

AMENDMENT 55 RATIFIED

Amendment of Section 181.

SECTION 181

Persons qualified to register as electors—After January 1, 1903.

After the first day of January, nineteen hundred and three, the following persons, and no others, who, if their place of residence shall remain unchanged, will have, at the date of the next general election, the qualifications as to residence, prescribed in section 178 of this article, shall be qualified to register as electors provided they shall not be disqualified under section 182 of this Constitution: those who can read and write, understand and explain any article of the Constitution of the United States in the English language and who are physically unable to work and those who can read and write, understand and explain any article of the Constitution of the United States in the English language and who have worked or been regularly engaged in some lawful employment, business, or occupation, trade, or calling for the greater part of the twelve months next preceding the time they offer to register, including those who are unable to read and write if such inability is due solely to physical disability; provided, however, no persons shall be entitled to register as electors except those who are of good character and who understand the duties and obligations of good citizenship under a republican form of government.

Explanation

When the Boswell Amendment was approved by Alabama voters in 1946, few doubted its intent. Proposed by State Senator E. C. "Bud" Boswell and passed by the legislature in 1945, the law was designed "as a device for eliminating Negro applicants." It required that a prospective voter be able to "understand and explain" any section of the United States Constitution. The law was the reaction of Alabama white supremacists to a new era in civil rights that was taking place during and after World War II. Called by some "the forgotten era of civil rights," this period was a prelude to the Modern Civil Rights Movement. The key features of the period were intensified efforts by the National Association for the Advancement of Colored People (NAACP) against denials of the rights of blacks to vote and the support of NAACP activities by the United States Supreme Court. In 1944 the NAACP received its most notable success in this matter when the high court, in *Smith v. Allwright*, declared the white primary unconstitutional. The white primary was a disfranchisement device used by southern whites to ban blacks from voting in a state Democratic primary.

Alabama whites correctly interpreted this decision as a direct assault on its long tradition of keeping the power of the franchise from black Alabamians. Most blacks in the state had been robbed of the right to vote since the beginning of the twentieth century when Alabama passed its 1901 Constitution. Before that time, 100,000 blacks had voted, but the constitution reduced the number to just 3,700. One of the tools used to deny blacks

the right to vote was the white primary. The *Smith* decision forced the state to eliminate the measure or risk punitive action by the federal government.

The Boswell Amendment represented Alabama's attempts to prevent blacks from taking advantage of the elimination of the white primary. Many blacks had begun to exercise new voting rights, which they believed the removal of the white primary granted them. For example, in Montgomery E. D. Nixon organized activities in which blacks attempted to register to vote. The Amendment's supporters believed Boswell to be "the only means short of intimidation and violence by which the people of [Alabama could] preserve" their long-held political and social supremacy.

Blacks reacted immediately to the law. In 1946, after the Boswell amendment was passed, the NAACP's Birmingham and Mobile branches, operating through the state's Conference of Branches, initiated "Operation Suffrage," a program through which it sought to sponsor a test case against the measure. It carried out this plan in 1948. At the same time, a Mobile voting organization, the Voters and Veterans' League, began a separate suit against the law. The federal district court accepted both cases, but heard the Mobile case first. In 1949, in *Davis v. Schnell*, the court overturned the Boswell law, affirming that it violated the right of blacks to vote that was secured in the fifteenth amendment to the United States Constitution.

from: <http://www.alabamamoments.state.al.us/sec53det.html>