



Civil Rights: The Struggle for Political Equality Part I

To cheapen the lives of any group of men,
cheapens the lives of all men, even our own.

William Pickens



Difference between Civil Liberties and Civil Rights

- *Civil rights* are protective measures enacted by the government to ensure that all citizens are treated equally, while *civil liberties* limit a government's infringement upon the rights of its citizens.
- The Bill of Rights outlines *civil liberties*, such as freedom of speech, but *civil rights* are often defined by social movements and dilemmas.
- *Civil liberties* protect the rights of individuals from government interference.
- *Civil rights* are often aimed at protecting minority groups from being discriminated against by government and/or society.





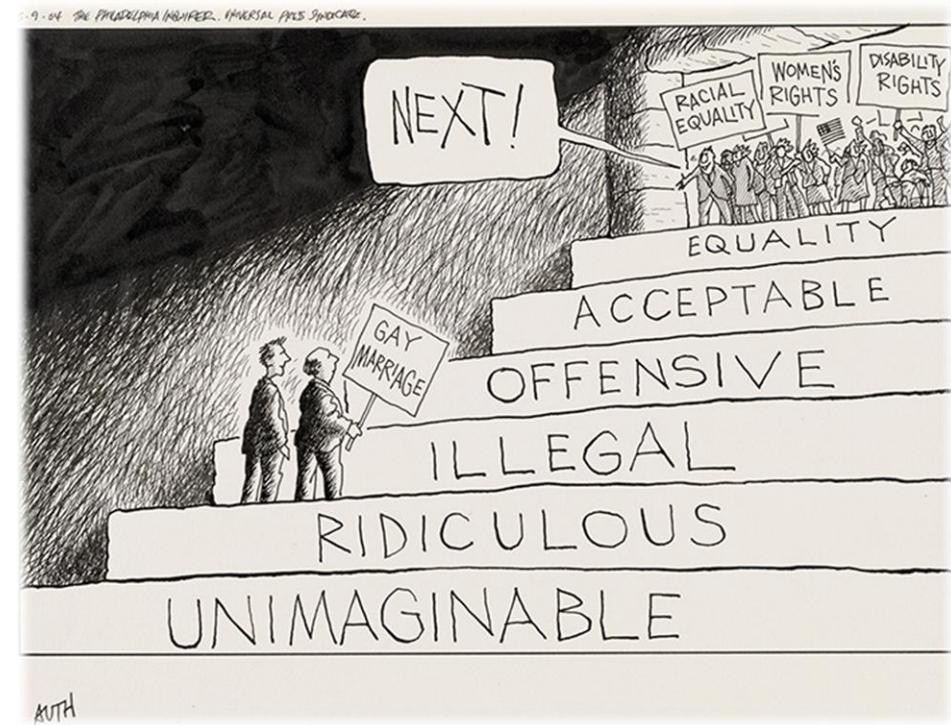
Civil Rights

- ...government guarantees of equality for people regarding
- judicial proceedings
- the exercise of political rights
- treatment of public officials
- access to an enjoyment of the benefits of government programs



Civil Rights

- ...government-protected rights of individuals from arbitrary or discriminatory treatment by governments or individuals based on categories such as
 - race
 - sex
 - national origin
 - age
 - religion
 - sexual orientation





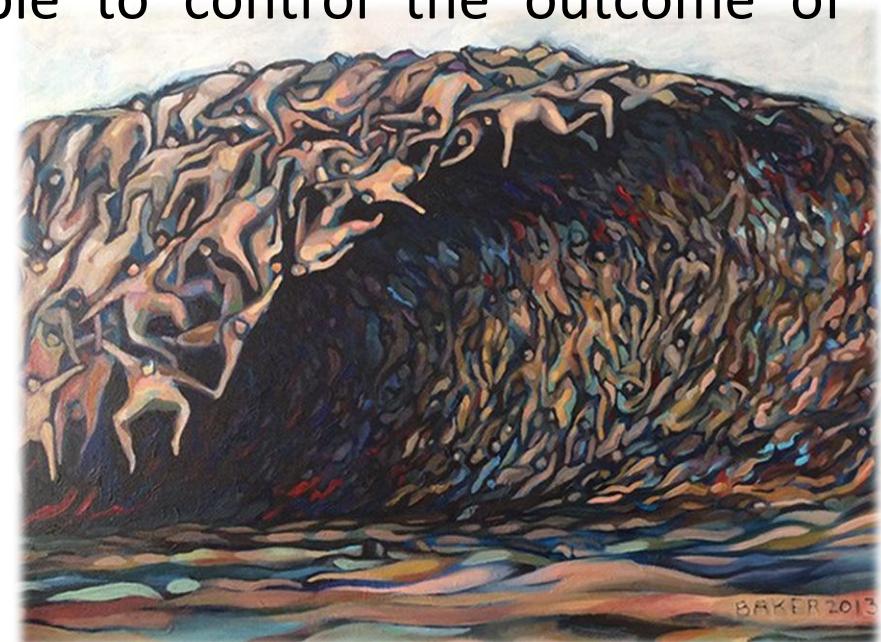
Origins of Civil Rights

- initial absence of civil rights
 - The word *equality* does not appear in the Constitution.
 - Americans in the late 18th and early 19th centuries seemed more interested in protecting individuals from government than in guaranteeing political rights through government.
- 14th amendment: *No state shall... deny to any person within its jurisdiction the equal protection of the laws.*
 - **equal protection clause:** embodies the general right to equal treatment under the law



Origins of Civil Rights

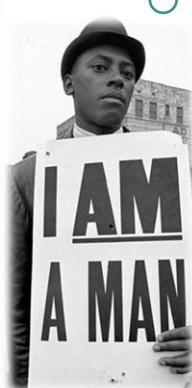
- Legal and cultural meaning of equal protection clause has changed over the years.
- Minority groups with grievances have mobilized in electoral politics and other venues.
- Minorities are seldom able to control the outcome of elections directly.
 - often kept from voting
 - resort to legal strategy





African American Civil Rights

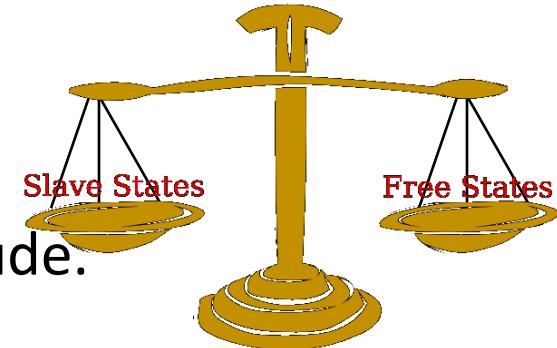
- Race-based slavery and the years of racial discrimination that followed laid the foundation for contemporary racial disparities in wealth, education, housing patterns and employment opportunities.
- In the South, African Americans lived in slavery with no rights at all.
- In many places outside the South, African Americans were treated in a demeaning and inferior manner.
 - *Dred Scott v. Sandford* (1857): Supreme Court ruled that Americans of African descent, whether free or slave, were not American citizens and could not sue in federal court.
 - Despite intimidation, many African Americans took an active role in fighting for their civil rights.





Slavery and Congress

- Congress banned the slave trade in 1808.
- 1820: Blacks made up 25% of the US population and were in the majority in some southern states.
- Westward expansion created conflict over the number of free vs. slave states.
- 1820 Missouri Compromise
 - Prohibited slavery above 36th degree latitude.
 - Missouri entered as a slave state.
 - Maine carved out of Massachusetts to become a free state and maintain balance.





American Anti-Slavery Society

- ...William Lloyd Garrison founded in 1833 with Arthur Tappan
- Frederick Douglass: escaped slave, key leader who often spoke at meetings
- more than 250,000 members
- agitated for immediate abolition for more than thirty years, published abolitionist materials, petitioned Congress, hosted anti-slavery meetings, events and lectures
- considered controversial and sometimes met with violence



American Anti-Slavery Society

- 1839: organization split over basic differences of approach
- Garrison and his followers more radical than other members: denounced US Constitution as supportive of slavery, against established religion, insisted on sharing organizational responsibility with women
- Garrison and Frederick Douglass left the Society.
- moderates: supported organized religion and traditional forms of governance, excluded women from leadership, thought abolitionists should enter politics as a distinct party





The 1850s: The Calm Before the Storm

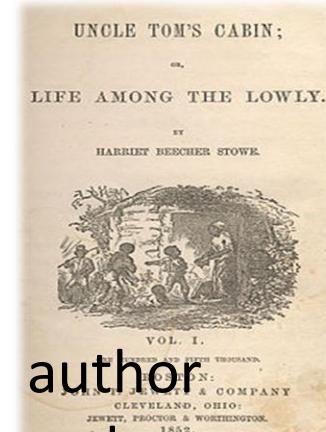
- **California Gold Rush:** began in 1848 and brought some 300,000 people to California ... reinvigorated the American economy
- **California Genocide:** 100,000 native Californians died between 1848 and 1868.
- Cities grew. Agriculture and ranching expanded throughout the state to meet the needs of the settlers. Roads, churches, schools and new towns were built. Railroads and telegraph increased mobility and communication.





The 1850s: The Calm Before the Storm

- The Gold Rush and the Civil War
 - slavery a defining issue in state's early years
 - a free state with many abolitionist settlers
 - black, native American and Hispanic slaves worked in the gold fields
 - volunteers fought for both North and South
 - gold financed North's war effort
- *Uncle Tom's Cabin*: anti-slavery novel by American author Harriet Beecher Stowe published in 1852 ... sold more than 300,000 copies (equal to 4 million today) ... helped fuel the abolitionist cause in the 1850s





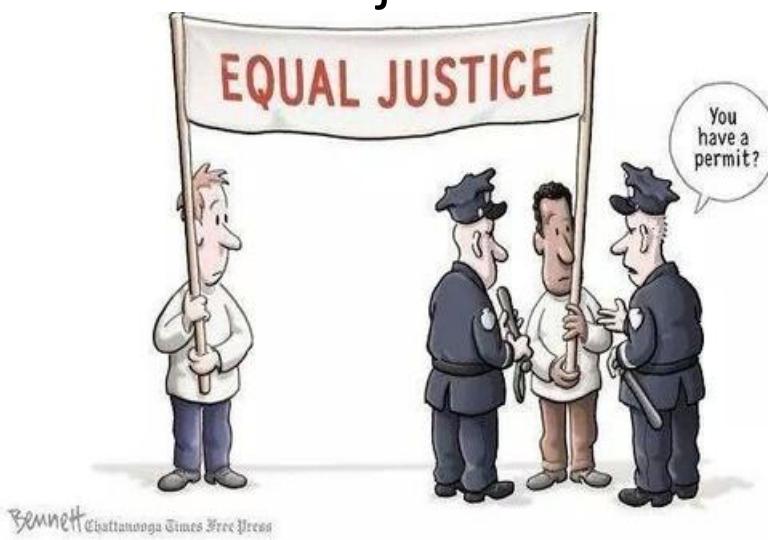
The Civil War Amendments

- ...adopted between 1865 and 1870, the five years immediately following the Civil War ... also called the Reconstruction Amendments
- **13th amendment:** slavery outlawed ... Ratified by Southern states as a condition of their readmission to the Union after the war.
 - South used **black codes** (restrictive laws that applied to newly-freed slaves, but not to whites) to restrict opportunities for newly-freed slaves.
- **14th amendment:** reversed *Dred Scott* decision ... privileges and immunities clause ... equal protection clause
- **15th amendment:** right to vote guaranteed for African-American men



The Civil War Amendments

- **Jim Crow segregation:** Enacted by southern states, these laws discriminated against blacks by creating whites-only schools, theaters, hotels and other public accommodations.
- **Civil Rights Act of 1866:** gave citizens *of every race and color...the same right...to full and equal benefit of all laws ... imposed on southern states during Reconstruction* (period after Civil War when southern states were subject to a national military presence)





Conflict Over African American Civil Rights

- Many southern whites resented Reconstruction policies and resisted with violence.
- Klansmen (KKK): burnings and lynchings
 - Whites became targets if they helped Republicans or blacks.
 - 1870-1871: Congress passed the **Force Acts** and temporarily succeeded in disbanding the Klan.





Conflict Over African American Civil Rights

- The *Slaughterhouse Cases* (1873) and the 14th amendment
 - ...held that the privileges and immunities clause protects only the rights of people as citizens of the US
 - ...does not provide protection against abuses by state government
 - *Equal protection* soon lost all practical meaning.
- **Civil Rights Act of 1875:** guaranteed African Americans equal treatment in public accommodations and public transportation, and prohibited exclusion from jury service





Conflict Over African American Civil Rights

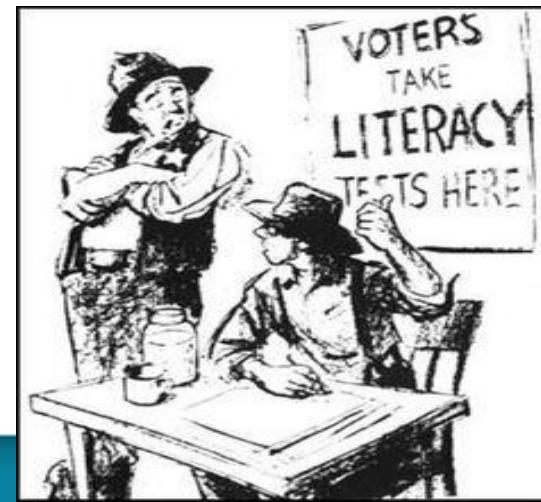
- Close election of 1876 brought Reconstruction to an end.
- Republican Rutherford B. Hayes claimed victory.
- The outcome depended on vote counts reported by several Southern states. Some votes may have been fraudulent.
- compromise: Republicans got the presidency and the South ended Reconstruction.





Conflict Over African American Civil Rights

- 15th amendment did not guarantee suffrage. It simply said that states could not deny anyone the right to vote due to race or color.
- Southerners had to avoid the intent of the 15th amendment.
- Voting guarantees of the 15th amendment were rendered ineffective by a variety of devices to prevent African Americans from voting in the former states of the Confederacy.





Conflict Over African American Civil Rights

- devices to prevent African Americans from voting in the former states of the Confederacy
- **poll tax**: fee that one must pay in order to be allowed to vote
- **grandfather clause**: racially restrictive provision of certain Southern laws after Reconstruction that permitted a man to vote if his father or grandfather voted before Civil War
- **white primary**: primary election held by the Democratic Party after Reconstruction that excluded nonwhites from participation in many Southern states
- **literacy tests**



Selected Items from the Alabama Literacy Test

These 10 questions are part of the 68-question Alabama Literacy Test used to decide on the eligibility of voters in that state. The test and others like it were declared illegal by the 1965 Voting Rights Act. Most white voters who were unable to pass this or similar tests in the states of the Deep South were protected by a "grandfather clause" allowing people to vote whose grandfathers had done so.

1. A person appointed to the U.S. Supreme Court is appointed for a term of _____.
2. If a person is indicted for a crime, name two rights which he has.
3. Cases tried before a court of law are of what two types: civil and _____.
4. If no candidate for president receives a majority of the electoral vote, who decides who will become president?
5. If no person receives a majority of the electoral vote, the vice president is chosen by the Senate. True or False?
6. If an effort to impeach the President of the United States is made, who presides at the trial?
7. If the two houses of Congress do not agree to adjournment, who sets the time?
8. A president elected in November takes office the following year on what date?
9. Of the original thirteen states, the one with the largest representation in the first Congress was _____.
10. The Constitution limits the size of the District of Columbia to _____.

Answers (1) Good behavior; life; (2) Jury trial, protection against self-incrimination, right to counsel, speedy trial, protection against excessive bail; (3) Criminal; (4) the House of Representatives; (5) true; (6) though not stipulated in the Constitution, the House has always limited to its Judiciary Committee to manage the impeachment process; (7) the President; (8) January 20; (9) Virginia; (10) not to exceed 10 miles square.



Conflict Over African American Civil Rights

- **Civil Rights Cases** (1883): 5 cases involving the Civil Rights Act of 1875 ... declared the Act unconstitutional ... Supreme Court ruled that discrimination in a variety of public accommodations (theaters, hotels and railroads) could not be prohibited by the act because it was private, not state, discrimination ... moral reinforcement for the Jim Crow system
- **state action doctrine**: rule stating that only the actions of state and local governments, not those of private individuals, must conform to the equal protection clause



Conflict Over African American Civil Rights

- *Plessy v. Ferguson* (1896): upheld the rights of states to pass laws allowing or even requiring racial segregation in public and private institutions such as schools, public transportation, restrooms and restaurants
- *separate but equal doctrine*: held that the equal protection clause was not violated by the fact of state-mandated racial segregation alone, *provided that the separate facilities were equal*

**Separate – but equal?
Yes or no?**





The Push for African American Equality, 1890-1954

- Progressive Era (1890-1920)
 - effort to reform political, economic and social affairs
 - Child labor, monopolies of economic power, limited suffrage, political corruption, prejudice were targets.
 - Between 1900 and 1910, African Americans in more than two dozen cities took part in organized boycotts of segregated streetcars.





Founding of the NAACP

- 1909: conference to discuss problem of emerging race riots
- Group of educated African Americans focused on the injustices suffered by African Americans.
- Oswald Garrison Villard, publisher of the *New York Evening Post*, and WEB Dubois, sociologist and founder of the Niagara Movement, formed *National Association for the Advancement of Colored People*.
- civil rights organization that relied heavily on **legal strategy** to pursue its objectives ... first efforts had been to lobby Congress to pass a law against lynching but failed



Litigating for African American Equality

- The legal case against segregation was gradually developed by the NAACP but became effective only when black voters gained more clout.
- 1930s: NAACP created separate legal defense fund and launched full-scale challenge in federal courts.
 - focused on *Plessy* decision
 - Supreme Court: more emphasis on individual freedoms and personal liberties than on civil rights





Litigating for African American Equality

- Supreme Court: more emphasis on individual freedoms and personal liberties than on civil rights
- *Missouri ex rel. Gaines v. Canada* (1938): States that provided a school to white students had to provide in-state education to blacks as well. States could satisfy this requirement by allowing blacks and whites to attend the same school or creating a second school for blacks.
- *Smith v. Allwright* (1944): banned the white primary
- *Shelly v. Kramer* (1948): state enforcement of restrictive housing covenants declared unconstitutional



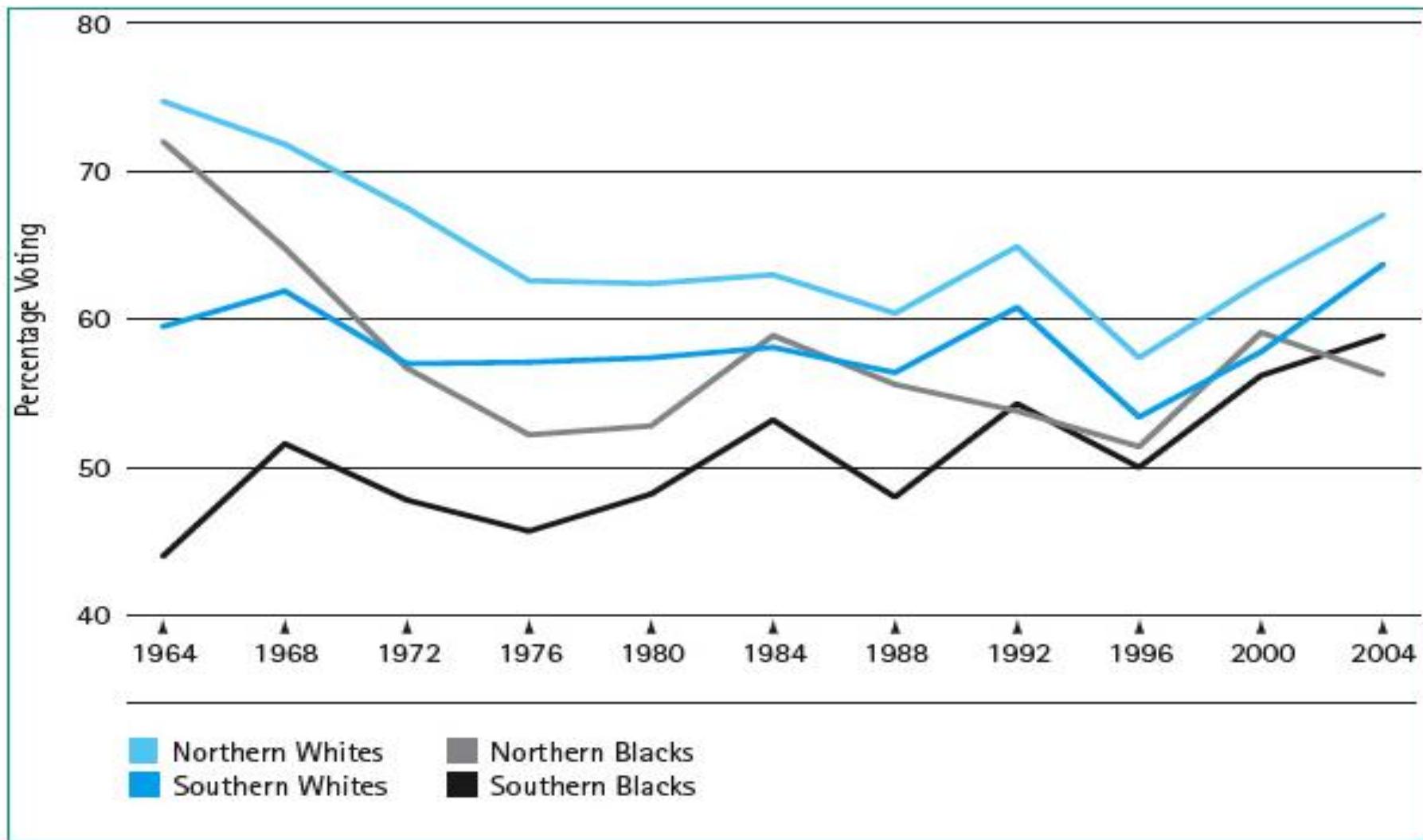
African American Electoral Power

- Significant gains in dismantling segregation took effect only after African Americans gained electoral clout. How?
 - They moved in large numbers from southern states, where they could not vote, to northern states, where they could.
- By 1945, two African Americans held seats in the House of Representatives:
 - William Dawson, Chicago
 - Adam Clayton Powell, New York
- Helped Truman win presidency in 1948.
 - Black voters in key states made a difference.
 - Truman delivered a strong civil rights message.





Changes in Participation in Presidential Elections by Region





Brown v. Board of Education

- From mid-1950s to the early 1970s, the status of African Americans changed dramatically through legal victories and popular mobilization.
- *Brown v. Board of Education* (1954): held that school segregation is inherently unconstitutional because it violates the 14th amendment's guarantee of equal protection
 - among the most important decisions Supreme Court has made ... marked the end of legal segregation in the US
 - **suspect classification**: categorization of a particular group that will be closely scrutinized by the courts to see whether its use is unconstitutional ... concept now a standard tool used by courts to adjudicate civil rights cases
 - But how would *Brown* be interpreted and implemented?



Brown v. Board of Education

- school desegregation to proceed with *all deliberate speed*
- Little Rock Central High School: confrontation between state and national government
- *Cooper v. Aaron* (1958): held that the states were bound by the Court's decisions and must enforce them even if the states disagreed with them ... landmark unanimous decision ... *No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.*

What part of
"separate-but-equal is not equal"
doesn't the State of Arkansas
understand?



The
"not"
part.





Brown v. Board of Education

- *Brown* energized civil rights activists around the country.
 - large impact on young people and church leaders
 - new organizations: CORE, SNCC, SCLC
- **Rosa Parks** challenged segregated bus system. Was arrested for violating Alabama law banning integration of public facilities, including buses.
- initiated boycott of buses
- **Martin Luther King, Jr.**, a new 26-year old minister, selected to lead the newly formed Montgomery Improvement Association.

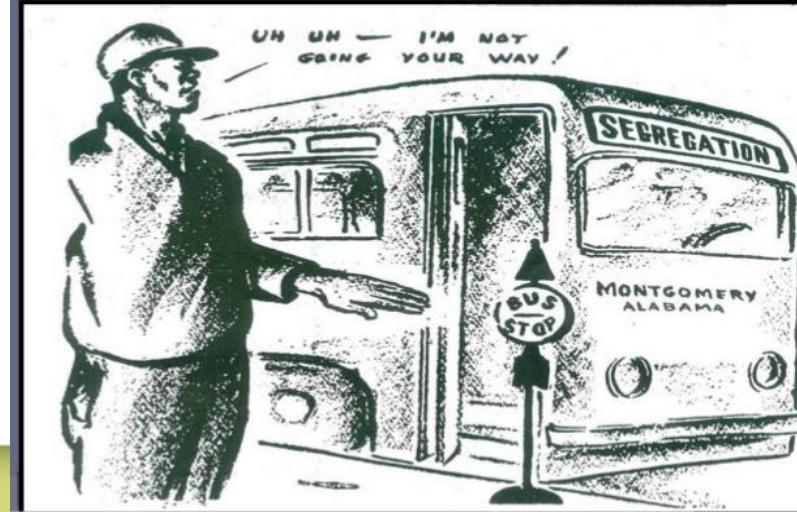




The African American Civil Rights Movement

- Montgomery officials and businesses began to harass African Americans.
- Court ordered that city buses must integrate.
- emergence of nonviolent protest in civil rights movement
- increased voter registration

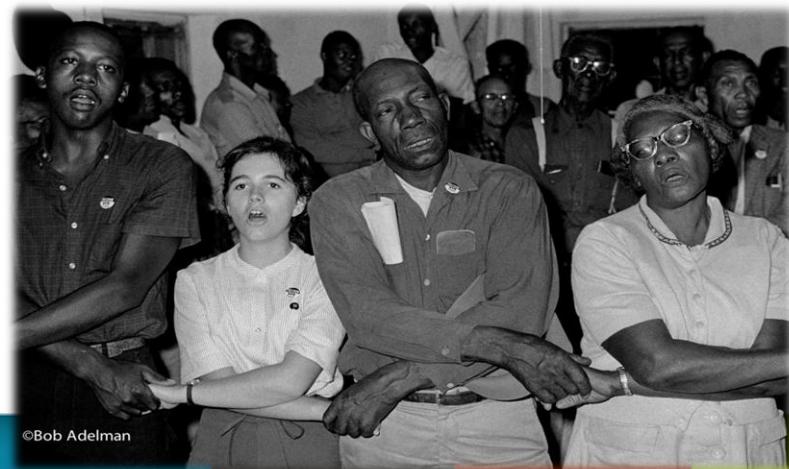
Montgomery Bus Boycott





Formation of New African American Groups

- The Congress of Racial Equality (CORE): civil rights organization that played a pivotal role for African Americans ... founded in 1942 ... stated mission was *to bring about equality for all people regardless of race, creed, sex, age, disability, sexual orientation, religion or ethnic background* ... group's inspiration was Mahatma Gandhi's teachings of non-violent resistance ... in southern states, opposed Jim Crow segregation and job discrimination, and fought for voting rights





Formation of New African American Groups

- Martin Luther King Jr. launched the **Southern Christian Leadership Conference** (SCLC) in 1957.
 - southern base, rooted closely in black religious culture
 - importance of nonviolent protest and civil disobedience
- **Student Nonviolent Coordinating Committee** (SNCC)
 - offshoot of SCLC, but more of a grassroots organization and perceived as more radical
 - **freedom riders**: Civil rights activists who rode interstate buses into the segregated South from 1961 on to challenge non-enforcement of Supreme Court decisions *Irene Morgan v. Commonwealth of Virginia* (1946) and *Boynton v. Virginia* (1960), which ruled that segregated public buses were unconstitutional.





Civil Rights Act of 1964

- leading up to the legislation...
- **Southern Manifesto:** document written in 1956, in the US Congress, in opposition to racial integration of public places as a counter to *Brown* ... signed by 101 politicians from 11 southern states
- Kennedy requested legislation banning discrimination in public accommodations.
- March on Washington led by King ...
I Have a Dream speech





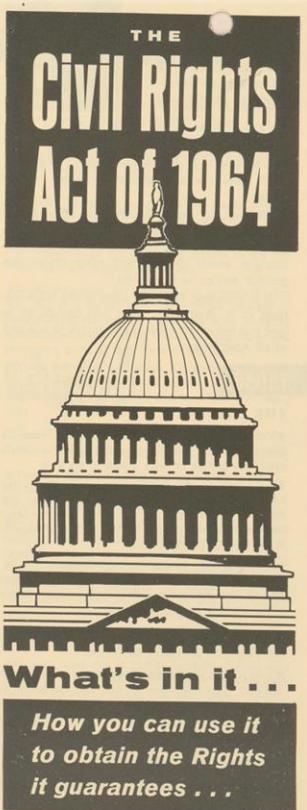
Civil Rights Act of 1964



- leading up to the legislation...
- Kennedy assassinated.
- Lyndon Johnson, southern-born VP, put civil rights on top of his agenda as new president.
- opposition from Strom Thurmond - longest filibuster in history of Senate (8 weeks)
- **filibuster**: procedure where debate over a proposed piece of legislation is extended, allowing one or more members to delay or entirely prevent a vote on the proposal ... sometimes referred to as *talking a bill to death* ... a form of obstruction in Congress
- public opinion began to change, including southern attitudes



Civil Rights Act of 1964



- ... nation's premier civil rights legislation
- outlawed discrimination on the basis of race, color, religion, sex or national origin
- required equal access to public places and employment
- prohibited racial segregation in schools, employment and public accommodations
- prohibited unequal application of voter registration requirements
- enforced the right to vote



Civil Rights Act of 1964

- once passed...
- Outlawed arbitrary discrimination in voter registration and expedited voting rights lawsuits.
- Barred discrimination in public accommodations engaged in interstate commerce.
- Authorized Department of Justice to initiate lawsuits to desegregate public facilities and schools.



Civil Rights Act of 1964

- once passed...
- Provided for withholding of federal funds from discriminatory state and local programs.
- Prohibited discrimination in employment on grounds of race, color, religion, national origin or sex.
- Created Equal Employment Opportunity Commission (EEOC) to monitor and enforce bans on employment discrimination.





Impact of the Civil Rights Act of 1964

- Lawsuits quickly emerged to challenge the act but Supreme Court upheld its constitutionality.
- **education:** Supreme Court ruled that all state-imposed segregation (*de jure* discrimination) must be eliminated at once.
- **employment**
 - Title VII prohibits discrimination in workplace.
 - notion of **business necessity:** legal concept that can be used to justify an employer's decision to use employment criteria that disproportionately affects a particular group, based on the assumption that company has a legitimate reason to do so due to the needs of the business



continued in Civil Rights: The Struggle for Political Equality Part II