the early 1960s in relation to mindsets and participation in government due to the control in local communities? In *Disenfranchisement and Economic Inequality: Downstream Effects of Shelby County v. Holder*, Abhay Aneja discusses the status of the South after 2013. Aneja writes, “Chief Justice Roberts should be slightly less optimistic about the state of democratic equality in the South.”³⁷ These “current conditions” should make not only the American people but also the government want to revitalize the Voting Rights Act of 1965, Section 4 and 5. Chris Bondi, a NewsMax writer, expresses President Obama's sentiment toward the *Shelby v. Holder* decision.

In 2008, President Obama said,

For nearly 50 years, the Voting Rights Act ... has helped secure the right to vote for millions of Americans. Today's decision invalidating one of its core provisions upsets decades of well-established practices that help make sure voting is fair, especially in places where voting discrimination has been historically prevalent.³⁸

To avoid repeating the past within the present, we must understand the cases that built precedence for *Shelby v. Holder*, such as *United States v. Duke* and *Dred Scott v.*

³⁷ Aneja, Abhay P. and Carlos F. Avenancio-León. "Disenfranchisement and Economic Inequality: Downstream Effects of Shelby County v. Holder." AEA Papers and Proceedings 109, (2019): 161-165.

³⁸ Bondi, Chris. “Voting Rights Act: 7 Quotes From Lawmakers About Shelby County v. Holder Decision.” Newsmax. Newsmax Media, Inc. Newsmax Media, Inc., January 5, 2016. <https://www.newsmax.com/fastfeatures/voting-rights-holder-shelby-lawmakers/2016/01/05/id/708255/>.

Sandford. The Constitution explicitly discusses this guarantee, and it should not be denied to anyone on the basis of color, and the court must abide by such.³⁹ If this statement was given by the courts in, why does it not apply now? The case reports, “When this suit was filed by the United States on October 16, 1961, Panola County, Mississippi, had 7,639 white persons, and 7,250 Negroes of voting age. At least 5,343 white persons were then registered to vote. The only Negro registered to vote in Panola County was R.H. Hightower, 92 years old, who had registered in 1892.”⁴⁰

Then we examine the roots of Chief Justice Roberts's "equal sovereignty" principle in *Dred Scott v. Sandford*. It shows how the original Privileges and Immunities Clause made it necessary for the Supreme Court to deny the descendants of African slave's citizenship rights in order to protect the Southern states. Bondi explains, “It is confounding that after decades of progress on voting rights, which have become part of the American fabric, the Supreme Court would tear it asunder.”⁴¹

One out of 7,250 African Americans were registered to vote in Panola County in Mississippi in late 1961. But if the courts understood the problem in 1961 before the Voting Rights Act passed, why is it not recognized today? The number of voters registered today compared to the number of citizens is dismal and discouraging. But unexpected? No. In 2013, when *Shelby V. Holder* was passed, the Voter ID law was enacted to prevent the entire population from voting,

³⁹ Tuttle, Chief. “United States v. Duke.” Legal research tools from Casetext, May 22, 1964. <https://casetext.com/case/united-states-v-duke-4>.

⁴⁰ Tuttle, Chief. “United States v. Duke.” Legal research tools from Casetext, May 22, 1964. <https://casetext.com/case/united-states-v-duke-4>.

⁴¹ Bondi, Chris. “Voting Rights Act: 7 Quotes From Lawmakers About Shelby County v. Holder Decision.” Newsmax. Newsmax Media, Inc. Newsmax Media, Inc., January 5, 2016. <https://www.newsmax.com/fastfeatures/voting-rights-holder-shelby-lawmakers/2016/01/05/id/708255/>.

only allowing a percentage to prevail. However, this similar idea was happening in 1961, the prevention of capable voters from registering to vote based on their skin color and financial ability. Proceeding on the theory that such a situation could exist only because of state action which unconstitutionally interfered with the exercise of the voting franchise by the Negro citizens of Panola County, the United States brought this suit against Duke, Circuit Court Clerk and Registrar of Panola County, and the state of Mississippi.⁴²

The case of the *United States vs. Manning* states, “It is unthinkable that Congress should not have the power to deal with the right to vote at the most vulnerable point in the electoral process.”⁴³ The most vulnerable point in the electoral process is registering to vote. If the silenced populations are not able to register, the likelihood of influencing legislation to benefit their community is slim to none. *United States v. Manning* states, “Discrimination by a registrar is especially harmful because it is the most effective method for denying the right to vote: it denies the right to vote before an individual has the chance to exercise it, and it bars not only the individual concerned from all election.”⁴⁴ Voter ID laws unsurprisingly have an enormous impact on African Americans, Mexican Americans, young people, elderly and indigent people. These restrictions are preventing their involvement in the democratic process.⁴⁵

⁴² Tuttle, Chief. “United States v. Duke.” Legal research tools from Casetext, May 22, 1964. <https://casetext.com/case/united-states-v-duke-4>.

⁴³ “United States v. Manning.” Legal research tools from Casetext, February 23, 1963. <https://casetext.com/case/united-states-v-manning-11>.

⁴⁴ “United States v. Manning.” Legal research tools from Casetext, February 23, 1963. <https://casetext.com/case/united-states-v-manning-11>.

⁴⁵ Field, Joshua. "Why Courts Matter Post Shelby County v. Holder." Michigan Chronicle, Mar, 2014. <http://umiss.idm.oclc.org/login?url=https://search-proquest-com.umiss.idm.oclc.org/docview/1520924786?accountid=14588>

According to *United States v. Duke*, “Negroes in most rural communities in Mississippi simply were not expected to, and they did not, offer themselves as voters, and they did not seek to register because of this accepted pattern of life in rural Mississippi.”⁴⁶

Is this acceptance of life a submission and approval of racism and discrimination in Mississippi?

It seems likely, “they did not offer themselves as voters and did not seek to register,” keep in mind that this case was in 1964, but this problem continues in 2020.

United States v. Manning states,

Discrimination by a registrar is especially harmful because it is the most effective method for denying the right to vote: it denies the right to vote before an individual has the chance to exercise it, and it bars not only the individual concerned from all elections but inhibits other qualified voters from running the gauntlet of discriminatory and humiliating practices by a registrar and his deputies.⁴⁷

However, the discrimination has surpassed the registrar and has made it to America’s pinnacles of government, such as Congress and The Supreme Court.

Although the spread of prejudice seems scarier progressing into the nation’s capital, Washington D.C., the real crime is that local citizens cannot escape it anywhere. Inequality has surrounded minorities not being able to vote means they cannot affect change, not even in their local government. Not only can minorities not vote, their eyes never even saw a ballot.

The attempt to register was not only a humiliating venture but a daring one in the 1960s. Many citizens, sharecroppers, and blue-collar workers not only lost their job but their homes due to the desire for voting rights. Similar to the story of Fannie Lou Hamer, a Mississippi

⁴⁶ Tuttle, Chief. “United States v. Duke.” Legal research tools from Casetext, May 22, 1964. <https://casetext.com/case/united-states-v-duke>.
⁴⁷ “United States v. Manning.” Legal research tools from Casetext, February 23, 1963. <https://casetext.com/case/united-states-v-manning-11>.ps://casetext.com/case/united-states-v-duke-4.

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sharecropper that lost her job and her home for having the courage to attempt to register to vote in the Delta. She committed her life to register African Americans and to discuss the unsolved issues facing minorities in rural Mississippi. Fannie Lou Hamer dedicated her life to voter registration, however in some states, citizens may be registered to vote, but your name may have been removed from the electoral roll.

In 2018, Georgia's governor election faced many problems related to Voter ID laws such as voter suppression, voter purge, and precinct issues. Voter purge is an epidemic plaguing the American public, killing their chance to express and exercise Constitutional rights. Daniella Root, a member of multiple sectors the Center for American Progress, reflects on Stacy Abrams' historic election campaign in Georgia. Root writes, "Since 2012, former Georgia Secretary of State and Gov.-elect Brian Kemp (R) purged an estimated 1.5 million people from the state voter rolls, 107,000 of whom were removed for not having voted in the two previous general elections."⁴⁸ This pinpointed discrimination due to the infrequent use of their right should not equate it to the denial of the right in its entirety. Root writes, "These purges disproportionately affected African Americans, whose voter registrations were removed at a rate that was 1.25 times higher than for white Americans in some counties."⁴⁹

What is the benefit of being registered to vote if your name is removed from the electoral roll? Stacey Abrams, author, politician, and the first African American female to win a party

⁴⁸ Root, Danielle, and Adam Barclay. "Voter Suppression During the 2018 Midterm Elections." Center for American Progress, November 20, 2018.

<https://www.americanprogress.org/issues/democracy/reports/2018/11/20/461296/voter-suppression-2018-midterm-elections/>.

⁴⁹ Root, Danielle, and Adam Barclay. "Voter Suppression During the 2018 Midterm Elections." Center for American Progress, November 20, 2018.

<https://www.americanprogress.org/issues/democracy/reports/2018/11/20/461296/voter-suppression-2018-midterm-elections/>.

nominee, discusses the plights of her constituents about their voting process. Abrams writes, “The elections officials told me that they could not find me on the registered voter rolls...A supervisor informed me that if I had not voted in the last 10 years I was likely “scrubbed” from the voter registration rolls.”⁵⁰ There was no notification of removal from the electoral roll due to the removal of the preclearance law. The citizen found out about the situation when she was inquiring about her precinct. Noah Lanard, an editorial fellow, writes about voting injustices negatively influencing elections. Lanard writes, “A federal judge is allowing Georgia to remove nearly 100,000 inactive voters from its rolls, rebuffing a legal challenge arguing that the removals violate Georgians’ constitutional right to vote.”⁵¹

This is a dilution of people of color, and it dismisses their voting power with the removal impacting the minority vote in its entirety. There are several cases that discuss the illegal removal of voters from the roll, such as *U.S. vs. Missouri*, *U.S. vs. Pulaski County*, *U.S. vs. Tennessee* and *U.S. vs. Florida*. Each of these cases deals with the violation of the National Voter Registration Act section 8, “Section 8 of the NVRA prohibits removing registrants from the voter registration list solely because of a failure to vote.”⁵²

John Sullivan, a writer for Demos, discusses the hardships created by *Shelby v. Holder*. Sullivan writes, As Demos President Heath McGhee said two years after *Shelby County*, “voters have been subject to more discrimination than at any time in the last fifty years.”⁵³

⁵⁰ Lanard, Noah. “A Federal Judge Just Allowed Georgia to Remove 100,000 Voters.” *Mother Jones*, December 28, 2019. <https://www.motherjones.com/politics/2019/12/federal-judge-allows-georgia-to-remove-100000-voters/>.

⁵¹ Abrams, Stacey. “Why We Fight.” *Fair Fight*. Accessed April 7, 2020. <https://fairfight.com/why-we-fight/>.

⁵² “The National Voter Registration Act Of 1993 (NVRA).” The United States Department of Justice, March 11, 2020. <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.

⁵³ Sullivan, John. “5 Years Later: The Effects of *Shelby County* Are Acutely Felt.” *Demos*, June 25, 2018. <https://www.demos.org/blog/5-years-later-effects-shelby-county-are-acutely-felt>.

The United States Department of Justice declares;

Which required election officials to implement uniform and nondiscriminatory rules governing the maintenance of an accurate and current voter registration list, consistent with the NVRA, including detailed Election Day procedures to ensure voters who appear on the inactive list are properly processed.⁵⁴

The time frame of enactment of Voter ID laws was anything but shocking. Most states that were in the preclearance law took no time at all crafting laws to discriminate against minorities.

Only less than 60 years of change to be rewritten and demolished by the same mindsets that needed to be regulated. Texas did not even wait a whole day before announcing its Voter ID requirements. Brennan Center explains, “The day the Shelby decision was handed down, Texas officials announced their intention to implement a strict voter ID law that had previously been denied preclearance.”⁵⁵ Is this not an obvious sign of the current conditions, the quick response to a case that impedes many Americans' right to vote?

Fair Fight is a program that is fighting against voter suppression actions are limiting voters in 20 states. Stacy Abrams is the founder of the program and she has personally experienced the effect of voter suppression. After her heartbreaking, unfair loss to the current mayor of Georgia, Abrams started the Fair Fight Organization to combat the voter suppression present in her state. However, this fight extends too many other southern states also. Voter Suppression is envisioned and enacted in many different forms, such as voter purging, gerrymandering, and other discriminatory tactics. Voter ID laws not only impacted her campaign

⁵⁴ “Cases Raising Claims Under The National Voter Registration Act.” The United States Department of Justice, March 13, 2020. <https://www.justice.gov/crt/cases-raising-claims-under-national-voter-registration-act>.

⁵⁵ Feldman, Max. “Voting Rights in America, Six Years after Shelby v. Holder.” Brennan Center for Justice, June 25, 2019. <https://www.brennancenter.org/our-work/analysis-opinion/voting-rights-america-six-years-after-shelby-v-holder>.

negatively, but it affects local elections in rural towns too. She wants the battleground states;’ population to be ready to fight, fight for their rights and future. The former Attorney General, Eric H. Holder Jr., discusses his feelings about the *Shelby v. Holder* decision, and his words have a fighting spirit. Bondi writes,

Let me be very clear, [that] we will not hesitate to take swift enforcement action, using every legal tool that remains available to us, against any jurisdiction that seeks to take advantage of the Supreme Court’s ruling by hindering eligible citizens’ full and free exercise of the franchise.⁵⁶

This spirit is what we need to defend minorities against the laws that they can limit and diminish their rights. Fighting the *Shelby v. Holder* decision will not be easy. With a lack of federal oversight, state governments control what they will and will not do. Charles Schumer writes, "Last year, we saw examples of voter suppression disproportionately targeting communities of color in the midterm elections, and thanks to the Supreme Court's Shelby County decision, we have fewer tools to fight back."⁵⁷

The fight will be difficult, but we cannot rest as long as injustices are happening to citizens that do not have the power to help themselves. The welfare and electoral progress of minorities have been slashed by the Voting Rights Act being revoked, while income inequality continues to rise with no change in sight.⁵⁸ The citizens of America must rise and demand fair treatment for their

⁵⁶ Bondi, Chris. "Voting Rights Act: 7 Quotes From Lawmakers About Shelby County v. Holder Decision." Newsmax. Newsmax Media, Inc. Newsmax Media, Inc., January 5, 2016. <https://www.newsmax.com/fastfeatures/voting-rights-holder-shelby-lawmakers/2016/01/05/id/708255/>.

⁵⁷ Barber, Benjamin. "The States Facing Federal Preclearance under Proposed Voting Rights Act Fix." Facing South, March 13, 2019. <https://www.facingsouth.org/2019/03/states-facing-federal-preclearance-under-proposed-voting-rights-act-fix>.

⁵⁸ Aneja, Abhay P. and Carlos F. Avenancio-León. "Disenfranchisement and Economic Inequality: Downstream Effects of Shelby County v. Holder." AEA Papers and Proceedings 109, (2019): 161-165.

right to voice their needs. The need to be involved in their government and impact actual change to create a better future for the next generation.

CHAPTER FOUR

Media outlets and African Americans

In this chapter, I will discuss how Media describes and reports about situations that influenced the Civil Rights Movement in southern newspapers versus northern outlets. Does the media cover topics that impact minorities? Or are the most popular topics being discussed only focused on upper-class citizens? How many times can you recall voting being in the major news stations or even in the local paper? Voting is only discussed in the Media when an election is near. Nevertheless, new situations such as poll closings and voting registration details change and arise all the time. Why does the news not cover voting as an important topic? The Media decides not to empower the lower class citizens by not covering voting as deeply and intensely as they should. Is the right to be informed just a saying? Or is it a privilege?

The media should be more than just reporting everyday killings and sports. It should be informative about situations citizens cannot find out about from word of mouth. Polling and precinct closings are a topic concerning voting are something the average citizen would not know.

However, with the passing of *Shelby v. Holder*, the government is not required to report which polls are closed and the reassigning of precincts to voters. How are citizens expected to know that their regular precinct has changed or where their new precinct is if their local government is not required to inform them? Creating Election Day issues for constituents that are registered to vote, the preclearance law prevented actions like these before 2013.

The media should shine a light on issues impacting their local supporters. Especially for counties that do not get much attention or any at all due to their citizen population. Harold Moss,

a Clarion Ledger reporter, discovers a letter about discrimination that negatively affects the ability of a voter. Moss writes,

I'm a Hinds County resident of 36 years, 81 years old and confined to a wheelchair. I've done my patriotic duty for as long as I've been old enough to vote; however, the precinct where I vote, Friends of Alcoholics Road, Pocahontas, did not have a handicap-accessible entry.⁵⁹

The Clarion Ledger reported this unfortunate incident. However, there was no follow up.

Precincts should be handicap accessible just as any government-funded building should be, and this is an example of depriving rights to elderly citizens. This citizen was prevented from exercising their rights due to a failure by Mississippi to ensure accessibility. However, all the Clarion Ledger could do was report this fact to notify the state of this issue. Hinds County is a predominately African American county of which the capital of Mississippi resides, Jackson. If the county that includes the most populous city in the state cannot treat voters properly, how can we expect for rural counties to follow the rules?

The Media does not represent everyone, especially from less-represented points of view. As the saying goes, the story is told by the victors, not the losers. The people who need the news channels and newspapers are minorities. Furthermore, they are the ones being excluded from their own story. Their voices are not redacted from the story. They are not even considered.

This practice was used in the South and resulted in the need for movements like the Freedom Summer. It took violence being seen on television and in well-known newspapers like the New York Times and Washington Post for other citizens to understand the war persisting in the South. Americans viewing the horrors made a difference. The viewing of the violent manner

⁵⁹ Moss, Harold. "Not All Precincts Accessible: Letter." The Clarion Ledger. Mississippi, December 9, 2014. <https://www.clarionledger.com/story/opinion/readers/2014/12/09/voting-precincts-disabled-accessible-letter/20127567/>).

of the many elected officials and police officers, the people we expect to protect us from harm, causing the bleeding. This image changed the course of American Media reporting history especially in the South. Audie Cornish, an award-winning writer, reveals how an Alabama town treated quoting with African Americans in the media. Cornish writes,

You see a lot of officials and a lot of leaders being quoted, but you never see people, and certainly what you never see is a reflection of what it is like to be on the other side, to be an African-American in Alabama, someone who was being tired of being insulted every time you went to register to vote or every time they walked on the streets on the town.⁶⁰

For example, the white writers wrote most of the local newspapers in Alabama such as the Birmingham News and Post Herald, during the 1960s, they were not reported. The world-changing situations that were happening every day were neglected. This was to neglect further their African American population and their regular mistreatment on their local streets.

A Mississippi newspaper, the Hattiesburg American, entails the theme of Bloody Sunday, not the details nor the reasoning. The positioning of the story on the page is also interesting. It was below the fold. It is a press tradition to be the most important news above the fold. This is an example of local southern newspapers not giving full details to dynamic events in the area. The Hattiesburg American describe Bloody Sunday through a topic sentence and a generic quote from Martin Luther King Jr, not revealing any specific facts.

Are African Americans and minorities expected to trust the same media outlets that did not express their side or even attempt to approach the ones affected? The news that traumatized the South was not covered by local newspapers. Cornish writes, “That the degradation and

⁶⁰ Cornish, Audie. “How The Civil Rights Movement Was Covered In Birmingham.” NPR. NPR, June 19, 2013. <https://www.npr.org/sections/codeswitch/2013/06/18/193128475/how-the-civil-rights-movement-was-covered-in-birmingham>.

dehumanization of blacks in the South would not gain any national attention until the outside press came in to cover the discrimination of the south.”⁶¹ This purposeful neglect of a whole minority is the same mindset that propels legislation like Voter ID. Although, the North did not have the most honest picture of the South at times in American history. Magazines such as Life, Time, and Saturday Evening Post did not accurately portray African American life.⁶² This feeling about how northern magazines portray the South and African Americans created this distrust. It should be equal coverage of the same situation on all platforms, regardless of where it happens. We are all Americans, and we deserve the same treatment regardless of location.

However, location and racism matters in the 1960s. Another southern paper, Montgomery Advertiser, discusses the Birmingham Bombing in 1963, a church bombing that killed four children. The Montgomery Advertiser reports this traumatic story with the title, “Racial Tension mounts in Birmingham after Four killed in Church bombing.”⁶³ The place of the blame on these four young girls is astounding. The title reads as though if those girls had not lost their lives by being at church on a Sunday that the racial friction would not have erupted.

One of the most widely covered murders and injustices that propelled the Civil Rights Movement in Mississippi Emmett Till’s death. Through the power and honesty of pictures combined with the bravery of his mother to have an open-casket funeral. Where would the rights

⁶¹ Cornish, Audie. “How The Civil Rights Movement Was Covered In Birmingham.” NPR. NPR, June 19, 2013. <https://www.npr.org/sections/codeswitch/2013/06/18/193128475/how-the-civil-rights-movement-was-covered-in-birmingham>.

⁶² Cornish, Audie. “How The Civil Rights Movement Was Covered In Birmingham.” NPR. NPR, June 19, 2013. <https://www.npr.org/sections/codeswitch/2013/06/18/193128475/how-the-civil-rights-movement-was-covered-in-birmingham>.

⁶³ “Racial Tension Mounts in Birmingham after Four Killed in Church Bombing.” Newspapers.com, November 2, 2018. <https://www.newspapers.com/clip/25054421/alabama-newspapers-front-page-the-day/>.

of African Americans be? Can you imagine? The outside coverage of the trial and death of Emmett Till exposed the true horrors controlling not only the Delta but in every state below the Mason Dixie line. However, once again, some local newspapers in 1955 treat Emmett Till's story as nothing. As an incident that barely has importance, even Greenville's Delta Democrat Times titles their article about the trial as "Witness says he saw Milam take lad to barn, heard screams."⁶⁴ They are avoiding speaking his name and the horrible acts for just walking into a place he was not welcomed due to his skin color. As we all know, the infamous situation was recanted about Emmett Till whistling at her. What other lies have been told about innocent African Americans in towns like Money, Mississippi?

The reliability of the trustworthiness of the media has been wishy-washy since the start of magazines and newspapers began. The South is no stranger to creating news from a certain perspective and ignoring others on a wide range of topics. In 1962, a devastating year for some and a monumental year for others, The University of Mississippi was forced to admit its first African American student, James Meredith. President John F. Kennedy demanded that The University of Mississippi allow integration on its campus. The Jackson Advocate remembers this achievement under the headline, "State Negroes Take Heart from White Leader."⁶⁵ However, obviously more important to writers and government of Mississippi in the same newspaper on

⁶⁴ Herbers, John. "Witness Says He Saw Milam Take Lad to Barn, Heard Screams." Newspaper Archive. Accessed April 8, 2020. <https://access-newspaperarchive-com.umiss.idm.oclc.org/us/mississippi/greenville/greenville-delta-democrat-times/1955/09-22?tag=delta+democrat+emmett+till&rtserp=tags/delta-democrat?pep&page=2&psi=57&pci=7&ndt=by&py=1955&pey=1955>.

⁶⁵ State Negroes Take Heart from White Leader." Newspaper Archive. Accessed April 8, 2020. <https://access-newspaperarchive-com.umiss.idm.oclc.org/us/mississippi/jackson/jackson-advocate/1962/10-13/ole-miss?psi=57&pci=7&ndt=by&py=1960&pey=1965&pep=james-meredith&psb=relevance>.

October 13, 1962. The Mississippi State Fair took the headline and most of the space above the fold.

The priorities of the state of Mississippi during a time of transformation within a state that is deathly allergic to any change, especially a change that promotes another race of a different skin color than white. The Mississippi State Fair is cherished compared to the proposed education of an American citizen wanting to attend the best college in the state. The subtitle of the article states, “Leaders put Fair and its purpose above the Ole Miss Crisis.”⁶⁶ The reference to the situation as a “crisis,” is also a ploy. The enrollment of James Meredith only became a crisis when the riot ensued and the loss of lives that resulted from it. The use of the word “crisis” in the headline is only a problem to white leaders who would have been much happier with Dr. Meredith being a field verses a classroom. When he was enrolled, the rose-tinted glasses provided by images of the Old South were removed.

The real crisis was on September 30, 1962; the Ole Miss riot began as Dr. Meredith walked from the Lyceum to the circle. The marshals sent to protect James Meredith, released tear gases as mobs were attempting to harm the student, the riot sparked. Debbie Elliott, NPR’s morning edition, referred to this riot as “Some historians say the integration of Ole Miss was the last battle of the Civil War.”⁶⁷

⁶⁶ “Leaders Put Fair and Its Purpose above the Ole Miss Crisis.” Newspaper Archive. Accessed April 8, 2020. <https://access-newspaperarchive-com.umiss.idm.oclc.org/us/mississippi/jackson/jackson-advocate/1962/10-13/ole-miss?psi=57&pci=7&ndt=by&py=1960&pey=1965&pep=james-meredith&psb=relevance>.

⁶⁷ Elliott, Debbie. “Integrating Ole Miss: A Transformative, Deadly Riot.” NPR. NPR, October 1, 2012. <https://www.npr.org/2012/10/01/161573289/integrating-ole-miss-a-transformative-deadly-riot>.

There are countless articles, incidents, and news reports that are not helpful to anyone, especially minorities. Only certain media places have a budget to cover extensive issues such as voting. The coverage by southern newspapers was in shackles by their monetary reach.

CHAPTER FIVE

Online Voting

The solution I propose would be that voting should be online. Online voting would eliminate many problems that arise from voting in person, such as long lines, leaving work, transportation to the precinct, and maintaining the building. Voting should be an app. Every age has access to the internet either through a desktop or cellular device, making voting on the internet the right solution.

Furthermore, with the Voting App, disabled citizens would not have to face discrimination, such as the citizen in Hinds County. They would get to exercise their voting right in the comfort of their own home. Anna Wolfe, a writer at Mississippi Today, previously at Clarion Ledger and well versed in Mississippi news and events affecting the local citizen. Wolfe writes,

I think that's (true) for a lot of people but perhaps more so for people who have so little impact or control over things in their lives, that in the middle of all these other struggles, they're not sure how to make their voice heard or how making their voice heard will matter to people in power.⁶⁸

Are the voices of every citizen heard on Election Day? According to the quote from Hinds County, they are not. If various voices are not heard, how can there be an effective holistic positive change? But does this lack of participation matter to the people already in power? The media has the chance to bring the powerless to the front page. Mississippi Today brought this

⁶⁸ Wolfe, Anna. "No Room for Them': For Mississippians in Deep Poverty, Voting Is Easier Said than Done." Mississippi Today, June 6, 2019. <https://mississippitoday.org/2018/10/29/no-room-for-them-for-mississippians-in-deep-poverty-voting-is-easier-said-than-done/>.

issue to light in the quote above. The Media has the power to empower specific problems such as voting.

The Media did its usual job of reporting the facts, but as citizens, we should expect more. The smaller communities and counties in Mississippi depend on themselves to stop the state government from taking over. The local community cannot expect the media to understand much less discover issues impacting their life.

Through the discussion between citizens and their local officials, Pearl River kept 20 of their polling locations open when the provincial government wanted to decrease the amount to 12. The decline in polling places would only benefit the state. The closing of 13 precincts gives Mississippi a lot of funds to launder to something else. The state would not have to train volunteers, make sure the electronic machines work, keep the lights on, or anything related to empowering or maintaining the voting precinct.

Rebecca L. Armstrong is an award-winning writer with numerous articles published about internet access. Armstrong writes, “The government also offered internet service programs to those that make 34,000 or less with 4 children.”⁶⁹

Internet access is now available to everyone, which provides the opportunity for online voting. This internet assistance program offers internet to families who would not otherwise be able to access the internet discounted 10 dollars a month.⁷⁰ While the total percentage of mobile traffic is more than desktop, engagement is higher on desktop. 55.9 percent of the time spent on

⁶⁹ Armstrong, Rebecca Lee, and Cara Lee Haynes. “Are There Programs Available to Help Make Internet Service More Affordable?” HighSpeedInternet.com, February 7, 2020.

⁷⁰ Armstrong, Rebecca Lee, and Cara Haynes. “Free and Low Cost Internet Assistance.” HighSpeedInternet.com, March 19, 2020. <https://www.highspeedinternet.com/resources/are-there-government-programs-to-help-me-get-internet-service>.

sites is by desktop users, and 40.1 percent of the time spent on sites is by mobile users.

Engagement is higher on desktops than mobile devices. For voting, we need more than just traffic. We need participation.

Engagement with the voting app is necessary. People need to engage and vote instead of just being confused and leaving the app. I think voting should be an app and website, since not only is engagement higher on desktops but also elderly citizens tend to use desktops more than phones for internet.⁷¹ The usage of voting over the internet would stop election issues of gerrymandering, closing precincts, or transportation problems. These are problems that could've also been discovered by the media. The personal login for each citizen would be the I.P. address since it is a unique identifier for each device. After the login in, the app would look like a ballot, having the officials for election on the page.

The local media, such as the North Mississippian, cover issues that are plaguing the community within their area. Bobby Harrison, a Mississippi newspaper writer since 1984, covers topics such as politics, government, and Mississippi legislature. Harrison writes, "We are gratified that the 5th Circuit has agreed that the overwhelming evidence, in this case, showed that the Mississippi Legislature drew District 22 in a way that deprived African American voters of an equal opportunity of participating in the political process."⁷²

⁷¹ "Internet Statistics & Facts (Including Mobile) for 2019." hostingfacts.com, December 30, 2019. <https://hostingfacts.com/internet-facts-stats/>.

⁷² Harrison, Bobby. "Appeals Court Upholds Ruling That Legislature Diluted Black Voter Strength in Senate District 22." Mississippi Today, August 6, 2019. <https://mississippitoday.org/2019/08/05/appeals-court-upholds-ruling-that-legislature-diluted-black-voter-strength-in-senate-district-22/>.

The recognition by media of the depriving of African Americans for a recent governor race in Mississippi shows progress.

In 2019, gerrymandering is still an issue impacting the governor's race in Mississippi, keeping African Americans votes from mattering based on the drawing of their county.⁷³ If the media reported this before the outcome of the election, would the governor of Mississippi be the Democratic candidate? The goal of my voting app/website would be to stop deplorable acts like the incident above.

VOICE should be the name of the website. V.O.I.C.E. is defined as Voting opportunities injustices concerning everyone. These simple words stand for so much more than just a check on a ballot or fulfilling civil duties. This action not only signifies the respect and reverence for the struggles to get their name on the voter registry, then to fight to get to take part in an activity many take for granted. With this website, I hope to take another step in history toward making voting right, not a privilege.

⁷³ Harrison, Bobby. "Appeals Court Upholds Ruling That Legislature Diluted Black Voter Strength in Senate District 22." Mississippi Today, August 6, 2019. <https://mississippitoday.org/2019/08/05/appeals-court-upholds-ruling-that-legislature-diluted-black-voter-strength-in-senate-district-22/>.

CONCLUSION

Voter and Citizen

Throughout American history, African Americans have been treated poorly. Africans were "Three-Fifths" of a person to avoid giving the South control of the government. In the 1800s, Africans were property without a name. The Emancipation Proclamation in 1865 freed the slaves after the Civil War destroyed the South's land and economy. During Reconstruction, Africans became Americans by starting their communities, electing their local citizens to office, and creating their laws. However, rose-tinted glasses of the Old South and such groups such as the Ku Klux Klan were disbanded. The KKK abused sharecroppers, ministers, children, and anyone who decided they were more than just a corpse.

Through the 1960s, Jim Crow steamrolled over all the progress made during Reconstruction. African Americans were demoted to their normal status of a silent and scared minority. Transformation in the Deep South did not happen with the drop of a pen; it happened through bloodshed and tears. Bloody Sunday, Bombingham and Emmett Till, events that propelled the Civil Rights movement to the White House. President Kennedy, President Johnson, and famous activists crafted applicable legislation to prevent the discrimination of African Americans in their own homes.

However, these pieces of legislation did not keep the bigotry and hatred from their front door and, more importantly, at the ballot box. The Voting Rights Act of 1965 guaranteed that no citizen should be denied the right to vote based on their skin color. However, the *Shelby v. Holder* decision discards significant provisions in the Voting Rights Act of 1965.

During 2013, many southern states that were under the preclearance law created Voter ID laws. Some did not even wait a day to enact their laws. How can we let the same segregation of

the 1960s prohibit access to the ballot in 2020? Why are millennials and generation X fighting James Crow Jr.? I should not be fighting the same fight my grandfather fought.

It took several grass-root organizations to register people to vote, not only in big cities but in rural Mississippi. The redaction of a right African Americans died for, is more than injustice. The strategies of Media outlets to cover traumatic events in the South are gut-wrenching. The story was telling of the progression of an undervalued race from slavery to the presidency. The election of Barack Obama, a shocking twist in history, shows the progression of mindsets in America.

Stacey Abrams, the first female to receive the democratic nominee, lost because of voter fraud accusations and voter suppression. The creation of Fair Fight 2020 was the result of her loss to Georgia's current governor. Nevertheless, is it an actual loss? Fair fight is uncovering that the government is purposely removing African Americans from the registration list, moving precincts, and closing local precincts. Abrams is assisting the government by discovering voter suppression disguised as voter fraud in 20 states.

However, the fight is not over; we must fight until freedom rings from the mountain tops and the voting precincts. Citizens are not free until they can adequately access all of their rights and have equal opportunities to use their beliefs and values to impact their government. A government's purpose is to work for the people, not against them. The change in the majority of mindsets would result in a good outcome for America.

America is the land of the brave and free. So, where is the bravery? The cowardice of allowing lynching, bombings, and other heinous acts to scare another citizen from the ballot box. There is no bravery in that. The newspapers and media outlets are also supposed to be free and brave. Where was the bravery when small-town Mississippi newspapers only wrote from one

side? There is only freedom of speech involved, freedom of speech of someone who has always been free. The silenced and terrorized were not free to speak without consequence, to express themselves in their towns, especially not as activists.

The perspective of the African American was not told, and it was never wanted. Similar to the right to vote, America never wanted and never even considered the voice of people they saw as slaves and sharecroppers. In the introduction, there was a paraphrased quote from the book, Negroes, Judges, and Ballots. It stated, would it really matter if African Americans were supposedly able to exercise their right to vote if they could not even register in their local community? And would it? No, their local community is where minorities can affect the most changes, and if they cannot even register. What can they do? Without participation in their local government, of course, they cannot have any involvement in the vast elections like the presidential race. Several amendments drafted to grant the citizens of America the right to vote, but whom do they protect? The Ninth Amendment made the right to vote for the states to decide. The Fourteenth Amendment says no state nor American government shall deny anyone life, liberty, and without due process of law and nor deny the privileges given to American citizens. The Fifteenth Amendment states that the right to vote shall not be denied based on skin color or previous servitude. However, *Shelby v. Holder* invades privileges and voting rights. What makes American citizens other than the privileges and rights in our legislation?

The fundamentals of this country are the right to speak and vote. Why are some populations being denied these rights? Minorities also cannot fully depend on the Media in their area to report this injustice. This issue will be treated just like other issues. They will only see the piece that empowers the majority, ignoring the inequality and perspective of the minority. Will this continue for the next fifty years? Or can the next generation finally put an end to unfair laws that

disenfranchise their fellow man? The people need to step and fight for their rights as an American citizen.

The vote of every citizen of the United States should be valuable. Voting should not be limited to traditional work hours. It should be online; the progress of technology allows this to become real. The transition to having voting online would prevent poll closers, precinct movement without notification, employing workers, and making sure voting machines work. This pivotal movement could save every state millions on their budget. All the money allotted to maintenance on precincts could be put toward a website/app available to citizens to exercise their voting rights.

The American public is so accustomed to phones, computers, tablets, and laptops that switching voting to a virtual method would be perfect. It would be accessible to everyone, making public school and libraries available for those that do not have internet access. The virtualization of voting could open many doors and opportunities to making voting a right, not a privilege. The right to vote belongs to every citizen regardless of color, economic status, and location. These are the three attributes that impact voting in the 21st century instead of a citizen's mindset, beliefs, and values. These are the only three actual characteristics that should matter when a person registers to vote and when they check the boxes.

This checking of boxes took almost sixty years to accomplish. The American people should not take it lightly. The fight in the 21st century is not with the Ku Klux Klan, police officers, or even governors. It is with our local leaders and community members. They must first see the issue and then raise the awareness of it to the senators and representatives of their state. The change starts within your home; it then spreads to the community then across to the state. The process of justice is long and strenuous, but the reward will be sweet and well deserved. It may

take another fifty to sixty years to reach our turning point with legislation such as the Voting Rights Act of 1965. However, hopefully, it will not be 2065 when this process ends.

We must start today. A journey may take a thousand steps but without the first step. The journey never begins, and the voyage is too remarkable to pass up. James Crow Jr., Esquire, must not shape this century and the legislation within. The first step of this thousand-mile journey begins with lifting the Voter ID laws and establishing a fair and free voting population.

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