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# PROTEST AND OPPORTUNITIES

The Political Outcomes of Social  
Movements



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As the NAACP began its organizational work in the Southern states during the mid-1940s, African American voter registration was only about three percent. That about one million African Americans registered to vote between 1940 and 1955 cannot be attributed solely to the NAACP, but must be seen as the joint result of numerous voter registration drives organized by local churches, trade unions, and other civil rights groups as well (Berg 2000: 273-274). The success of these voting drives depended at least partly on the returning servicemen, who after fighting for their country in the Second World War were determined to exercise their right to vote. White resistance against racial desegregation and voter registration significantly intensified after *Brown*, stifling the increase in African American voter registration between 1956 and 1962 (see figure 8).

Although the voter registration campaigns organized by the civil rights movement and the increase in voter registration in the early 1960s are well documented, conventional wisdom often credits only the Voting Rights Act of 1965 (VRA) for the increase (e.g. Canon 1999; Ginsberg et al. 1997; Rosenberg 1991; Schuman et al. 1997). There is indeed strong evidence that the activities of the civil rights movement, particularly the VEP, also had a significant independent effect on voter registration. The curve of registered black voters in the South (see figure 8) had already started to rise steeply after 1962 - three years before the VRA was passed. In addition to this descriptive evidence, Timpone (1995) used time-series analysis to assess the impact of the VRA in comparison to the VEP.

"Although the Civil Rights movement in general and the voter registration drives conducted by VEP in particular were met with great resistance, the data seem to suggest that these, along with the contention of the 1964 election, were ultimately more successful in increasing registration in the South than the VRA" (Ibid., 432).

However, Timpone also found that the VRA had the decisive impact in the three Southern states with the greatest resistance to voter registration - namely Mississippi, Louisiana, and Alabama (Ibid., 432-434). Most striking is the case of Mississippi, in which the rate of increase in voter registration after the VRA was 29 times greater than in the preceding years.

Unfortunately, the dramatic increases in African American voter registration did not swiftly translate into black office holding. "The major problem that faced the movement in the electoral arena after 1965 was not registering voters but electing Black candidates to office" (Andrews 1997: 804f.). After efforts to limit the franchise were made illegal, many Southern states responded with resistance plans to dilute the influence of the black vote (Timpone 1995). Typical tactics were the creation of multimember districts, the replacement of elected with appointed offices, and redistricting to weaken the concentration of African American voters. That these efforts have been fairly successful is depicted in table 5, which shows the very slow increase in black office holding and the under representation of African Americans in Southern state legislatures in 1985.

The most immediate cause for the missing link between voting and representation is that state legislative districts that are majority white in population are extremely unlikely to elect African American legislators (Grofman and Handley 1991; Handley and Grofman 1994). The gains in African American legislative representation came as the result of increases in the number of black majority districts and also due to the shift from multi-member to single-member districts (Handley and Grofman 1994). Grofman and Handley (1991) found that the increase in the number of black majority districts was caused by action and the threat of action under the VRA. To understand the effect of the VRA, it is helpful to consider its central parts, which are Sections 2 and 5:

"The former prohibits any state or political subdivision from imposing a voting practice that will deny or abridge the right of any citizen of the United States to vote on account of race or color. The latter was imposed only on covered jurisdictions with a history of past discrimination, which must submit

changes in any electoral process or mechanism to the federal government for approval" (Canon 1999: 63).

Initially, the VRA primarily sought to guarantee the right to vote rather than the right to effectively influence elections. However, in *Allen v. State Board of Elections* (1969), the Supreme Court used its power of statutory interpretation to significantly extend the breadth of Section 5 of the VRA. It made clear that the pre-clearance provisions were applicable to all - even minor - changes in the election laws of the covered states and not only to changes directly affecting registration and voting. The Justice Department made use of its new power and refused to pre-clear state legislative plans employing multimember districts, thus reducing or eliminating the use of multimember districts in the legislative chambers of Georgia, Louisiana, Mississippi, and South Carolina (Grofman and Handley 1991).