

High School Lesson

From I Have a Dream to Dreamers United: 50+ Years Later, How Far Have We Come?

Rationale

The purpose of this lesson is for students to examine the current debate over civil rights in the context of the 50th anniversary of Martin Luther King’s “I Have a Dream” speech (on August 28, 2013). Students first read the text of the speech to set the historical context and reflect on their personal beliefs about how far we have come in achieving the “dream” as set forth by King in 1963. Students will then analyze the 2013 U.S. Supreme Court decision, *Shelby County v. Holder*, which struck down key provisions of the Voting Rights Act, legislation that was considered one of the signature achievements of the civil rights era. Students also will have the opportunity to express their own dreams for future equity and civil rights.

Objectives

- Students will reflect on their beliefs and attitudes regarding civil rights and inequality in the United States today.
- Students will explore the connections between the historical fight for civil rights, as viewed through the vision of King’s “I Have a Dream Speech,” and current civil rights struggles.
- Students will explore the history of the struggle for voting rights for African Americans.
- Students will consider the impact of the Supreme Court decision and current debates about voting rights.

Age Range

Grades 9–12

Time

Approximately 2 hours or 2–3 class periods

Requirements

Handouts and Resources:

- Text of “I Have a Dream” speech (www.archives.gov/press/exhibits/dream-speech.pdf)
- [Questions for Discussion](#) (one for each student)
- *Voting Rights Act Video Testimonial: Thomas Shortbull* (2013, 4 mins., The Leadership Conference, www.youtube.com/watch?v=9J-ChhHNzmq)
- [History of the Voting Rights Act](#) (one for each student)
- [“Between the Lines of the Voting Rights Act Opinion”](#) article (*New York Times*, June 25, 2013)
- [“After Supreme Court Ruling States Rush to Enact Voting Laws”](#) article (*New York Times*, July 6, 2013):
- [“We Gave You a Chance: Today’s Shelby County Decision in Plain English”](#) article, (Scotusblog June 25, 2013)
- (Optional) [Reactions to Shelby v. Holder](#) (one for each student)
- (Optional Videos/Audio Interviews) [I Have a Dream Speech](#); [Interview with Theresa Burroughs](#) (StoryCorps); [Interview with Ellie and Bettie Dahmer](#) (StoryCorps); and [Voter Story: Ms. Desiline Victor](#)
- (Optional Primary Source Texts) [Text of the Voting Rights Act of 1965](#); Supreme Court’s Full Opinion (majority, concurring and dissenting), [Shelby County v. Holder](#)

Other Material:

- chart paper, markers, index cards or large *Post-It Notes* pads
- WiFi, internet, computer, screen or LCD projector, speakers (to show video clips)

Key Words

Voting Rights Act (VRA)
 Supreme Court opinion
 Majority opinion
 Disenfranchise
 Dissenting opinion
 Concurring opinion
 Gerrymandering
 Preclearance
 Constitutional
 Unconstitutional
 Discrimination
 “Language minority group”
 Poll tax
 Voter I.D.

Advanced Preparation

- Reproduce handouts as directed above.
- During this lesson, students are asked to explore sensitive topics that may produce a range of emotions. If you have not spent time establishing class ground rules for discussion, please see the document, [Establishing Ground Rules](#), to set some guidelines for creating a safe environment for discussion.
- Prior to conducting Part I, download the "[I Have a Dream](#)" speech and make enough copies for each student. (**NOTE:** The link to the speech is provided only for the purpose of preparing photocopies for classroom use. Do not reprint/republish the speech in any publication/work or make any derivatives of the speech. The "I Have a Dream" speech is copyrighted and any unauthorized use is prohibited. To reprint or republish this speech or any other works of Dr. Martin Luther King, Jr., contact the Estate of Dr. Martin Luther King, Jr., at Intellectual Properties Management, One Freedom Plaza, 449 Auburn Avenue NE, Atlanta, GA 30312, licensing@i-p-m.com.)
- Determine which handouts, if any, you will distribute for Part II of the lesson. Make enough copies of each selected material for each student (see Part II #10).

Techniques and Skills

analyzing speeches, connecting past to present, cooperative group work, critical thinking, forming opinions, historical understanding, large and small group discussion, persuasive speaking, reading skills

Procedures

Part I: Historical Context

1. The day before you start this lesson, share with students the rationale of this lesson and refer back to class ground rules.
2. Distribute a transcript of the "[I Have a Dream](#)" speech to each student.

NOTE: The link to the speech is provided only for the purpose of preparing photocopies for classroom use. Do not reprint/republish the speech in any publication/work or make any derivatives of the speech. The "I Have a Dream" speech is copyrighted and any unauthorized use is prohibited. To reprint or republish this speech or any other works of Dr. Martin Luther King, Jr., contact the Estate of Dr. Martin Luther King, Jr., at Intellectual Properties Management, One Freedom Plaza, 449 Auburn Avenue NE, Atlanta, GA 30312, licensing@i-p-m.com.

3. As homework, ask students to read the transcript of the "I Have a Dream" speech. Tell students that even though they may have heard the speech, or parts of the speech, many times, to take the time to read carefully the full text of the speech, as though they had never seen it before. Ask students to note what parts of the speech they think most resonate today and to choose one paragraph of the speech that is most meaningful to them. Point out that this might be a difficult choice, but ask them for this particular assignment to pick just one of the paragraphs.
4. The next day, ask students to share any thoughts, reflections or questions they have after reading the speech. Take five minutes for a short discussion.

Optional: To set the tone for the class, you might choose to play a video of the speech, but note that the [video](#) is approximately 12 minutes long.

5. Divide students into small groups of four and ask them to share with each other the paragraph they chose and why they chose it. Instruct the groups to make sure each student has a chance to share. Give approximately two minutes per student in small groups.
6. Reconvene the whole group and ask for volunteers to share highlights from the group discussions. Ask students to keep this discussion in mind as they examine some contemporary civil rights issues.

Part II: Analyzing Supreme Court Decision, *Shelby v. Holder* (Voting Rights Act)

1. Tell students that you asked them to reflect on the "I Have a Dream" speech in preparation for this next part of the lesson about an important Supreme Court case that has recently been in the news and that also relates to civil rights and redressing racial inequality.
2. Write the name of the case on the board or a sheet of chart paper: **Shelby County v. Holder**

3. Ask students if they have heard of this case. Explain that the Supreme Court ruling struck down key provisions of the Voting Rights Act (VRA). The VRA, originally passed in 1965, is considered one of the signature legislative achievements of the civil rights era and hailed as one of the most effective pieces of civil rights legislation in history. Point out that the *Shelby County v. Holder* case was decided almost exactly 50 years after the “I Have a Dream” speech.
4. Allow students to share what they know about this case/issue. If needed, you can share a brief summary:

Prior to the Civil War, African Americans were almost totally disenfranchised throughout the states. Latino voters faced similar barriers to voting in Texas and other parts of the Southwest, as did Native American and Asian American voters in the West. Even after enactment of the Fifteenth Amendment to the Constitution, in 1870, which gave all men, regardless of race, color, or previous condition of servitude the right to vote, many states continued to use various methods to prevent people of color from voting, including literacy tests, poll taxes, the disenfranchisement of former inmates, intimidation, threats, and even violence. People would challenge the laws in the courts, and the courts struck them down as unconstitutional, one by one. The problem was that, by the time the cases made their way through the court system, the states had already passed new laws to disenfranchise minority voters in other ways.

In 1965 Congress passed the Voting Rights Act to protect minority voting rights. One part of the Voting Rights Act barred states from passing laws that would discriminate against minority voters. Another part of the law required certain state and local governments with a history of voting discrimination to get approval from the federal government before making changes to their voting laws or procedures, no matter how small. This was called the preclearance provision.

In *Shelby County v. Holder*, there was a challenge to the constitutionality of the **preclearance provisions** of the Voting Rights Act. In an opinion by Chief Justice John Roberts that was joined by Justices Scalia, Kennedy, Thomas, and Alito, the Court did not invalidate the principle that preclearance can be required. But much more importantly, it held that **Section 4 of the Voting Rights Act, which sets out the formula that is used to determine which state and local governments must comply with Section 5’s preapproval requirement, is unconstitutional and can no longer be used.** Thus, although Section 5 survives, it will have no actual effect unless and until Congress can enact a new statute to determine who should be covered by it. (From Amy Howe, Scotus blog, emphasis added, www.scotusblog.com/2013/06/details-on-shelby-county-v-holder-in-plain-english/)

5. Make sure students understand the concept of **preclearance**:

Those states or counties considered to have a history of voting discrimination cannot pass any changes affecting voting and elections without approval of the federal government (the Justice Department or a three judge panel in Washington, D.C.). They must demonstrate that a proposed voting change does not have the purpose and will not have the effect of **discriminating based on race or color** and in some cases that the proposed change does not have the purpose or effect of discriminating against a “**language minority group**” (e.g. American Indian, Native Alaskan, Asian American, or Spanish language speakers). Note that students may be less familiar with the provision on language.

6. Tell students they are now going to watch a short video to provide some context to the debate about voting rights.
7. Show the [Voting Rights Act Video Testimonial: Thomas Shortbull](#).

NOTE: This video is intended to put a more human face on what may seem to students an abstract issue. Some other options for video or audio testimony about voting rights include [Interview with Theresa Burroughs](#) (StoryCorps); [Interview with Ellie and Bettie Dahmer](#) (StoryCorps); and [Voter Story: Ms. Desiline Victor](#). If students are less familiar with the history of poll taxes, literacy tests, etc. that were used up until the VRA, you might choose to play the audio interview with Theresa Burroughs from StoryCorps and/or have students read more about the history of the struggle for voting rights for African Americans.

8. Ask for students’ reactions to the video, and allow a short, 5-minute discussion.
9. Have students get back into their small groups.
10. Tell them that they will now have the chance to look at additional background information about the case and will receive some questions for discussion. Distribute the resources below in addition to handout *Questions for Discussion*. Instruct students to read over the materials and then discuss the questions on the *Questions for Discussion* handout. Allow about 30 minutes for this small group process.

NOTE: Depending on the existing knowledge of students, you may decide to provide some or all of these materials:

- [History of the Voting Rights Act](#)
- “[We Gave You a Chance: Today’s Shelby County Decision in Plain English](#)” by Amy Howe

- [“Between the Lines of the Voting Rights Act Opinion”](#) (*New York Times*, June 25, 2013)
- [“After Supreme Court Ruling States Rush to Enact Voting Laws”](#) (*New York Times*, July 6, 2013)

11. Reconvene the class and ask for volunteers to share highlights from the group discussions. Ask students if they agree with the Roberts’ majority opinion, or Ginsburg’s dissenting opinion, in this case and why. Clarify any outstanding questions students may have about the decision and what it means.

Part III: What is Your Dream?

1. Before this section, post on chart paper or project a PowerPoint slide with the following quote: *“I say to you today, my friends, that in spite of the difficulties and frustrations of the moment, I still have a dream.”* —Dr. Martin Luther King, Jr.
2. As a closing activity, tell students that you will now revisit King’s “I Have a Dream” Speech.
3. Tell students: *“Imagine it is August 28, 2013 and you are on the steps of the Lincoln Memorial speaking to thousands of people seeking inspiration, vision, and hope. You look into the crowd and say to them, “I have a dream today. I have a dream that _____.”*
4. Ask students to take some time individually to write one or two sentences completing the sentence that represents the “dream you have today”—an expression of their hopes for the future of our community and/or our nation.
5. Tell students to reflect on what they have learned from the lesson about the struggle for civil rights more than 50 years ago and where we are today.
6. Give students approximately 15 minutes to write their responses on an index card or large post-it note.
7. While students are writing their responses, post several sheets of chart paper at the front of the room with the heading, “WE HAVE A DREAM.” Post enough sheets so that all students have room to post an index card or Post-It note.
8. Have several tape dispensers or glue sticks available at the front of the room if students are using index cards.
9. Bring the class back together and ask students to share their responses with the class. Strongly encourage all students to share something. After they have shared, ask students to post their index card on the chart paper.
10. Keep the chart paper posted in the classroom as a reminder of the students’ dreams.

Extension Activities

- Distribute the handout, [Reactions to Shelby County v. Holder](#), which lists quotes from various leaders reacting to the decision. Ask students to choose the quote that resonates most for them and to justify their decision based on what they have learned from the lesson. If students are interested in additional information, provide links to some of the optional resources listed.
- Chart some of the quotes from the handout, [Reactions to Shelby County v. Holder](#), each on a separate sheet of chart paper, and display them around the classroom. Fold up the bottom of the chart paper so that students can’t see the person quoted. Select enough quotes so that you can form small groups of four to six students for each quote. Make sure the quotes express a variety of perspectives. Instruct students to walk silently around the room, read all of the quotes and then stand by the one that most resonates for them or that most reflects their opinion about voting rights at the moment. To keep small groups to a manageable size, tell students that there may not be more than five people gathered at any one quote, and to select their second choice if their first choice is already “full.” When all students have selected a quote, instruct the members of each small group to discuss why they chose that particular quote. They can reveal the source of the quote at this time as well. Have one person in each small group briefly report back the main points from their small group discussion. [Note: This activity could raise strong feelings, so make sure your students are prepared for this possibility.]
- In the *Shelby County v. Holder*, the Court ruled that the formula used to determine which states and localities would have to clear their voting laws with the federal government was too out of date. The Court specifically said, however, that “Congress may draft another formula based on current conditions.” Congress is currently considering how to restore the Voting Rights Act’s protections. Write a persuasive letter to your Congressperson about the Voting Rights Act. To prepare,

ask students: Why do you think the protections of the Voting Rights Act are important? What do you think Congress should do to protect the right to vote? In the letter, have students include facts about the Voting Rights Act, what is happening with voting rights around the country today and what they have learned in this lesson. [Find your Congressperson here.](#)

Questions for Discussion

1. What, specifically, did the Supreme Court decide in *Shelby County v. Holder*?
2. What were the main components of the “formula” that determined whether a jurisdiction needed preclearance for any changes in voting or election practices?
3. Chief Justice Roberts, who wrote the majority decision, wrote, “Our country has changed, and while any racial discrimination in voting is too much, Congress must ensure that the legislation it passes to remedy that problem speaks to current conditions.” Similarly, in a previous decision (in 2009) Justice Roberts wrote, “Things have changed in the South... Voter turnout and registration rates now approach parity. Blatantly discriminatory evasions of federal decrees are rare. And minority candidates hold office at unprecedented levels....The evil that (Section 5) is meant to address may no longer be concentrated in the jurisdictions singled out for preclearance...The statute's coverage formula is based on data that is now more than 35 years old, and there is considerable evidence that it fails to account for current political conditions.”

Looking at the components of the formula, do you agree or disagree with this statement? What information do you think would be necessary to truly judge whether “things have changed in the South” as Chief Justice Roberts asserts?

4. In her dissenting opinion, Justice Ginsburg wrote, “Congress approached the 2006 reauthorization of the [Voting Rights Act] with great care and seriousness...The same cannot be said of the Court’s opinion today. The Court makes no genuine attempt to engage with the massive legislative record that Congress assembled. Instead, it relies on increases in voter registration and turnout as if that were the whole story. One would expect more from an opinion striking at the heart of the Nation’s signal piece of civil-rights legislation.” She continued to state, “...throwing out preclearance [the Section Four formula] when it has worked and is continuing to work to stop discriminatory changes **is like throwing away your umbrella in a rainstorm because you are not getting wet**”(emphasis added).

What is your reaction to Ginsburg’s statement?

5. The following table shows when states were added to the preclearance requirement. Do you think that is fair that only these nine states were required to have preclearance? How would you decide?

States Covered as a Whole	Applicable Date
Alabama	Nov. 1, 1964
Alaska	Nov. 1, 1972
Arizona	Nov. 1, 1972
Georgia	Nov. 1, 1964
Louisiana	Nov. 1, 1964
Mississippi	Nov. 1, 1964
South Carolina	Nov. 1, 1964
Texas	Nov. 1, 1972
Virginia	Nov. 1, 1964

6. How does knowing about the newly proposed legislation in North Carolina and Texas affect your view, if at all, of the need to preserve all parts of the Voting Rights Act?

History of the Voting Rights Act (VRA)

History of the VRA

In March 1965, on a bridge outside Selma, Alabama, a second phase of the revolution was born. Civil and human rights activists, including many young people, took to the streets in a peaceful protest for voting rights for African-Americans. They were met with clubs and violence. Many were beaten and severely injured, including a young activist named John Lewis, who now serves as Congressman for Georgia's 5th District.

But the activists did not face attacks on their march in vain. Television brought this conflict of angry violence against peaceful, moral protest into living rooms across America.

Five days later, President Johnson announced to a joint session of Congress that he would bring them an effective voting rights bill. Echoing the spiritual anthem of the civil rights movement, he said simply, "We Shall Overcome."

He—and we—did overcome. On August 6, 1965, President Johnson signed into law the Voting Rights Act, hailed by many as the most effective civil rights law ever.



President Johnson and Martin Luther King, Jr. at the signing of the Voting Rights Act on August 6, 1965.

Before the VRA

Prior to the Civil War, African Americans were almost totally disenfranchised throughout the states. Latino voters faced similar barriers to voting in Texas and other parts of the Southwest, as did Native American and Asian American voters in the West. Even after enactment of the Fifteenth Amendment to the Constitution, in 1870, which gave all men, regardless of race, color, or previous condition of servitude the right to vote, many states continued to use various methods to prevent people of color from voting, including literacy tests, poll taxes, the disenfranchisement of former inmates, intimidation, threats, and even violence.

The VRA

The Voting Rights Act of 1965 was designed to address these issues. It prohibits discrimination based on race, and requires certain jurisdictions to provide bilingual assistance to language minority voters. Section 2 of the Act, which bars the use of voting practices or procedures that discriminate against minority voters, has been used successfully to attack discrimination in voting including restrictive voter registration requirements, districting plans that dilute minority voting strength, discriminatory annexations, and the location of polling places at sites inaccessible to minority voters.

Section 5 of the Act requires federal "preclearance" before covered jurisdictions (i.e., specified jurisdictions with a history of practices that restrict minority voting rights) may make changes in existing voting practices or procedures. The Act also provides the Department of Justice with the authority to appoint federal observers and examiners to monitor elections to ensure that they are conducted fairly. Initial enforcement efforts targeted, among other things, literacy tests, poll taxes, and discriminatory registration practices.

In 1975, the Voting Rights Act was amended to address the voting rights of language minority groups. Sections 4 and 203 of the Act apply in jurisdictions with significant numbers of voters with limited or no English proficiency and require such jurisdictions to provide voting materials and assistance in relevant languages in addition to English.

Preclearance

The jurisdictions listed below had to have their voting changes precleared before the June 25, 2013, Supreme Court decision *Shelby County v. Holder* that struck down the formula used to determine who was covered under Section 5.

Preclearance was required for jurisdictions meeting the following criteria (the formula that was struck down):

1. On November 1, 1964, did the jurisdiction have a law like a literacy test to keep people from registering to vote?
2. Did less than 50 percent of the eligible population register to vote in 1964, 1968 or 1972, or did less than 50 percent of those people vote in a presidential election?

If the answer to these questions was yes, then states and other jurisdictions were subject to preclearance.

In 1975, Congress added "language minority groups" to cover jurisdictions that only issued ballots in English even though they had many non-English speakers.

Nine states and multiple other counties and municipalities were judged to require preclearance. For a complete listing of covered jurisdictions and dates applicable at the time of the *Shelby County* decision visit:

www.justice.gov/crt/about/vot/sec_5/covered.php.

Section 5 Covered Jurisdictions-States Covered as a Whole

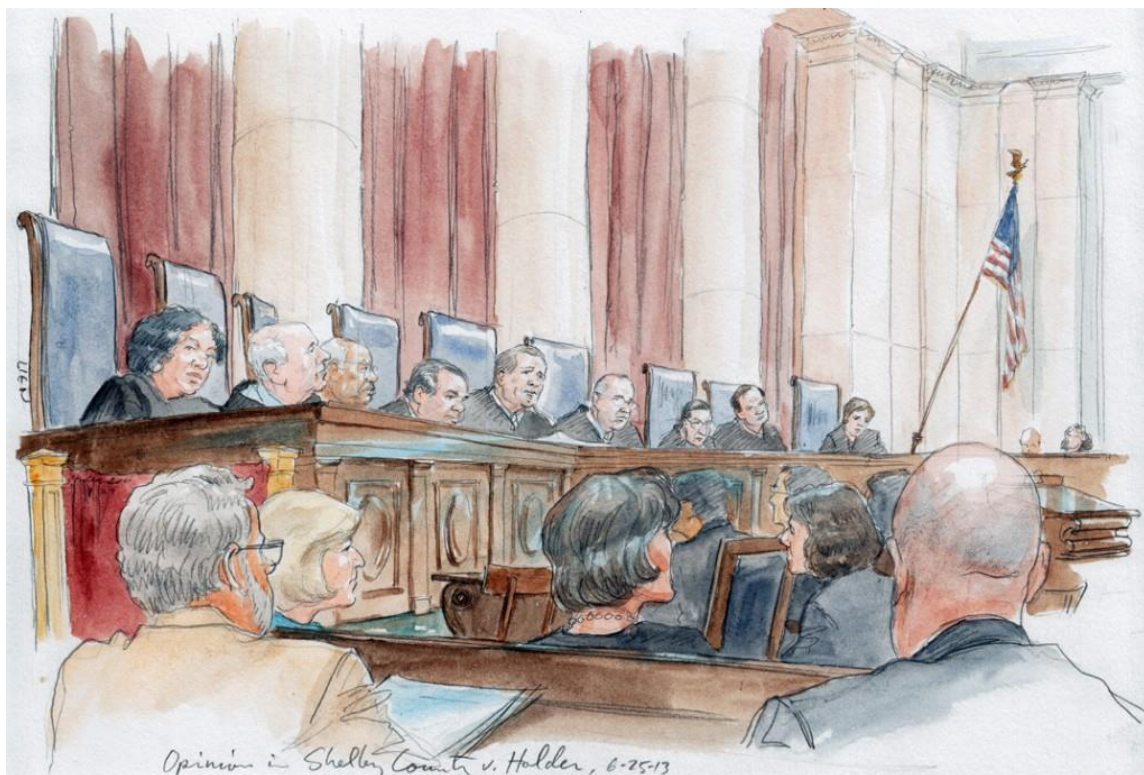
States Covered as a Whole	Applicable Date
Alabama	Nov. 1, 1964
Alaska	Nov. 1, 1972
Arizona	Nov. 1, 1972
Georgia	Nov. 1, 1964
Louisiana	Nov. 1, 1964
Mississippi	Nov. 1, 1964
South Carolina	Nov. 1, 1964
Texas	Nov. 1, 1972
Virginia	Nov. 1, 1964

Reprinted with permission from "Voting Rights Acts," The Leadership Conference, www.civilrights.org/voting-rights/vra/history.html [accessed August 12, 2013], excluding "Preclearance" and "Section 5 Covered Jurisdictions-States Covered as a Whole" sections which are excerpted from the "History of Federal Voting Rights Laws," The United States Department of Justice, www.justice.gov/crt/about/vot/sec_5/covered.php [accessed August 12, 2013].

We Gave You a Chance: Today's Shelby County Decision in Plain English

[Amy Howe](#) Editor

Posted Tue, June 25th, 2013 2:45 pm



Chief Justice Roberts' opinion in Voting Rights Act, Section 5 (Art Lien)

Four years ago, in a case called [Northwest Austin Municipal Utility District No. 1 \(NAMUDNO\) v. Holder](#), the Supreme Court reviewed a challenge to the constitutionality of the preclearance provisions of the Voting Rights Act. As I explained in an earlier [post](#), that portion of the Act was designed to prevent discrimination in voting by requiring a list of state and local governments identified by Congress in the 1960s as having a history of voting discrimination to get approval from the federal government before making any changes to their voting laws or procedures – both major changes and even for something as seemingly innocuous as moving a polling place across the street. In that case, the Court ultimately dodged the constitutional question, handing the utility district a victory on another ground. But at the same time, the Court fired off a cautionary shot to Congress, admonishing it that “[t]hings have changed in the South,” where most of the state and local governments that have to comply with the preclearance requirements are located, and that the burdens imposed by the preclearance requirements “must be justified by current needs.”

Today's decision in [Shelby County v. Holder](#), a new challenge to the preclearance requirements, boils down to a new message to Congress: we warned you, you didn't listen, and now it's your problem to fix. The Court did not invalidate the actual preclearance provision of the statute. But it did something just as significant: it struck down Section 4 of the Act, which contains the formula that is used to identify the state and local governments that have to comply with the preclearance requirements. The upshot is that although the preclearance requirement survives, none of those jurisdictions have to comply with it unless and until Congress can enact a new formula to determine whom it covers—a prospect that, given the current state of gridlock in Congress, might not happen for a while or even forever. (It is also possible that the federal Department of

Justice could bring new lawsuits under a separate provision of the Act to extend the preclearance provisions to new jurisdictions, but today's decision could make it much harder for the government to win those suits too.)

The Chief Justice delivered the opinion of the Court, which was joined by Justices Scalia, Kennedy, Thomas, and Alito. The Court began by acknowledging that when the Voting Rights Act was enacted, it “employed extraordinary measures”—in the form of restrictions on the independence of the covered states—to combat the “extraordinary problem” of widespread voter discrimination. In 1966, the Court explained, these restrictions, which were intended to be temporary, were justified, and the formula used to determine who should be covered “made sense” then.

But today, fifty years later? Not so much. In the Court's eyes, “things have changed dramatically.” When judged by a variety of measures—such as voter registration, voter turnout, and the number of African Americans elected to office—conditions have improved significantly in the states that are covered by the preclearance requirements. The Court agrees that these changes “are in large part *because* of the Voting Rights Act”; despite those improvements, the Court complains, the formula that determines who must comply with the preclearance requirement is “based on decades-old data” and practices—such as literacy tests—that were long ago abandoned. Because it isn't fair for Congress to “rely simply on the past” to single out a few state and local governments for unequal treatment “based on 40-year-old facts having no logical relationship to the present day,” the coverage formula cannot stand.

The last section of the Court's opinion is the judicial version of throwing the Voting Rights Act ball back across First Street N.E. to Congress. Emphasizing that invalidating a federal law is one of its most serious responsibilities, and that it “do[es] not do so lightly,” the Court makes clear that in its view, only Congress is to blame here. Four years ago, it warned Congress that the constitutionality of the law was in doubt; “Congress could have updated the coverage formula” then, but it failed to do so. “Its failure to act,” the Court explains, “leaves us today with no choice but to declare [the coverage formula] unconstitutional.” Continuing a pattern that we have seen in several other cases this week, Justice Ruth Bader Ginsburg filed a dissenting opinion, which was joined by Justices Breyer, Sotomayor, and Kagan. Where the majority had cited improvements in voter registration and voter turnout as support for its conclusion that the Act's coverage formula was unconstitutional, the dissenters focus on other, more subtle discriminatory tactics, such as racial gerrymandering, that are used to dilute the impact of minority votes. Congress voted to renew the preclearance requirement and the coverage formula, the dissenting Justices argue, because it concluded—based on a “massive legislative record”—that they were still needed to head off these tactics. And given Congress's special role in enforcing constitutional provisions prohibiting racial discrimination in voting, the dissenters would defer to that determination.

When the Court issued yesterday's decision in [Fisher v. University of Texas at Austin](#), civil rights groups breathed at least a qualified sigh of relief. After months of worrying that the Court might prohibit the use of affirmative action in higher education altogether, affirmative action survives—at least for now. By contrast, today's decision was pretty much as bad as voting rights groups had feared: although the Court did not strike down the preclearance requirement, it rendered it essentially ineffective until Congress can decide who should be covered by the requirement going forward. And no one expects that to happen anytime soon.

[Disclosure: The law firm of Goldstein & Russell, P.C., in which I am a partner, was among the counsel on an *amicus* brief in support of the respondents in this case, but I was not involved in the case at all.]

From Amy Howe, “We gave you a chance: Today's Shelby County decision in Plain English,” SCOTUSBlog (Jun. 25, 2013, 2:45 PM), www.scotusblog.com/2013/06/we-gave-you-a-chance-todays-shelby-county-decision-in-plain-english/.

Reactions to *Shelby County v. Holder*

Below are some reactions to the Supreme Court ruling. Choose one quote that most resonates with your own reaction to the ruling in *Shelby County*. Support your decision based on what you have learned in this lesson.

"I am deeply disappointed with the Supreme Court's decision today... 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."

—President Barack Obama

"I've always felt that it was unconstitutional... I would've agreed in 1965 that something had to be done, but it should've been done to all 50 states. I just always felt that was wrong, that it was a violation of the 10th Amendment to begin with, of states' rights."

—Mississippi House Elections Committee Chairman Bill Denny

"We are disappointed in today's decision striking at the heart of the Voting Rights Act. For over four decades the Act has succeeded in overcoming unconstitutional barriers to voting, and has demonstrated its central role in protecting this essential freedom. We strongly urge Congress to put aside partisanship and politics, as it did in 2006, and promptly pass legislation to replace those portions of the Act struck down today."

—Former President Bill Clinton and former Secretary of State Hillary Rodham Clinton

"We're free and clear to follow through with our law now without any restriction by the Justice Department... Last year I think we spent over a half a million dollars defending our pre-clearance cases. That cost will be eliminated in the future as a result of this opinion."

—Florida Secretary of State Ken Detzner

"Today's Supreme Court's ruling invalidating the preclearance requirements contained within the Voting Rights Act is a win for fairness, South Carolina, and the rule of law... The court's ruling will hopefully end the practice of treating states differently and recognizes that we live in 2013, not the 1960's."

—Rep. Jeff Duncan, R-S.C

"I've been saying for some time that I thought it was time for the Supreme Court to review it because the data was so stale, 50 years old. Things have changed."

—Louisiana Secretary of State Tom Schedler

"This is a devastating blow to Americans, particularly African-Americans, who are now at the mercy of state governments. Given last year's attempts by states to change voting rules, it is absurd to say that we do not need these protections."

—Rev. Al Sharpton, president of National Action Network

"In striking down the coverage formula in the Voting Rights Act, the court has dramatically undercut Section 5's ability to protect American voters from racial discrimination in voting. The result is that many Americans who were protected by this law will now be vulnerable to discriminatory practices and will have much greater difficulty accessing the ballot box."

—Sen. Patrick Leahy, D-VT

"Today will be remembered as a step backwards in the march towards equal rights. We must ensure that this day is just a page in our nation's history, rather than the return to a dark chapter."

—Sherrilyn Ifill, president and director-counsel of the NAACP Legal Defense and Educational Fund

Individual Research Projects Extension Activity

Age Range

Grades 9–12

Time

2 class periods or can be an out of class project

Procedures

1. Tell students they will work in small groups to analyze in more depth some other civil rights issues currently “in the headlines.” Allow students to choose from the following (or select other relevant topics currently in the news). If possible have at least one group work on each of these issues: (1) Racial profiling, in light of the Trayvon Martin case and New York City’s “stop and frisk”; (2) Immigration reform and the Dream Act/United We Dream; and (3) marriage equality, in light of the Supreme Court ruling invalidating the Defense of Marriage Act (DOMA). If students are interested in learning more about voting rights, you can add this as a topic, asking students to explore recent state legislation over voter ID laws, English-only ballots, etc.
2. If students are conducting this research in class, they will need access to the library and/or internet for research. If possible identify at least one overview article or resource on each topic to help students get started. Ask students to research the topic. Ask them to pretend they have been asked to testify before a congressional committee that is examining this issue. Students should prepare a 5-minute speech that includes at least one specific policy recommendation for their issue. If technology is available, give students the option of creating a video testimony of their speech.
3. If class time is available, allow students to present their testimonies in front of the class. Other class members who researched the same topic can act as members of the congressional committee and ask the presenters questions following the presentation to stimulate discussion.

Resources on the Civil Rights Movement and the Voting Rights Act

Print Material

- CNN. "[After Supreme Court Ruling, States See Green Light for Voter ID Laws.](#)" CNN Politics, June 25, 2013.
- Cooper, Michael. "[After Supreme Court Ruling States Rush to Enact Voting Laws.](#)" *New York Times*, July 6, 2013.
- Diebold, Joseph. "[Six States Already Moving Forward with Voting Restrictions after Supreme Court Decision.](#)" ThinkProgress, June 27, 2013.
- Gaskins, Keesha, and Iyer, Sundeep. *The Challenge of Obtaining Voter Identification*. New York: Brennan Center for Justice, 2012.
- Howe, Amy. "[We Gave You a Chance: Today's Shelby County Decision in Plain English](#)" Scotusblog, June 25, 2013.
- Liptak, Adam. "[Supreme Court Invalidates Key Part of Voting Rights Act.](#)" *The New York Times*, June 25, 2013.
- Stone, Jeffrey R. "[Understanding Cause and Effect.](#)" *The Huffington Post* (online blog), July 27, 2013.
- The NAACP Legal Defense & Educational Fund, Inc. (LDF) and the NAACP. [Defending Democracy: Confronting Modern Barriers to Voting Rights in America](#). New York: The NAACP Legal Defense & Educational Fund, Inc. (LDF) and the NAACP.
- Schwartz, John. "[Between the Lines of the Voting Rights Act Opinion.](#)" *New York Times*, New York Times, June 25, 2013.
- Turner, Cory. "[How Do You Teach the Civil Rights Movement?](#)" NPR, June 17, 2013.
- Underhill, Wendy. "[Voter Identification Requirements: Voter ID Laws.](#)" Washington: National Conference of State Legislatures, 2018.
- U.S. Commission on Civil Rights. [An Assessment of Minority Voting Rights Access in the United States](#). Washington: U.S. Commission on Civil Rights, 2018.

Online Resources

Children's Books and Websites

ThoughtCo

www.thoughtco.com/childrens-books-about-black-freedom-fighters-627594

Provides a listing and description of the best children's books about African-American Freedom Fighters.

Bankstreet Bookstore

www.bankstreetbooks.com/search/apachesolr_search/martin%20luther%20king%20jr

Site provides a listing of children's books on Dr. Martin Luther King, Jr.

Barnes & Noble

www.barnesandnoble.com/blog/kids/not-just-long-weekend-7-books-talking-kids-dr-martin-luther-king-jr/

Seven books for talking to kids about Martin Luther King, Jr.

Scholastic

www.scholastic.com/teachers/article/bibliography-martin-luther-king-jr-day, www.scholastic.com/teachers/article/civil-rights-glossary

These sites provide a bibliography and glossary on the Civil Rights Movement.

Websites on the Civil Rights Movement

History Channel

www.history.com/topics/black-history/civil-rights-movement

Provides a history of the Civil Rights Movement.

National Civil Rights Museum

www.civilrights museum.org

The National Civil Rights Museum, the site of the Lorraine Motel where Dr. Martin Luther King, Jr. was assassinated, provides lessons, exhibitions, collections and more on the Civil Rights Movement.

PBS

www.pbs.org/wgbh/americanexperience/films/mlk/

PBS's American Experience TV channel featured a documentary, *Citizen King*, exploring the last five years in King's life by drawing on the personal recollections and eyewitness accounts of friends, movement associates, journalists, law enforcement officers, and historians, to illuminate this little-known chapter in the story of America's most important and influential moral leader. This website provides a Teacher's Guide to using the film, transcripts, primary resources and other valuable content on Martin Luther King, Jr. and the Civil Rights Movement. The DVD of the documentary is available at Amazon.com.

Scholastic

www.scholastic.com/teachers/article/civil-rights-glossary

Provides glossary of terms related to the Civil Rights Movement.

Websites on the Voting Rights Act

American Civil Liberties Union (ACLU)

www.aclu.org/voting-rights

Site provides information related to voting rights liberties and ACLU's Voting Rights Project.

Anti-Defamation League

www.adl.org/assets/pdf/civil-rights/discrimination/VRA-FAQ.pdf

Provides a list of ADL resources and frequently asked questions on the Voting Rights Act.

Brennan Center for Justice

www.brennancenter.org/issues/voting-rights-elections

Provides information on voting rights and elections.

The Leadership Conference

www.civilrights.org/voting-rights/vra

Provides contextual and background information and real life stories on the Voting Rights Act and the impact made on people's lives.

The U.S. Department of Justice

www.justice.gov/crt/about/vot/

The Civil Rights Division of the Department of Justice provides information on the history of the Voting Rights Act, what statutes are enforced, policy and guidance, cases and recent activity.

Document Cloud

www.documentcloud.org/documents/717250-supreme-courts-voting-rights-act-decision.html

A collection of documents contributed by journalists, researchers and archivists which include the Supreme Court's full opinion (majority, concurring and dissenting) of the *Shelby County v. Holder* case.

History Channel

www.history.com/topics/voting-rights-act

Provides information, videos and numerous resources on the Voting Rights Act.

New York Times

www.nytimes.com/interactive/2013/06/23/us/voting-rights-act-map.html?ref=voterregistrationandrequirements&r=1
Site provides information on the formula behind the Voting Rights Act.

Our Documents

www.ourdocuments.gov/doc.php?flash=true&doc=100

This website, a cooperative effort among National History Day, The National Archives and Records Administration, and USA Freedom Corps, provides the full text of the Voting Rights Act of 1965 among many other documents of the American history.

Supreme Court of the United States Blog

www.scotusblog.com/case-files/cases/shelby-county-v-holder

Blog containing resources related to the *Shelby County v. Holder* case.

Videos

I Have a Dream Speech (1963, 12 mins., TeacherTube)

This video is a recording of the "I Have a Dream" speech delivered publicly by American activist Martin Luther King, Jr. on August 28, 1963, in which he called for an end to racism in the United States; www.teachertube.com/viewVideo.php?video_id=20916.

Voting Rights Bill, (1.75 mins., History Channel)

Newsreel footage of President Johnson signing the Voting Rights Bill; www.history.com/topics/freedom-rides/videos#voting-rights-bill.