



Martin Luther King, Jr. and Civil Rights:

Relevancy for Today



As we celebrate and commemorate Martin Luther King, Jr. Day, ADL brings you “Martin Luther King Jr. and Civil Rights: Relevancy for Today.”

This curriculum for grades 3–12 provides grade-specific lessons, resources and extension activities to provide your students opportunities to examine civil rights in the United States past and present.

The lessons provide an opportunity for students to delve deeper into Martin Luther King Jr.’s historic “I Have a Dream Speech.” All students will explore tone, audience, use of metaphor and highlights of this important speech. Older students will discover more about the civil rights movement and specifically about the struggle for voting rights over the years, including an analysis of voter suppression laws and the Supreme Court ruling in *Shelby County v. Holder* that struck down key provisions of the Voting Rights Act.

Students will have the opportunity to discuss and investigate additional civil rights issues currently in the news in order to consider how far we have come and how far we still need to go in order to achieve equality and full civil rights in the United States. Using the symbol of the dream in King’s speech, students will reflect on their own dreams for fairness, justice and civil rights.

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Voting Rights Act of 1965

Correlation of Lessons to Common Core Standards

Content Area/Standard	Elementary School Lesson	Middle School Lesson	High School Lesson
Reading			
R.1: Read closely to determine what the text says explicitly and to make logical inferences from it; cite specific textual evidence when writing or speaking to support conclusions drawn from the text.	X	X	X
R.2: Determine central ideas or themes of a text and analyze their development; summarize the key supporting details and ideas.		X	X
R.4: Interpret words and phrases as they are used in a text, including determining technical, connotative, and figurative meanings, and analyze how specific word choices shape meaning or tone.	X	X	X
Writing			
W.2: Write informative/explanatory texts to examine and convey complex ideas and information clearly and accurately through the effective selection, organization, and analysis of content.	X	X	X
W.4: Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.	X	X	
W.7: Conduct short as well as more sustained research projects based on focused questions, demonstrating understanding of the subject under investigation.	X		
Speaking and Listening			
SL.1: Prepare for and participate effectively in a range of conversations and collaborations with diverse partners, building on others' ideas and expressing their own clearly and persuasively.	X	X	X
History/Social Studies (6–8 grade)			
RH.6-8.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.		X	
History/Social Studies (11–12 grade)			
RH.11-12.2: Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.			X

Our Dreams for Equality

Rationale

This lesson provides an opportunity for upper elementary students to watch and discuss Martin Luther King Jr.'s "I Have a Dream" speech and to explore civil rights issues during the Civil Rights era as well as today. Students will also write original poems about their own dreams for equality.

Objectives

- Students will learn about Martin Luther King Jr. and his contribution to the Civil Rights Movement of the 1950s and 1960s.
- Students will listen to and analyze parts of Martin Luther King Jr.'s "I Have a Dream" speech.
- Students will explore civil rights and the impact of activism during the Civil Rights era.
- Students will identify rights that still need to be realized in order to achieve equality.
- Students will express their own dreams for equality through the writing of poems.

Age Range

Grades 3–5

Time

Approximately 2 hours or 2 class periods

Requirements

Handouts and Resources:

- [Martin Luther King Facts \(National Geographic Kids\)](#), one for each student
- "I Have a Dream" speech video at www.youtube.com/watch?v=3vDWWy4CMhE (short 5-minute version)
- [Image of Segregated Water Fountain](#) (International Center of Photography)

Other Material:

- Chart paper and markers
- WiFi, internet, computer, screen or LCD projector, speakers (to show video clips and images)
- Example of a poem stanza

Advanced Preparation

- Reproduce handouts as directed above.
- Access and prepare Image of Segregated Water Fountain to be projected for viewing (see Part II #4).
- Write an example of a stanza on a piece of chart paper (see Part IV #2).

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, poetry writing, oral history, interviewing, constructing timelines, biography writing

Key Words

Activism
Boycott
Civil Rights
Desegregation
Discrimination
Equality
Injustice
Nonviolent
Oppression
Passive (or passive resistance)
Segregation
Sit-in

[NOTE: Explain to students that "Negro" and "colored" are the words people used during the era of the Civil Rights Movement for Black people, but they are not used today.]

Procedures

Part I: Martin Luther King, Jr. and His Famous Speech (35 minutes)

1. As a warm-up invite students to go around the room and taking turns, say the first word that comes to mind when they hear the name Martin Luther King, Jr.
2. Ask students to share what they already know about Martin Luther King, Jr. Distribute a copy of [Martin Luther King Jr. Facts](#) to each student and read aloud as a class.

ALTERNATIVE: Prior to the lesson invite students to read a children's book about Martin Luther King, Jr. Most classroom and school libraries contain books about Martin Luther King, Jr. and suggested children's books are listed in the Resources on the Civil Rights Movement and the Voting Rights Act.

Make sure to highlight these important facts about King's life:

- Martin Luther King, Jr. was born in 1929 in Atlanta, Georgia. His father, Martin Luther King, Sr., was the pastor of a Baptist church and hated the South's segregation laws that kept white and Black people separated.
 - Martin Luther King, Jr. was very bright and entered college when he was 15 years old. He wasn't sure what he wanted to do as a career but he knew he wanted to help people. After college, he attended a theological school in Pennsylvania and after that earned a doctorate degree. In college, he read an essay by Henry David Thoreau who believed that people had the right to disobey any law they thought was evil or unjust. He also read about Mahatma Gandhi, a great leader of India, who believed in nonviolence as a way to bring about change. Both of these men had a major influence on Martin Luther King, Jr.'s thinking.
 - In 1953, Martin Luther King, Jr. married Coretta Scott and they settled in Montgomery, Alabama, where King became pastor of the Dexter Avenue Baptist Church.
 - In 1955, a Black woman named Rosa Parks, who was a community leader and activist in Montgomery, refused to give up her seat on the bus to a white person. In those days, white people sat in the front and Black people had to sit in the back of the bus or stand if there was no room in the back. If the front of the bus was full, then they also had to give up their seats for white people to sit. Rosa Parks was arrested on the spot and the news of this occurrence spread quickly throughout Montgomery. Montgomery's Black leaders met in Martin Luther King, Jr.'s church to discuss what to do and agreed to a one-day boycott of the buses as a protest. They later extended the boycott, which lasted 381 days (a little more than a year), and ended in victory when the U.S. Supreme Court ruled that segregation of the buses was illegal.
 - Martin Luther King, Jr. became the leader of the Southern Christian Leadership Conference (SCLC), whose goal was to win equality for all people. They won many victories using nonviolent techniques such as boycotts, marches and sit-ins and ultimately brought about the Civil Rights Act of 1964 and the Voting Rights Act of 1965.
 - Martin Luther King, Jr. won the Nobel Peace Prize in 1964. He is praised for calling for peaceful resistance to discrimination against Black people.
 - In 1963, Martin Luther King, Jr. delivered his "I Have a Dream" speech at the historic March on Washington to demand "jobs and freedom." About 250,000 Americans of all races came to Washington, D.C. to listen to speeches by many civil rights leaders, especially Martin Luther King, Jr.
 - On April 4, 1968, at the age of 39, Martin Luther King, Jr. was shot and killed by an assassin. Since 1986, his birthday has been a national holiday in the United States.
3. Ask students has anyone ever heard the "I Have a Dream" speech by Martin Luther King, Jr.? Have students share what they know about the speech.
 4. Explain to students that Martin Luther King, Jr.'s "I Have a Dream" speech is one of the most famous speeches in history. Martin Luther King, Jr. delivered this speech at the March on Washington, D.C. in 1963 that was held to protest racial discrimination and to demand civil rights laws in Congress. There were 250,000 people in attendance. The event is now remembered as one of the most important symbols of the Civil Rights Movement of the 1950s and 1960s.
 5. Show the short 5-minute version of the ["I Have a Dream" speech](#) to students and discuss it.

NOTE: The entire speech is available at www.youtube.com/watch?v=smEqnnklfYs. If you do not have the capability to show the video, you can play the audio version at www.americanrhetoric.com/speeches/mlkhaveadream.htm.

6. After watching the speech, ask the following questions for group discussion:
- How did you feel while you were listening to the speech?
 - What was his overall message?
 - What was the reaction of the people listening to the speech in Washington, D.C.? How do you know?
 - What do you think Martin Luther King, Jr. was thinking and feeling while he was delivering the speech? How do you know?
 - What are some words you would use to describe Martin Luther King, Jr.'s personality and character?
 - How does his voice change as the speech moves along? What does this communicate?
 - Is the speech hopeful or hopeless? What makes you think so?

Part II: The Civil Rights Movement (15 minutes)

1. Explain to students that in his speech, Martin Luther King, Jr. spoke about civil rights. Ask students what are civil rights? Invite students to share their responses aloud. Explain to students that civil rights are the rights of individuals to receive fair treatment in a number of settings, including education, employment, housing, voting and more. Discrimination occurs when the civil rights of an individual are denied or interfered with because of their identity group (e.g., race, religion, gender, etc.).
2. Ask students for some examples of civil rights. As students respond, make a list of some of the civil rights we have in the United States. Students may share the following examples (and you should include these if they do not):
 - The right to vote.
 - The right to go to school and get an education.
 - The right to practice the religion you want
 - The right to be treated fairly in applying for jobs and a place to live
 - The right to express yourself (i.e., "free speech").
3. Ask students - did people always have these rights? Explain that during the Civil Rights Movement in the 1950s and 1960s, Black people fought in a variety of ways to have the same rights as white people. Follow-up with the following questions:
 - During the Civil Rights Movement, what are some of the rights for which people fought?
 - What actions and strategies did they use to win those rights?
4. Explain to students that during this period, there were some regions of the country where Black people and white people were segregated by law; there were "whites" and "colored" domains (as in the bus example) and in most cases, the "colored" domains were inferior. For example, the image of a [segregated water fountain](#) shows that the water fountains for Black people were older and dirtier than the ones for white people. Also, laws were passed that made it more difficult for Black people to vote. When these laws were passed, the number of Black voters dropped dramatically which meant that they were not able to participate in the process of electing their representatives.
5. Explain that during the Civil Rights Movement, there were organized activities and strategies aimed at overturning or changing these laws, often called "activism." Before sharing the following examples, find out what students already know about them.

NOTE: If you want to make this a longer unit and time permits, students can read background information about these events prior to discussion.

• *Example 1: Montgomery Bus Boycott*

On December 1, 1955, Rosa Parks, a Black woman who was a community leader and activist, refused to give up her seat to a white man on a Montgomery bus. She was arrested and fined. The boycott of public buses by Black people in Montgomery began on the day of Parks' court hearing and lasted 381 days. Instead of riding buses, Black people walked, took cabs, drove their own cars, rode mules or traveled on wagons pulled by horses. The Montgomery Bus Boycott, in which Black people refused to ride city buses in Montgomery, Alabama, to protest segregated (separate) seating, took place from December 5, 1955, to December 20, 1956, and was the first large demonstration against segregation in the United States. The U.S. Supreme Court finally ordered Montgomery to integrate its bus system, and

Martin Luther King, Jr., one of the leaders of the boycott, emerged as a prominent national leader of the American Civil Rights Movement in the wake of the action. (Read more about [Rosa Parks](#)).

- *Example 2: Woolworth's Lunch Counter*

On February 1, 1960, four Black college students sat down at a “whites-only” lunch counter at a Woolworth’s in Greensboro, North Carolina, and politely asked for service. The staff refused to serve them, but they stayed until closing time. The next morning, they came with twenty-five more students. On the third day, sixty-three students joined their protest. Their peaceful sit-in demand helped begin a youth-led movement to challenge racial inequality throughout the South. In Greensboro, hundreds of students, civil rights organizations, churches, and members of the community joined in a six-month-long protest. This led to the desegregation of the F. W. Woolworth lunch counter on July 25, 1960.

- *Example 3: Ruby Bridges Desegregates Elementary School*

In November 1960, a six-year-old named Ruby Bridges became the first Black child to desegregate an elementary school. When Ruby was in kindergarten, she was one of several Black students in New Orleans who were chosen to take a test to determine whether she could attend a white school. She lived five blocks from an all-white school but attended kindergarten several miles away at an all-Black segregated school. In 1960, Ruby’s parents were told that she was one of only six other Black children to pass the test and would attend the William Frantz School, near her home. Although she only lived a few blocks from school, federal marshals had to take Ruby to school because of angry groups of white people who did not want her to attend the school. For a whole year, she was the only student in her class because white parents would not allow their children to attend the school. By Ruby’s second year at the school, everything had changed. There were no more federal marshals and Ruby walked to school every day by herself. And there were other students in her second-grade class.

6. Lead a whole group discussion, using the following questions:

- For each of the examples previously discussed, what was the civil right for which the person or people were fighting?
- How did they go about trying to obtain those rights?
- What do all three of these examples have in common?
- What personality traits enabled them to succeed?

Part III: Activism (20 minutes)

1. This portion of the activity is to identify rights that still need to be achieved and ways students can take action to achieve those rights. Begin this discussion by asking the questions that follow. Record their responses on the board. They may include a wide range of issues, some that are civil rights and some that are other kinds of rights or privileges that they want in school or their community.
 - What are some rights and freedoms that you have in your family, classroom, school and community?
 - Do you know if those rights always existed?
 - As a society, have we achieved full equal rights yet?
 - Are there ways in which things are still unfair—in school, your community or the country?
2. After coming up with a long list of ideas, narrow the list down to four or five. Have students choose one of the rights and work in small groups for 10 minutes to brainstorm ideas they must achieve that right. Remind them of what they learned about the Civil Rights Movement and the activism that people engaged in to achieve equality. The ideas should include actions by individual people, activism by groups of people and laws that can be changed or passed to achieve that right or freedom.
3. After completing their small group work, invite each group to present their ideas to the whole class.

Part IV: Poetry Writing (30 minutes)

1. Have students pair up and talk about some of their dreams for fairness, justice and civil rights, based on what was discussed in the lesson or other thoughts they have. Have students take notes for each other while their partner speaks.

2. In a large group discussion, have students share some of their ideas aloud with the whole class. Tell the students they will be writing poems about their dreams, and each stanza of the poem should begin with “I have a dream....” similar to the way Martin Luther King Jr.’s speech used those words in his speech. Explain that a stanza is an arrangement of a certain number of lines which form a division of a poem. Their poem should consist of 3–5 stanzas.

Share an example of one stanza by either writing one of your own in advance or use the following stanza as an example:

*I have a dream that someday
No one will have to beg on the street for food
No child will ever go to bed hungry
Fresh water plentiful in all countries*

3. Give students 10–15 minutes to work on their poems.

Optional: As a follow-up or for homework, have students illustrate their poems. Publish the poems in a book, a bulletin board display or create a website/blog with all the poems.

4. In closing, invite students to share their poems with the class.

Extension Activities

- **Oral History:** Create an oral history collection (audio, video and/or written) of people’s stories who lived during the Civil Rights Movement. Begin the project by identifying a person to come into the classroom for a group interview with the students. The interviewee can be a teacher in the school, a grandparent or someone living in the community. With the students, create a list of questions prior to the interview. Decide whether it will be audio or videotaped. Conduct the interview and have the students ask questions and record the speakers’ responses. After the interview, have each student identify someone they can interview about that time period—someone in their late 60s, 70s, or 80s (a grandparent would work well). They can use the same interview questions and record the interview using video or audio and take notes. Each student will write up their interview and they can all be compiled into a book or a videography about that time period.
- **Timeline:** Have students create a timeline with important dates and critical points in the history of the Civil Rights Movement. For each of the dates, they will write 2–3 sentences about what happened during that time and then illustrate the event with photos they find online or original pictures they create. (For an example, see [Martin Luther King, Jr. Timeline](#) which includes a list of the dates as well as the physical timeline.) As an alternative, create a class timeline in the form of a large mural that can be displayed somewhere in the school. Assign groups of 2–3 students certain blocks of time, each working on their own period, and then put it together as a class and display in the school.
- **Biography:** Invite students to learn more about other civil rights leaders during that time period. Create a list of possible people, including Ruby Bridges, Medgar Evers, Andrew Goodman, Fannie Lou Hamer, Jesse Jackson, John Lewis, John F. Kennedy, Malcolm X, Rosa Parks, Thurgood Marshall and Jackie Robinson. Have students pick which person they will investigate further. Using children’s books, non-fiction books and internet sources, students will conduct research to learn about the person they choose. Each student will then draw a portrait and write a 3–5 paragraph biography about that person.

Children's Resources on Martin Luther King, Jr. and the Civil Rights Movement

Print Material

Turner, Cory. "[How Do You Teach the Civil Rights Movement?](#)" NPR, June 17, 2013.

Children's Book Lists

ADL

[https://www.adl.org/books-matter?keywords=martin%20luther%20king&sort by=search api relevance&keys=martin%20luther%20king%20jr](https://www.adl.org/books-matter?keywords=martin%20luther%20king&sort%20by=search_api_relevance&keys=martin%20luther%20king%20jr)

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

<https://shop.scholastic.com/teachers-ecommerce/teacher/subject/holidays-celebrations/martin-luther-king-jr-day.html>

Provides a bibliography on Dr. King, those who inspired him, and the civil rights movement.

WETA's Reading Rockets

www.readingrockets.org/booklists/books-martin-luther-king-jr-day

Children's books about Dr. King, fiction and nonfiction books about ordinary people who stand up for what's right, and stories about helping others and giving back.

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.civilrightsmuseum.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.

Smithsonian American Art Museum

<https://americanart.si.edu/education/oh-freedom/resources/glossary>

Provides glossary of terms related to the Civil Rights Movement.

The Struggle for Voting Rights

Rationale

This lesson provides an opportunity for middle school students to watch and analyze Martin Luther King, Jr.'s "I Have a Dream" speech and identify the use of metaphor in the speech. Students will learn about the struggle for voting rights over the years and learn about the current quest for voting rights.

Objectives

- Students will listen to and analyze Martin Luther King, Jr.'s "I Have a Dream" speech.
- Students will identify and describe the ways in which Martin Luther King, Jr. uses metaphor to convey his message and point of view.
- Students will explore the history of the struggle for voting rights for Black people.
- Students will consider the impact of voter suppression laws and the recent Supreme Court decision which struck down provisions of the Voting Rights Act of 1965.
- Students will reflect on whether there is still a need for the Voting Rights Act.

Age Range

Grades 6–8

Time

Approximately 2 hours or 2 class periods

Requirements

Handouts and Resources:

- Martin Luther King Jr. (Kids Britannica) Read parts.
- [I Have a Dream Speech](#) video (17.5 mins., YouTube)
- [Using Metaphor to Convey a Message in "I Have a Dream" Speech 1–6](#) (copies for small groups)
- (Optional) [Using Metaphor to Convey a Message Vocabulary Words](#)
- [New York Times Room for Debate: Is the Voting Rights Act Still Needed?](#) (six articles)
- "Dreams" by Langston Hughes (Alfred A. Knopf, a division of Random House, Inc. 1996)

Other Material:

- WiFi, internet, computer, screen or LCD projector, speakers (to show video clips)

Advanced Preparation

- Reproduce handouts as directed above.
- Make a copy of each of the *Using Metaphor to Convey a Message in "I Have a Dream" Speech* handouts so that each small group will have a different excerpted paragraph of the speech (see Part II #3).
- Print out enough copies of each article from "New York Times Room for Debate: Is the Voting Rights Act Still Needed?" so that pairs of students will be able to read a selected article together. Try to have each pair select different articles. (See Part III #5.)
- Prepare the Langston Hughes' poem "Dreams" as a PowerPoint slide or a handout to be distributed to students (see Part III #7).

Key Words

Constitutionality
Discrimination
Disenfranchised
Metaphor
Nonviolence
Poll Tax
Segregation
Voter Fraud
Voter Suppression
Voting Rights Act

[NOTE: Explain to students that "Negro" and "colored" are the words people used during the era of the Civil Rights Movement for Black people, but they are not used today.]

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, use of metaphor, analytical reading, using evidence to strengthen argument, poetry writing, biography writing

Procedures

Part I: Analyzing Martin Luther King, Jr.'s "I Have a Dream Speech" (35 minutes)

5. Ask students who was Martin Luther King, Jr.? Have them share what they know about Martin Luther King, Jr. and what they want to know more about his life. Together, read parts of [Martin Luther King Jr.](#) or have students read it prior to the lesson.
6. Ask students to watch Martin Luther King, Jr.'s famous ["I Have a Dream" speech](#). Students can take notes while watching it.
7. After watching the speech, ask the following questions for group discussion:
 - How did you feel while listening to the speech?
 - What was the main message of the speech?
 - What was powerful and/or motivating about the speech?
 - How did the tone of Martin Luther King, Jr.'s voice affect the speech?
 - What was Martin Luther King, Jr.'s dream?
 - Why did he use the idea of a dream in the speech and what does it symbolize?

Part II: Using Metaphor to Convey a Message (20 minutes)

1. Ask students what is a metaphor? Explain that a metaphor is a figure of speech in which a word or phrase meaning one kind of object or action is used in place of another to suggest a similarity between them. An example would be "life is a rollercoaster." Life is not literally a rollercoaster, yet it can be compared to one because it has ups and downs like a rollercoaster does. Ask students for other examples.
2. Explain that Martin Luther King, Jr. uses a lot of metaphors in his "I Have a Dream" speech. Ask students how the metaphor of a dream is used in the speech and what it symbolizes? Divide students into small groups of 4–5. Each group will get a copy of one of the paragraphs from the speech and will have 10 minutes to read the paragraph, discuss it and respond to questions about King's use of metaphors.
3. Distribute one of the [Using Metaphor to Convey a Message in "I Have a Dream Speech"](#) handouts to each small group. Some of the words in the excerpted paragraphs of the speech will be unfamiliar to the students. Have them try to figure out the words by using context clues or looking them up in the dictionary. If needed, refer to [Using Metaphor to Convey a Message Vocabulary Words](#) for a list of the words and their definitions. Remind students that "Negro" is the word people used during that time period for a Black person, but it is not used today.
4. After doing their small group work, invite students to present their paragraphs to the whole class by reading the paragraph aloud and explaining how Martin Luther King Jr. used metaphors in that section of the speech.

Part III: Voting Rights and Voter Suppression (35 minutes)

1. Explain to students that they are going to discuss civil rights and specifically voting rights during the Civil Rights era and today.
2. Ask students when was the last time they voted for something? Then ask what opportunities did they have to vote, in the last year? If they do not have any ideas, tell them it can be something they voted for in school, online or between friends. Examples may include: student council elections, opinion polls or voting for a contestant on a reality show. Discuss further by asking the following questions:
 - Why did you vote?
 - How did you feel while you were casting your vote?

- How would you feel if you wanted to vote for something and could not?
- What is the purpose of voting?

3. Share the following background on Voting Rights:

Prior to the Civil War, Black people were almost totally “disenfranchised” throughout the states. Being disenfranchised means preventing a person or group of people from voting. Other groups of people (Latinos, Native Americans, women and Asian Americans) faced similar barriers to voting in different parts of the country. Even after the 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. Some states, in an effort to prevent Black people from voting, required voters to pass literacy tests. There were also poll taxes to prevent poor Black people from voting as well as the disenfranchisement of former inmates, intimidation, threats and even violence. People would challenge the laws in the courts and the courts would strike them down 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 voters of color in other ways.

A major voting rights campaign, including marches and demonstrations that received national attention, led to Congress passing the Voting Rights Act (VRA) in 1965, which sought to protect the voting rights of people of color. The Voting Rights Act prevented states from passing laws that would discriminate against people of color. Another part of the law required certain states (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. The Voting Rights Act had an immediate impact. By the end of 1965, 250,000 new Black voters had been registered. The Voting Rights Act of 1965 was readopted and strengthened in 1970, 1975, 1982 and 2006. It is one of the main achievements of the Civil Rights era and has been hailed as one of the most effective pieces of civil rights legislation in history.

4. Explain to students that over the past few years, many states have introduced and passed laws that may keep some Americans from voting, sometimes known as “voter suppression laws.” These laws make it harder for Americans—particularly Black people and other people of color, the elderly, the poor, students and people with disabilities—to exercise their right to vote. Proponents of these laws say they are to prevent voter fraud but voter fraud is extremely rare as noted in [The Myth of Voter Fraud](#) by the Brennan Center for Justice.

There are four main ways in which states have tried to prevent people from voting:

- Require voters to present government-issued photo ID in order to vote
 - Require proof of citizenship in order to register to vote
 - Shorten early voting time frames
 - Make voter registration more difficult by not allowing Election Day registration and make it more difficult for third-party (such as non-profit) organizations to register voters
- Learn more: [What is Voter Suppression](#)

In 2013, the U.S. Supreme Court heard a case called *Shelby County v. Holder*, which was a challenge to the constitutionality of parts of the Voting Rights Act. In June 2013, the Supreme Court struck down key components of the Voting Rights Act, freeing nine states (and other regions), mostly in the South, to change their election laws without advance federal approval. Less than 48 hours after the Supreme Court struck down Section 4 of the Voting Rights Act of 1965, six of the nine states that had been covered under the law’s “preclearance” formula had already taken steps toward restricting voting. For example, North Carolina passed several measures including strict new voter ID requirements, eliminating same-day voter registration and shortening the early voting period by seven days. Texas immediately put into effect two voting rights laws—a voter ID law and a redistricting plan—that judges had found to be discriminatory one year before.

[Studies](#) continue to show that there is no evidence of widespread voter fraud; it is very rare.

5. Provide copies of the “[New York Times Room for Debate: Is the Voting Rights Act Still Needed?](#)” and have each student select one to read. Each article represents a different point of view about the need for the Voting Rights Act. After reading the article, have each student discuss the article they read with a partner who read the same article. Allow for whole class questions and discussion.
6. (Optional) For homework, or if time permits in class, ask students to write a three-paragraph essay that summarizes the author’s point of view about the Voting Rights Act and the extent to which they agree or disagree with that opinion. For a

more extensive writing assignment, have students conduct additional research about the Voting Rights Act and provide evidence and quotes from other sources that supports their point of view.

7. Display or distribute to each student a copy of the poem “Dreams” by Langston Hughes and read aloud. Explain that Langston Hughes was a famous Black poet, social activist, novelist, playwright and columnist who died in 1967.
8. After reading the poem, lead a whole group discussion using the following questions:
 - How did you feel while listening to it?
 - What metaphors are used in the poem?
 - What do the metaphors represent?
 - What do dreams represent in this poem?
 - What do you think the poem means?
9. As a closing, have students share their dreams for fairness, justice and civil rights.

Dreams

By Langston Hughes

Hold fast to dreams
For if dreams die
Life is a broken-winged bird
That cannot fly.

Hold fast to dreams
For when dreams go
Life is a barren field
Frozen with snow.

From Langston Hughes, *The Dream Keeper and Other Poems* (Alfred A. Knopf, a division of Random House, Inc. 1996). Poem included for educational purposes only.

Extension Activities

- **Research on Voter Suppression Laws:** Invite students to conduct further research on voter suppression laws in different states. Assign specific states to individuals or small groups of students and have them find out what voter suppression laws exist, which of these laws have been challenged in court, which have been overturned and what actions have taken place to change the laws. After conducting all of the research, create an infographic using a map of the United States as the graphic and insert relevant information in each state. This can also be done on large mural paper and displayed in the classroom or school. In addition, students can develop a public awareness campaign about voter suppression laws by creating print materials, using social media and making a public service announcement.
- **Dreams Poetry:** Many famous poets have written poetry about dreams. Following up on the Langston Hughes poem, have students find 3–5 other poems which use dreams as a metaphor. After reading the poems, ask students to write their own poems about their hopes and dreams. Students can illustrate the poems and publish them in a book or online.
- **Biography:** In small groups of 4–5 students each, ask students to create a biography book about an important person who was prominent during the Civil Rights Movement. As a class, develop a list of possible people including Ruby Bridges, Medgar Evers, Andrew Goodman, Fannie Lou Hamer, Jesse Jackson, John Lewis, John F. Kennedy, Malcolm X, Rosa Parks, Thurgood Marshall and Jackie Robinson. Students can select which group they will participate in and each student in the group should have an assigned part of the biography (e.g. introduction, early years, career, family life, important contributions, etc.) to write. The book can be illustrated and will then be put together and presented as a group.

Using Metaphor to Convey a Message in “I Have a Dream Speech” #1

But one hundred years later, the Negro still is not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languished in the corners of American society and finds himself an exile in his own land. And so we've come here today to dramatize a shameful condition.

—Martin Luther King, Jr.

1. What metaphor(s) does Martin Luther King, Jr. use in the paragraph?
2. What do the metaphor(s) stand for?
3. What is the overall message of the paragraph and how is the metaphor used to convey that message?

Using Metaphor to Convey a Message in “I Have a Dream Speech” #2

In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, Black men as well as white men, would be guaranteed the "unalienable Rights" of "Life, Liberty and the pursuit of Happiness." It is obvious today that America has defaulted on this promissory note, insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked "insufficient funds."

But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so, we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

—Martin Luther King, Jr.

1. What metaphor(s) does Martin Luther King, Jr. use in the paragraph?
2. What do the metaphor(s) stand for?
3. What is the overall message of the paragraph and how is the metaphor used to convey that message?

Using Metaphor to Convey a Message in “I Have a Dream Speech” #3

We have also come to this hallowed spot to remind America of the fierce urgency of Now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

—Martin Luther King, Jr.

1. What metaphor(s) does Martin Luther King, Jr. use in the paragraph?
2. What do the metaphor(s) stand for?
3. What is the overall message of the paragraph and how is the metaphor used to convey that message?

Using Metaphor to Convey a Message in “I Have a Dream Speech” #4

It would be fatal for the nation to overlook the urgency of the moment. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three is not an end, but a beginning. And those who hope that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual. And there will be neither rest nor tranquility in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

—Martin Luther King, Jr.

1. What metaphor(s) does Martin Luther King, Jr. use in the paragraph?
2. What do the metaphor(s) stand for?
3. What is the overall message of the paragraph and how is the metaphor used to convey that message?

Using Metaphor to Convey a Message in “I Have a Dream Speech” #5

But there is something that I must say to my people, who stand on the warm threshold which leads into the palace of justice: In the process of gaining our rightful place, we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again, we must rise to the majestic heights of meeting physical force with soul force.

—Martin Luther King, Jr.

1. What metaphor(s) does Martin Luther King, Jr. use in the paragraph?
2. What do the metaphor(s) stand for?
3. What is the overall message of the paragraph and how is the metaphor used to convey that message?

Using Metaphor to Convey a Message in “I Have a Dream Speech” #6

With this faith, we will be able to hew out of the mountain of despair a stone of hope. With this faith, we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith, we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

—Martin Luther King, Jr.

1. What metaphor(s) does Martin Luther King, Jr. use in the paragraph?
2. What do the metaphor(s) stand for?
3. What is the overall message of the paragraph and how is the metaphor used to convey that message?

Using Metaphor to Convey a Message Vocabulary Words

Defaulted: failure to act; inaction or neglect; failure to meet financial obligations

Degenerate: to fall below an acceptable or desirable level in physical, mental, or moral qualities; deteriorate

Desolate: barren or laid waste; devastated

Discontent: not content; dissatisfied

Discord: disagreement; difference of opinion

Gradualism: the principle of achieving some goal by gradual steps rather than by drastic change

Hallowed: regarded as holy or sacred

Invigorating: fill with life and energy; energize

Jangling: to produce a harsh, discordant sound, as two comparatively small, thin, or hollow pieces of metal hitting together

Legitimate: according to law; lawful

Luxury: a material object, service, etc., usually a delicacy, elegance, or refinement of living rather than a necessity

Magnificent: making a splendid appearance or show; of exceptional beauty, size, etc.

Manacles: shackles for the hand; handcuffs

Promissory: containing or implying a promise

Prosperity: a successful, flourishing or thriving condition, especially in financial respects; good fortune

Threshold: the entrance to a house or building

Tranquility: quality or state of being tranquil; calmness; peacefulness; quiet; serenity

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 Martin Luther King's "I Have a Dream" speech. 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 Black people.
- 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 (<https://www.npr.org/2010/01/18/122701268/i-have-a-dream-speech-in-its-entirety>)
- [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-ChhHNzmw)
- [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 Group Guidelines](#), 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 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 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, Black people 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 Black people.

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 60 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.](#)

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 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 Black people. They were met with clubs and violence. Many were beaten and severely injured, including a young activist named John Lewis, who served 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, Black people 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

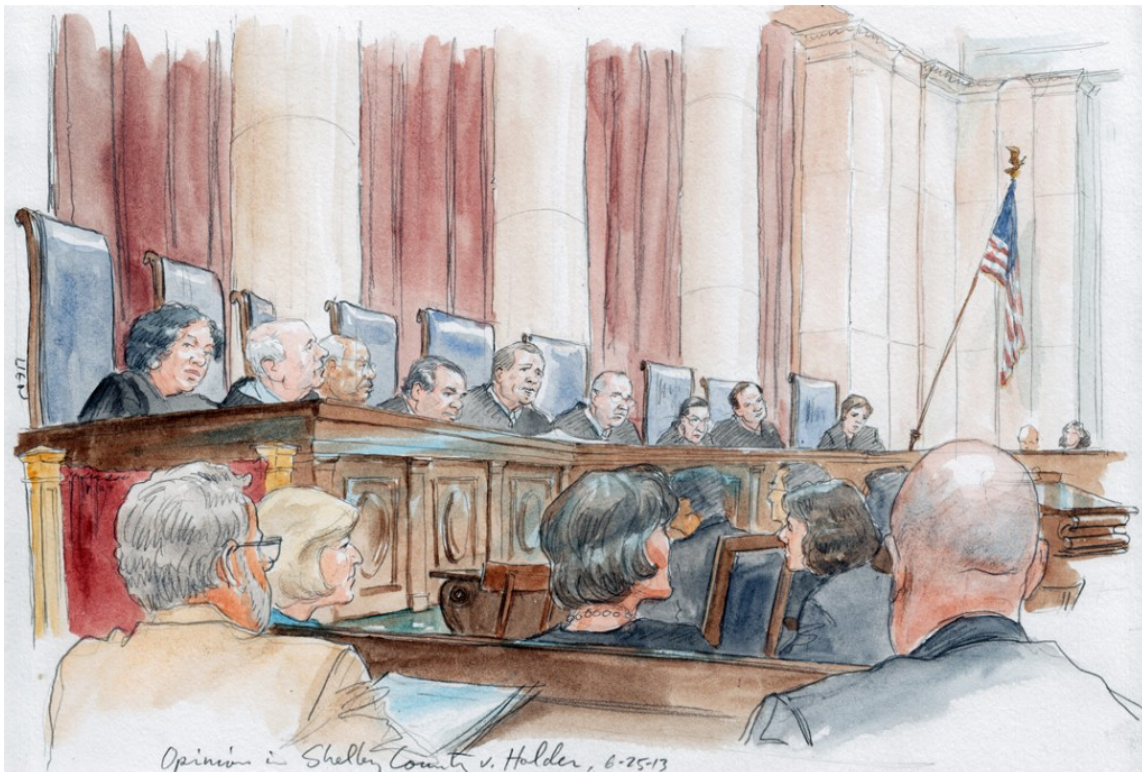
States Covered as a Whole	Applicable Date
Alabama	Nov. 1, 1964
Alaska	Nov. 1, 1972
Arizona	Nov. 1, 1972
Georgia	Nov. 1, 1964
Louisiana	Nov. 1, 1964
Mississippi	Nov. 1, 1964
South Carolina	Nov. 1, 1964
Texas	Nov. 1, 1972
Virginia	Nov. 1, 1964

Reprinted with permission from "Voting Rights Acts," The Leadership Conference, [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 Black people 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. Explain to students that 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 (2) Immigration reform and the Dream Act/United We Dream; and (3) marriage equality. 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

Cooper, Michael. "[After Supreme Court Ruling States Rush to Enact Voting Laws.](#)" *New York Times*, July 6, 2013.

Gaskins, Keesha, and Iyer, Sundee. [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.

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.

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

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

<https://shop.scholastic.com/teachers-ecommerce/teacher/subject/holidays-celebrations/martin-luther-king-jr-day.html>

Several books about Martin Luther King, Jr. Day.

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.

Smithsonian American Art Museum

<https://americanart.si.edu/education/oh-freedom/resources/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.

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.

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; <https://www.history.com/videos/voting-rights-bill>.