Supplementary Material

Chapter 8: The New Deal/Great Society Era—Democratic Rights/Voting

Lassiter v. Northampton County Bd. of Elections, 360 U.S. 45 (1959)

On June 22, 1957, Louise Lassiter attempted to register to vote in Northampton County, North Carolina. The local registrar rejected her application, citing a state law that declared, "[e]very person presenting himself for registration shall be able to read and write any section of the constitution of North Carolina in the English language." Lassiter brought a lawsuit asking the judges to declare the literacy test unconstitutional. After her claims were rejected by North Carolina courts, Lassiter appealed to the Supreme Court of the United States. Her appeal did not claim any racial discrimination in the administering of the literacy test, in part because the law in question was recently adopted. Instead, Lassiter claimed that voting was a fundamental right of citizenship and that states should not make distinctions between the literate and illiterate.

The Supreme Court by a unanimous vote sustained the North Carolina literacy test. Justice Douglas, the most liberal member of the court, declared in his opinion that states could take numerous factors into account when deciding who should vote. What explains this unanimity in 1959 on state power to restrict the franchise? Do you believe the New Dealers on the Court favored literacy tests or that they sincerely believed that states had the constitutional power to impose literacy tests? As you read the voting rights cases decided during the 1960s, ask yourself whether Lassiter *would have come out the same way if decided in 1968. If not, why not?*

JUSTICE DOUGLAS delivered the opinion of the Court.

. . .

. . . [The] issue of discrimination in the actual operation of the ballot laws of North Carolina has not been framed in the issues presented for the state court litigation. . . . So we do not reach it. But we mention it in passing so that it may be clear that nothing we say or do here will prejudice appellant in tendering that issue in the federal proceedings which await the termination of this state court litigation.

. . .

The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, . . . absent of course the discrimination which the Constitution condemns. . . . [W]hile the right of suffrage is established and guaranteed by the Constitution, it is subject to the imposition of state standards which are not discriminatory and which do not contravene any restriction that Congress acting pursuant to its constitutional powers, has imposed. . . .

We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record . . . . are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. . . .

Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the Fifteenth Amendment was designed to uproot. No such influence is charged here. . . .