

“IT DOESN’T MATTER HOW YOU ANSWER”:

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Literacy Tests: Southern Style

by Jack H. Pollack

SINCE the Civil War most Southern states, at one time or another, have used economic pressures, white primaries, poll taxes, “grandfather clauses,” intimidation and even outright violence to keep the ballot from Negroes. It is now more than a generation since Mississippi Senator James K. Vardaman shamelessly shouted: “I am just as much opposed to Booker T. Washington as a voter with all his Anglo-Saxon re-enforcements as I am to the cocoanut-headed, chocolate-colored typical little coon who blacks my shoes every morning. Neither is fit to perform the supreme function of citizenship.” And long before Senator Bilbo’s widely ballyhooed campaign last year—“the best way to keep the nigger from voting is to see him the night before election”—the visible or implied warning sign at Southern polling places was: “Negroes, Vote at Your Own Risk.”

Should any of these threats and dodges fail to discourage persistent Negro ballot-seekers, Dixie voting officials have one trump card with which to disfranchise them. It is a tricky “literacy test,” which has been used increasingly of late against Negroes—and even some whites who are union members. Though not all Southern states use this artifice, most of them are legally authorized to do so by discriminatory amendments in their state constitutions. Some of the states which set forth literacy requirements for voters exempt Confederate veterans and their “lawful descendants.”

Before a Southern Negro is allowed to vote, he must often be “approved” by a (white) Board of Registrars, a Board which proves difficult to locate in many county areas. Some rural registrars even keep their registration books at their homes; and in Arlington County, Virginia—which is adjacent to our nation’s capital—at least one precinct’s registration place is situated in a white woman’s front parlor: the applicant

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will find a bellicose husband and a ferocious-looking police dog standing by during "registration." It takes an exceedingly brave Negro to brave these barriers.

Other registration places are in county courthouses, which Negroes also have trouble entering. A frequent ruse is not to furnish seats for Negro applicants in the Board of Registrars' office. In Mississippi, as the Bilbo hearings revealed, Negroes are often turned away for being "loaded with liquor" or for carrying an imaginary "concealed weapon."

After filling out the necessary forms—and paying their poll tax where it is required—white applicants are usually automatically approved. But Negroes, even after meeting all other requirements, must pass the "literacy test." The Southern quizmasters conducting them are given sweeping interrogatory powers by their respective state statutes.

For example, Mississippi law requires "a reasonable interpretation" of the Constitution by the would-be voter, and registrars have made the most of this loophole. Clifford R. Fields, a 62-year-old Natchez registrar and a white primary diehard, confessed: "I asked Negroes to read sections of the Constitution of the state of Mississippi where it explains the re-election of the Governor. I did not require it of whites."

"Do you think it fair to make it harder for a colored person to vote than a white person?" Republican Senator Bridges asked.

"Yes, I think so," replied Fields.

Another Mississippi registrar, circuit clerk D. P. Gayden of Rankin County, testified: "No, sir, I don't keep any qualified Negroes from voting. I know my duty under the law." Asked why in that event only a handful of Negroes were registered in his county, he smilingly explained: "They just don't try to qualify."

II

Despite the opposition of liberal Governor Folsom, Alabama took a long step backward in November 1946 when it passed the Boswell Amendment, requiring voting applicants to "understand and explain" any section of the U. S. Constitution *to the satisfaction* of the Board of Registrars. Outgoing Gov-

ernor Sparks confided that this tightening of voting requirements would "prevent a flood of Negro registration."

Named after its author, State Representative E. C. Boswell of Geneva, the Boswell Amendment was an attempt to circumvent a 1944 Supreme Court decision which had ruled the Texas white primary unconstitutional. Ex-Governor Frank H. Dixon stumped the state for it crying, "We face the elimination of our segregation laws, zoning laws . . . we will see our children in mixed schools, our legislature with Negro minorities, our juries of mixed races—should we fail to pass the Boswell Amendment." State Democratic Committee Chairman Gessner McCorvey was quoted by the Associated Press as asking that "only properly qualified persons register."

Designed to keep the crucial Democratic primary predominantly white and to get around the Supreme Court ruling, the Boswell Amendment requires the prospective voter to be a Constitutional authority. He must be able not only to read, write and interpret but also "understand and explain the Constitution" as well as be "of good character," and understand "the duties and obligations of good citizenship." Under the Boswell Amendment, as Stetson Kennedy (the author of *Southern Exposure*) pointed out, "the machine-appointed registrars might conceivably go so far as to deny registration to Alabama's Supreme Court Justice Hugo Black on the grounds that he did not 'understand and explain' the Constitution to their satisfaction, or was not of 'good character' or did not 'understand the duties and obligations of good citizenship.'"

Illustrative of the mentality which sponsored the Boswell law is the statement of Roy Harris, political mentor of Gene and Herman Talmadge: "If our system is held unconstitutional, we will change the law at the next session of the legislature—by only a period or comma. If the Supreme Court invalidates that law, too, then we will rewrite it again for the next primary. That will go on *ad infinitum*."

Voting in Alabama has never been easy for Negroes. During the 1946 primary election—several months before the Boswell Amendment was enacted—more than a hundred Birmingham Negro World War II veterans marched in double file to the Jefferson County Courthouse, to present their discharge papers as evidence of "literacy." The vast majority was

rejected. Among those turned down were Negro officers, many with high school and college training, property owners and operators of successful businesses. They were asked such questions as: "What kind of government have we?"; "How is a Congressman elected?"; "What must a political party do to win?"

Though the building's façade bore an inscription quoted from Jefferson, proclaiming "equal and exact justice to all men," veteran after veteran was disqualified for inability to "interpret" the Constitution to the Board's satisfaction. After trying to interpret it, they were told, "If you're registered, you'll hear from us. We're taking your application under advisement." In most cases, that was the last they heard.

The most common "question" used in Southern "literacy tests" is: "Read, repeat, or interpret the Federal or State Constitution." This question has been used so often that many Negro teachers are training their students to recite both constitutions parrot-like, until they know them letter-perfect. But as one Georgia official reflected, "Negroes can still be required to write the Constitution and then be disqualified if they leave out any commas."

Barred for years on these grounds, a South Carolina Negro decided to memorize the entire Federal and State Constitutions—with all the punctuation. Though he finally came to know both documents far better than his examiners, he was turned down because the registrar was permitted, under his broad powers, to insist that the Constitution be recited in Chinese.

However, one Alabama Negro college graduate reputedly upset the applecart. As Louis E. Burnham, secretary of the Southern Negro Youth Congress, tells the story, he was asked to recite the preamble to the Constitution. Clearing his throat and gathering his thoughts, he began, "Four score and seven years ago, our forefathers . . ."; and ended grandiloquently with ". . . government of the people, by the people and for the people shall not perish from the earth."

Stunned by the applicant's fluency, the three registrars exchanged incredulous glances. Finally, the chairman slapped his

thigh, hit the bull's-eye in the spittoon and exclaimed, "Dog-gone, if he don' know that there Constitution! Let's pass him, boys!"

III

Next to the Constitutional bogey, the most frequent trap "question" in Southern literacy tests is to translate—and spell correctly—obscure Latin phrases. A Negro veteran who recently tried to register in Jackson, Mississippi, was asked, "What is the meaning of *Itar, E. Quar Tum Entertia Ventricular?*" Shortly afterwards, another Negro was asked, "What does a writ of *Certiorari, Writ Error Coraim Nobis, Subpoena Duces Tecum* mean?"

The richest Negro in Mississippi, according to Walter Winchell, is Dr. S. D. Redmond of Jackson, who reveals that registrars reject Negro applicants for not properly answering such "intelligent questions" as "Boy, what's the meaning of *delicut status quo rendum butt?*"

If the bewildered applicant ponders the phrase, the registrar continues: "Maybe that's too hard for you. Here's an easy one. If the angle plus the hypotenuse equals the subdivided of the fraction, then how many children did your mother miss having?" Should the applicant by some miracle answer this successfully, the registrar will snap: "Boy, since you're so smart, tell me what's going to happen to you if you don't get the hell out of here!"

During the Bilbo hearings in Mississippi, a stream of Negro war veterans testified that they were barred from voting by such questions as "What is a writ of habeas corpus?" and "What is an *ex post facto* law?" A Jackson Negro attempting to register was greeted with: "Now let's see whether you're up on your civics. What does *ipso facto* mean?"

"That means I don't vote," replied the Negro, departing.

Another Jackson Negro, Herman L. Caston, testified that while he was pondering a "question" about slavery, he was told, "It doesn't matter how you answer, it still won't be satisfactory to me." A Louisville, Mississippi, Negro, John L. Hatchorn, though deemed eligible, was advised: "Take it easy, boy. You're not gonna vote in this here election." Of the

350,000 Mississippi Negroes eligible, only about 3000 were allowed to register—and even that small number made some whites uneasy.

Reverend C. M. Eiland, a 52-year-old Mississippi Negro Baptist minister testified with almost classic understatement: “My father was a slave, and when he was freed, bought property and paid taxes. I have paid taxes for 25 years. I’ve never been arrested or in any kind of trouble. I sort of feel that as a citizen, I ought to have the right to vote.”

In Alabama, during the 1944 registration, George S. Mitchell of the Southern Regional Council was given circumstantial accounts of the questions Birmingham registrars asked of a Negro woman school teacher. One trick question was, “How many rooms does the White House have?” She was allowed to leave, looked it up and returned with the correct answer, but was still refused registration. Aubrey Williams, editor-publisher of the Montgomery, Alabama, *Southern Farmer* reports that some applicants have been asked, “How many *windows* does the White House have?”

But the prize Alabama story concerns Jessie L. Dennis, a decorated Negro war hero who was asked during last year’s Alabama primary: “What is the Government?” “The Government is the people,” he answered with classic simplicity.

His answer was counted wrong and he was told to apply at the next registration.

Even in North Carolina, perhaps the most progressive Southern state, where registrars are given five cents for every person registered, attempts are made to keep down the number of voters through “literacy” devices, especially in the rural areas. The state constitution requires that the applicant “satisfy” the registrar as to his eligibility. A group of Negro citizens in a small coastal town in Pamlico County wrote to secretary Mary Price of the Committee for North Carolina in Greensboro:

When eight of us went to register this is what happened. The man said we would have to read and write any parts of the Constitution and answer any question that he might ask. We said that we were prepared to do so. He then changed and said that he would have to appoint a day, call a judge and we would have to answer him to satisfaction. We asked him to set the date. He then changed and told us

to come back to the building in one and one-half hours. We returned at the hour named and he told us that each one would have to write five pages of the Constitution of the U.S. When we began to write, he left the room, after telling us beforehand that we would have to write before him. We had to write from Article I, Legislative Department (every word) to Treason, Sec. 3 under Art. III, Judicial Department. The white men who came with us stayed on the outside and made sport. Please help us. We want to try again to register.

Although ballot-seekers denied registration on "literacy" grounds can usually appeal to the courts, they rarely if ever do. Among other difficulties, the election is generally over before a decision can be rendered. Negro illiteracy in the South has been cut from 95 per cent in 1865 to 10 per cent in 1940, but you'd never know it from the enormous number of Negroes who have never been able to pass "literacy tests."

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