



Civil Rights: The Struggle for Political Equality Part IV

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

William Pickens



Hispanic American Civil Rights

- Hispanic American civil rights embody the overall social and economic integration of Hispanics into US society.
- Hispanic Americans come from a variety of places throughout Latin America, including Cuba, Mexico, Colombia, the Dominican Republic, Puerto Rico, El Salvador, etc. Hispanic Americans are primarily an ethnic group, not a racial group.
- Spanish conquistadors were the first to explore the Americas and settle the New World and there has been an Hispanic presence in America since the 16th century.





Hispanic American Civil Rights

- The Hispanic American civil rights movement, though perhaps not as dramatic as the African American civil rights movement, responded to an urgent need within the Hispanic American community.
- The 1960s saw a wave of social revolution hitting America. The **Chicano movement**, also known as the Mexican civil rights movement, focused on granting Hispanics the same benefits as Anglo Americans.
- The movement was driven by the *Americanization* of Hispanic youth and the segregation they experienced in schools.





Hispanic American Civil Rights

- the Chicano movement
 - The movement first developed after WWII, mainly with returning Hispanic American veterans, and launched itself into mainstream thinking in the 1960s.
 - The movement worked to dispel ethnic stereotypes of Hispanics and to enforce a sense of pride and cultural heritage within the Hispanic American community.
 - The Chicano movement addressed discrimination, exploitation and awareness of the historical background of Hispanic Americans.





Hispanic American Civil Rights Timeline

- 1903: CA Mexican and Japanese farm workers organized the first farm worker union, the **Japanese-Mexican Labor Association** (JMLA) ... first union to win a strike against the CA agricultural industry
- 1911: First large convention of Mexicans to organize against social injustice, *El Primer Congreso Mexicanista*, met in Laredo TX.
- 1912: New Mexico entered union as an officially *bilingual* state.
- 1914: CO militia attacked striking coal miners in what became known as the **Ludlow Massacre**. 50 Mexican Americans killed, including 11 children and 3 women.



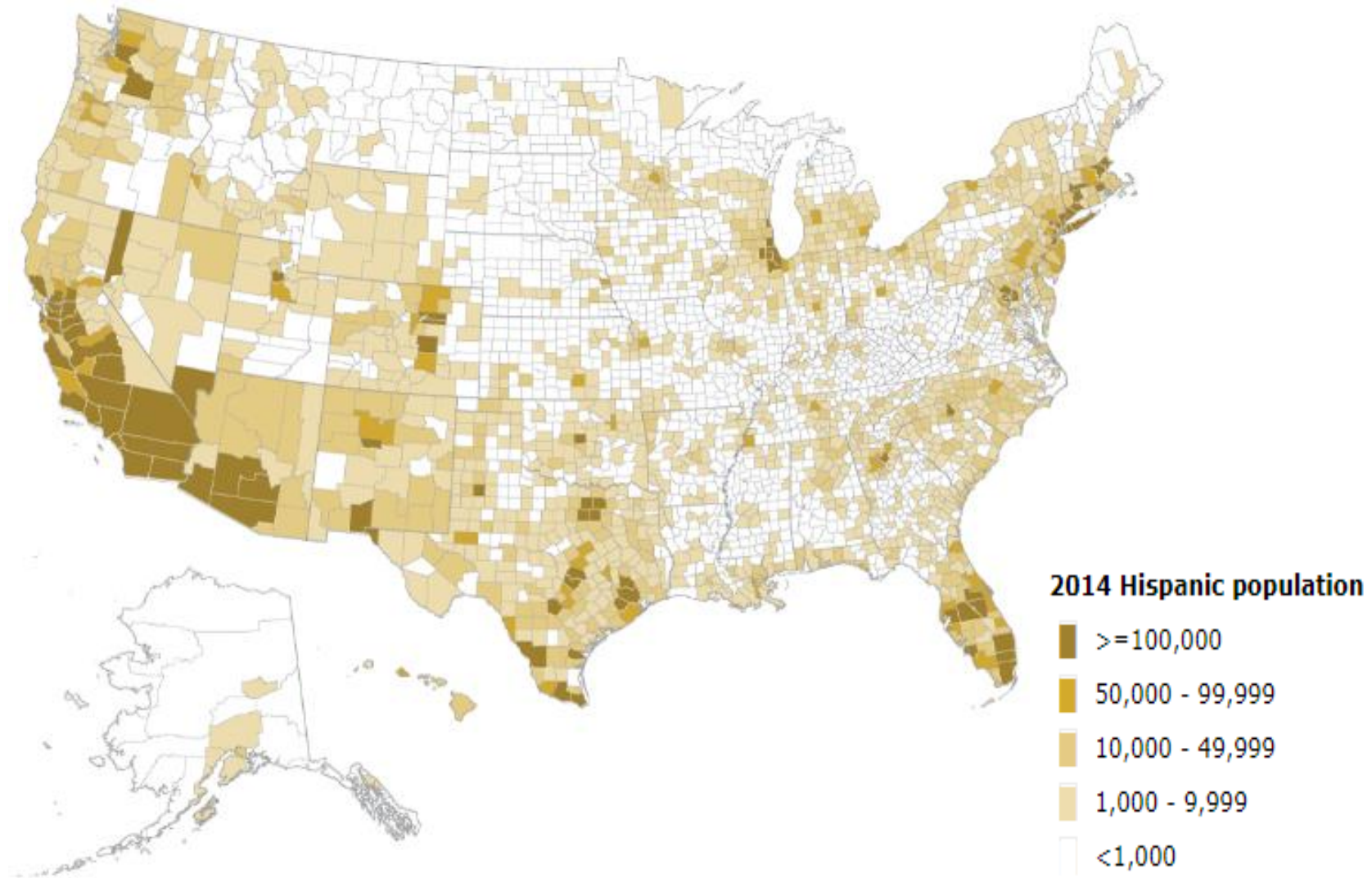
Hispanic American Civil Rights Timeline

- 1917: Factories in war-related industries needed more workers, as Americans left for war. Latinos from the Southwest **began moving north** in large numbers for the first time.
- 1917: **Jones Act** granted citizenship to Puerto Ricans, who had been under US military rule since the end of the Spanish-American War.
- 1921: San Antonio's *Orden Hijos de América* (**Order of the Sons of America**) organized Latino workers to raise awareness of civil rights issues and fight for fair wages, education and housing.
- 1921: **Immigration Act** restricted entry of southern and eastern Europeans. Agricultural businesses successfully opposed efforts to limit immigration of Mexicans.





Mapping the Hispanic American Population





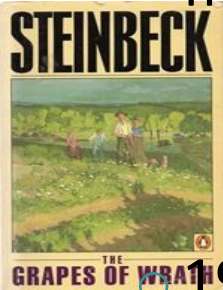
Hispanic American Civil Rights Timeline

- 1927: LA *Confederación de Uniones Obreras Mexicanas* ([Federation of Mexican Workers Union](#)) became first large-scale effort to organize and consolidate Mexican workers.
- 1929: Latino service organizations merged to form [League of United Latin American Citizens](#) (LULAC) ... group organized against discrimination and segregation, and promoted education among Latinos ... largest and longest-lasting Latino civil rights group in the country
- 1933: CA Latino unions led [El Monte Strike](#), largest agricultural strike at that point, to protest declining wage rate for strawberry pickers. Wages dropped to 9¢ an hour. Growers agreed to a settlement including a wage increase to 20¢ an hour (\$1.50 for a 9-hour day).



Hispanic American Civil Rights Timeline

- 1938: *El Congreso del Pueblo de Habla Española* ([The Spanish-Speaking Peoples Congress](#)) held its first conference in LA ... first national effort to bring together Latino workers from different backgrounds: Cubans and Spaniards from FL, Puerto Ricans from NY, Mexicans and Mexican Americans from southwest



- 1939: Steinbeck's *The Grapes of Wrath* called attention to plight of migrant workers in CA grape-growing industry.
- 1942-1964: [Bracero Program](#) allowed millions of Mexican citizens to work temporarily in US, with grower support as a source of low-cost labor. Some called the program *legalized slavery*.



Hispanic American Civil Rights Timeline

- 1942: Hundreds of thousands of Latinos served in the US armed forces during WWII.
- 1943: Zoot Suit Riots in LA ... For 10 nights, US sailors cruised Mexican American neighborhoods in search of zoot-suiters (young Mexican teens dressed in baggy pants and long-tailed coats), dragging them into the street, tearing their clothes off and beating them.
- 1948: Returning Latino veterans organized the American GI Forum in TX to combat discrimination and improve the status of Latinos.
- 1953-1958: Operation Wetback ... US Immigration Service arrested and deported more than 3.8 million Latin Americans, including many US citizens.





Hispanic American Civil Rights Timeline

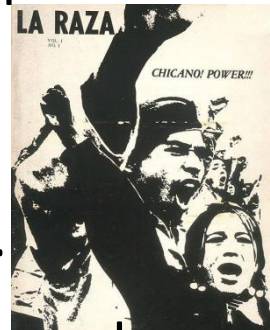


- 1965 Cesar Chavez and Dolores Huerta founded the United Farm Workers association, largest and most important farm worker union in the nation. Chavez: *Non-violence is not inaction. It is not discussion. It is not for the timid or weak. Non-violence is hard work. It is the willingness to sacrifice. It is the patience to win.*
- 1965: UFW joined the Grape Boycott strike started by Filipino grape pickers, one of the most significant social justice movements for farm workers in US.
- 1968: LA Latino high school student walkout protested unequal treatment, routine punishments for speaking Spanish on school property, inability to use the bathroom during lunch, active discouragement from going to college ... subjected to police brutality, public ridicule, arrest



Hispanic American Civil Rights Timeline

- 1968: Mexican American Legal Defense and Educational Fund ... first legal fund to pursue protection of the civil rights of Mexican Americans
- 1970: US Department of Health, Education and Welfare memorandum said students cannot be denied access to educational programs because of an inability to speak English.
- 1972: La Raza Unida Party founded in TX ... Latino and Hispanic communities formalized their political activism.
- 1974: Equal Educational Opportunity Act made bilingual education more widely available in public schools.





Hispanic American Civil Rights Timeline

- 1974: [Southwest Voter Registration Education Project](#), first major Latino voter registration organization, registered more than two million Latino voters in the first 20 years.
- 1975: Congress expanded [US Voting Rights Act](#) to require language assistance at polling stations. Led to increasing political representation of Latinos in US politics.
- 1986: [Immigration Reform and Control Act \(IRCA\)](#) provided legalization for certain undocumented workers, including agricultural workers. Made it illegal for employers to hire undocumented workers.
- 1995: [CA Proposition 187](#) prevented undocumented immigrants from obtaining public services like education and health care. Subsequently ruled unconstitutional.



Hispanic American Civil Rights Timeline

- 2004: The **Minuteman Project** (anti-immigrant activists) gained widespread press coverage. Immigrant rights supporters conducted counter-rallies in public opposition to Project's tactics and beliefs.
- 2006: Immigrants, mostly Latinos, and their allies launched **massive demonstrations** in cities and towns across the country in support of immigrant rights and to protest the growing resentment toward undocumented workers.

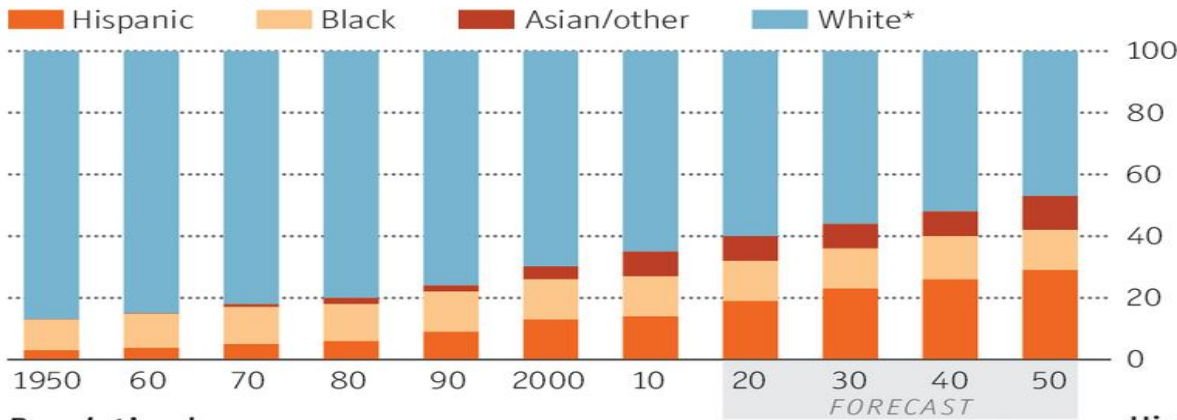


- 2006: first **Day Without Immigrants** ... Hundreds of thousands of Latino immigrants and others boycotted work, school and shopping to symbolize important contributions immigrants make to American economy.

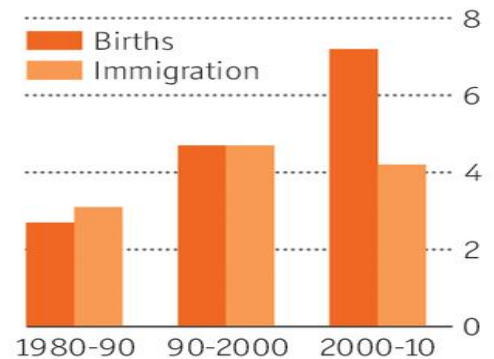


Hispanic American Population Statistics

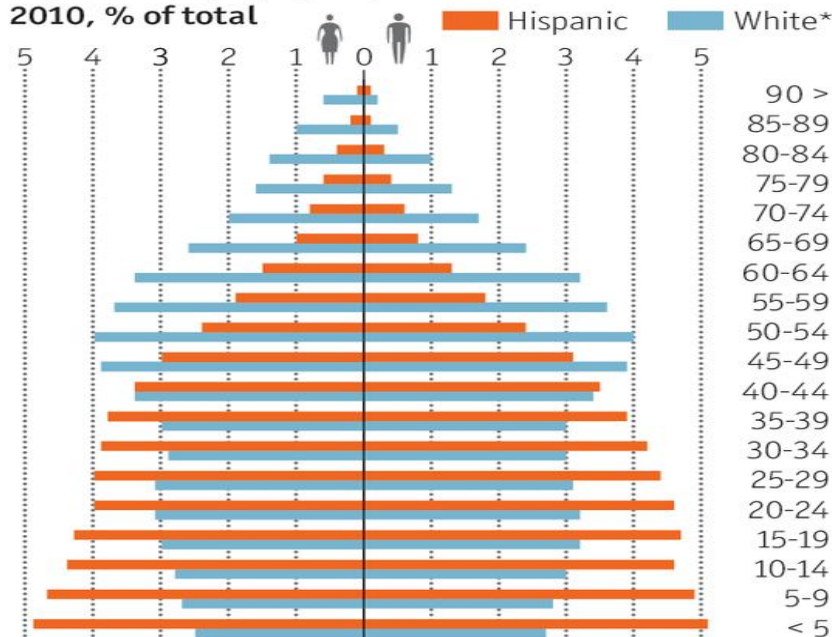
America's racial/ethnic composition, %



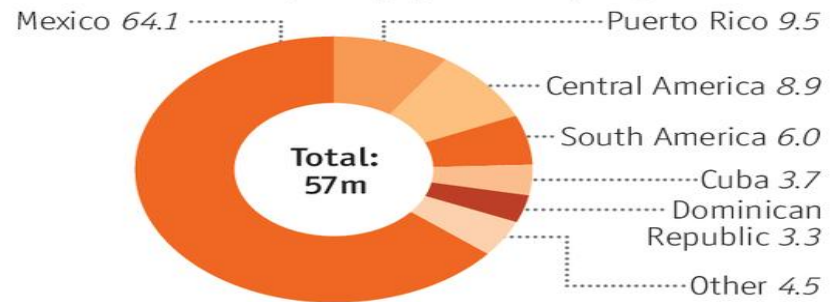
Growth of Mexican-American population, m



Population by age group 2010, % of total



Hispanic population by origin, 2013, %



Hispanic-American purchasing power is equivalent to the world's **16th** largest country

Nearly **1m** US-born Hispanics reach voting age annually

Median wealth[†] of households **\$7,683**

Hispanic **\$7,683**



White* households **\$110,500**



*Non-Hispanic
†2011

Sources: Pew Research Centre; US Census Bureau; "Latino Boom II" by Chiqui Cartagena; "Latino America" by Matt Barreto and Gary Segura



Court Response to Hispanic American Civil Rights

- *Mendez v. Westminster* (1945): held segregation of Latino students in separate CA schools violated children's constitutional rights ... an important precedent for *Brown v. Board of Education* (1954)
- *Hernandez v. Texas* (1954): first post-WWII Latino civil rights case ... struck down discrimination based on class/ethnic distinctions and established that protection granted by 14th amendment covered all racial groups
- *Allen v. State Board of Elections* (1969): prohibited discriminatory alterations in voting and registration systems ... Voting Rights Act is aimed at the subtle, as well as the obvious, state regulations which have the effect of denying citizens their right to vote because of their race.





Court Response to Hispanic American Civil Rights

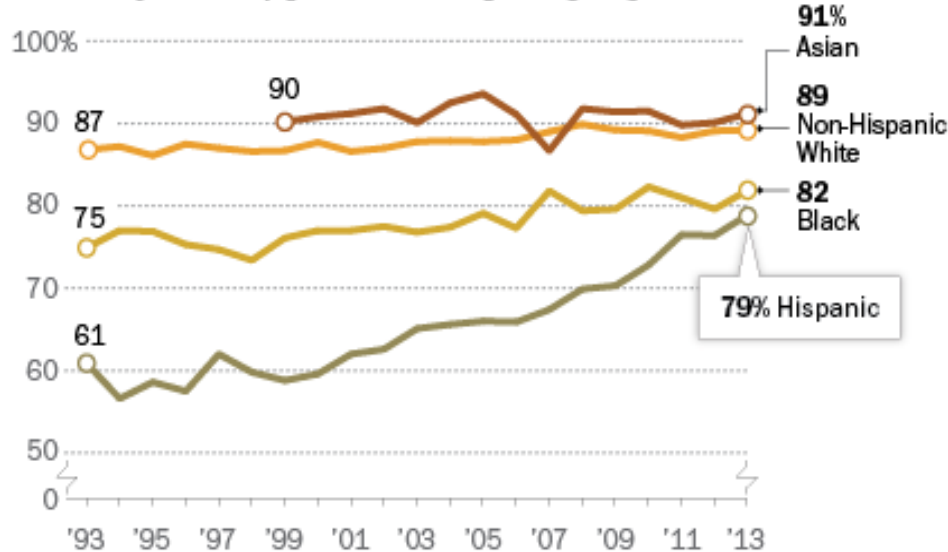
- *Graham v. Richardson* (1971): aliens pay taxes and contribute to pool of money from which welfare benefits are drawn, thus welfare benefit restrictions violate equal protection clause ... *To classify state residents solely based on alienage is inherently questionable, because aliens constitute a minority, separate from the rest of the population.*
- *Espinoza v. Farah Manufacturing Company* (1973): an employer's refusal to hire a person because he is not a US citizen does *not* constitute employment discrimination on the basis of national origin
- *Lau v. Nichols* (1974): the lack of supplemental language instruction in public school for students with limited English proficiency violates Civil Rights Act of 1964 ... School district must provide students with appropriate relief.



Hispanic American Education Statistics

High School Completion Rate Among Hispanics Reaches Record High

Percent of 18-to 24-year-olds completing high school

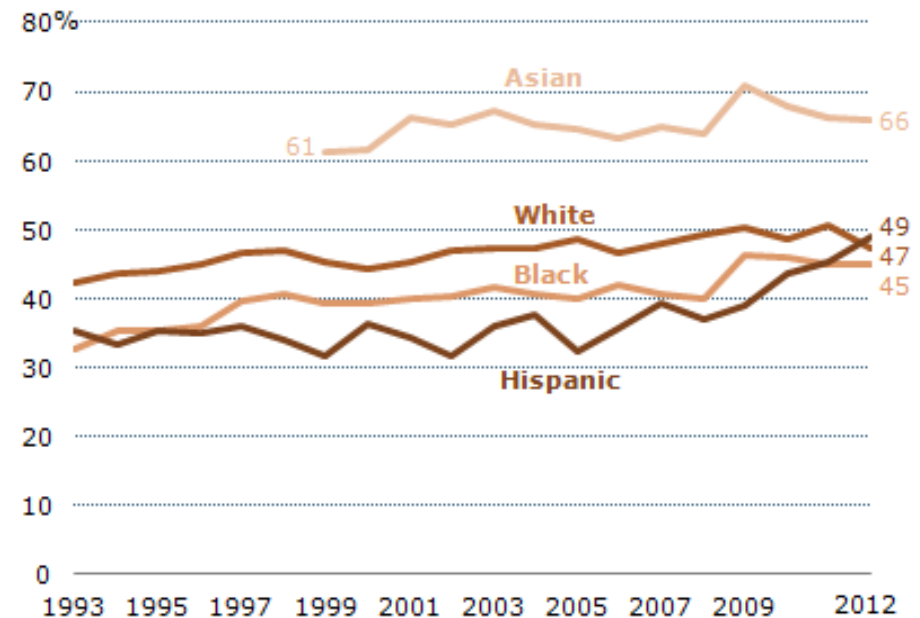


Notes: The rate shown refers to the share of 18-to 24-year-olds who have a high school diploma or its equivalent (GED). Black and Asian include the Hispanic portion of those groups. White includes only non-Hispanic whites.

Source: U.S. Census Bureau October Current Population Survey

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College Enrollment Rates among 18- to 24-Year-Old High School Completers, by Race and Ethnicity



Notes: "White" includes only non-Hispanic whites. Starting in 2003, respondents could identify more than one race. The figures for 2003 onward refer to the white-, black- and Asian-alone populations. The data shown prior to 2003 consists of those identifying themselves as "Asian or Pacific Islanders."

Source: Pew Research Center analysis of the CPS Historical School Enrollment Time Series Table A-5a (<http://www.census.gov/hhes/school/data/cps/historical/index.html>)

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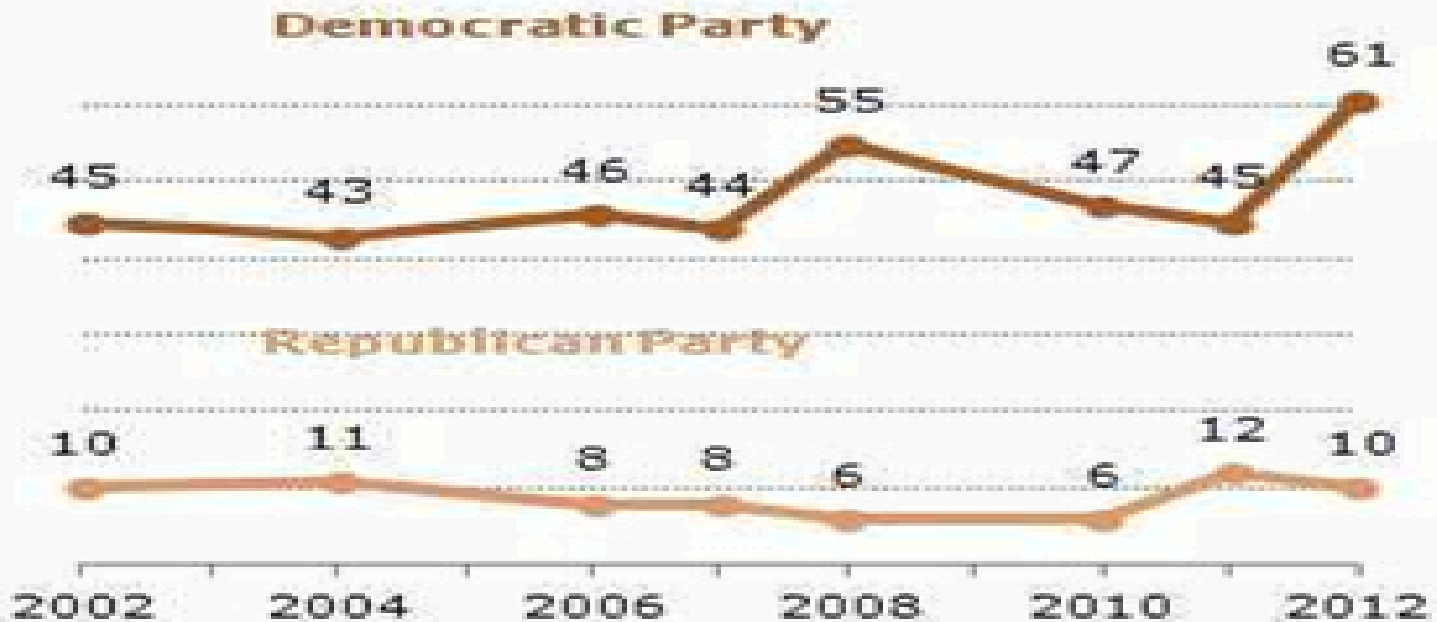
Contemporary Hispanic American Civil Rights Issues

- The Hispanic American civil rights movement expanded voting rights and political opportunities. (But see *The Return of Voting Restrictions* in Part II.)
- has gradually attained significant economic, political and social success over time ... but still not equality
- largest minority in US but is only now beginning to exercise its influence
- Parties have begun to actively court the Latino vote.





Latino Voters Say Democratic Party Has More Concern for Latinos



Notes: For the upper panel, N=903, 2012 National Survey of Latinos; voluntary responses of "Other candidate," "Will not vote," and "Don't know" and "Refused" are not shown. Results for 2008 from national exit polls. For the lower panel, voluntary responses of "No difference," "Don't know" and "Refused" are not shown.

Source: For 2012: Pew Hispanic Center, 2012 National Survey of Latinos; for 2008, National Election Pool National Exit Poll ([Lopez, 2008](#))



Native American Cultures

- The Native American civilizations are unique in that they developed in isolation from the other civilizations.
- insulated from a wider field of competition and stimulus ... in the long run this is unlikely to be an advantage
- Isolated communities don't develop resistance to disease.
- Technological progress in human civilizations don't follow a set pattern. A society may be advanced in some areas and primitive in others. Isolation precludes shared technological advances.





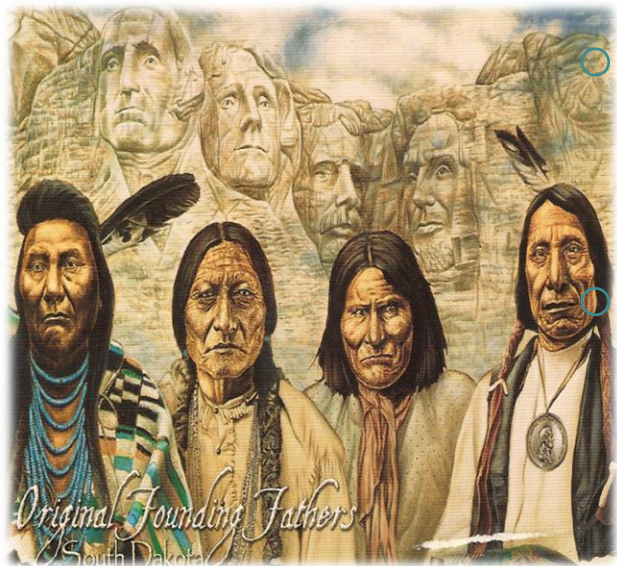
Native American Genocide?

- From early 1500s through 20th century, indigenous peoples of the Americas have experienced massacres, torture, terror, sexual abuse, systematic military occupations, removal from their ancestral territories, forced removal of Native American children to military-like boarding schools, allotment and a policy of termination.
- Not a crime but a tragedy, involving an irreconcilable collision of cultures and values ... New Americans, convinced of their cultural and racial superiority, were unwilling to grant original inhabitants the vast preserve of land required by the Indians' way of life.
- Apparent that the shared history is one framed by the dual tragedies of genocide and slavery, both of which are part of the legacy of the European invasions.



Native American Civil Rights

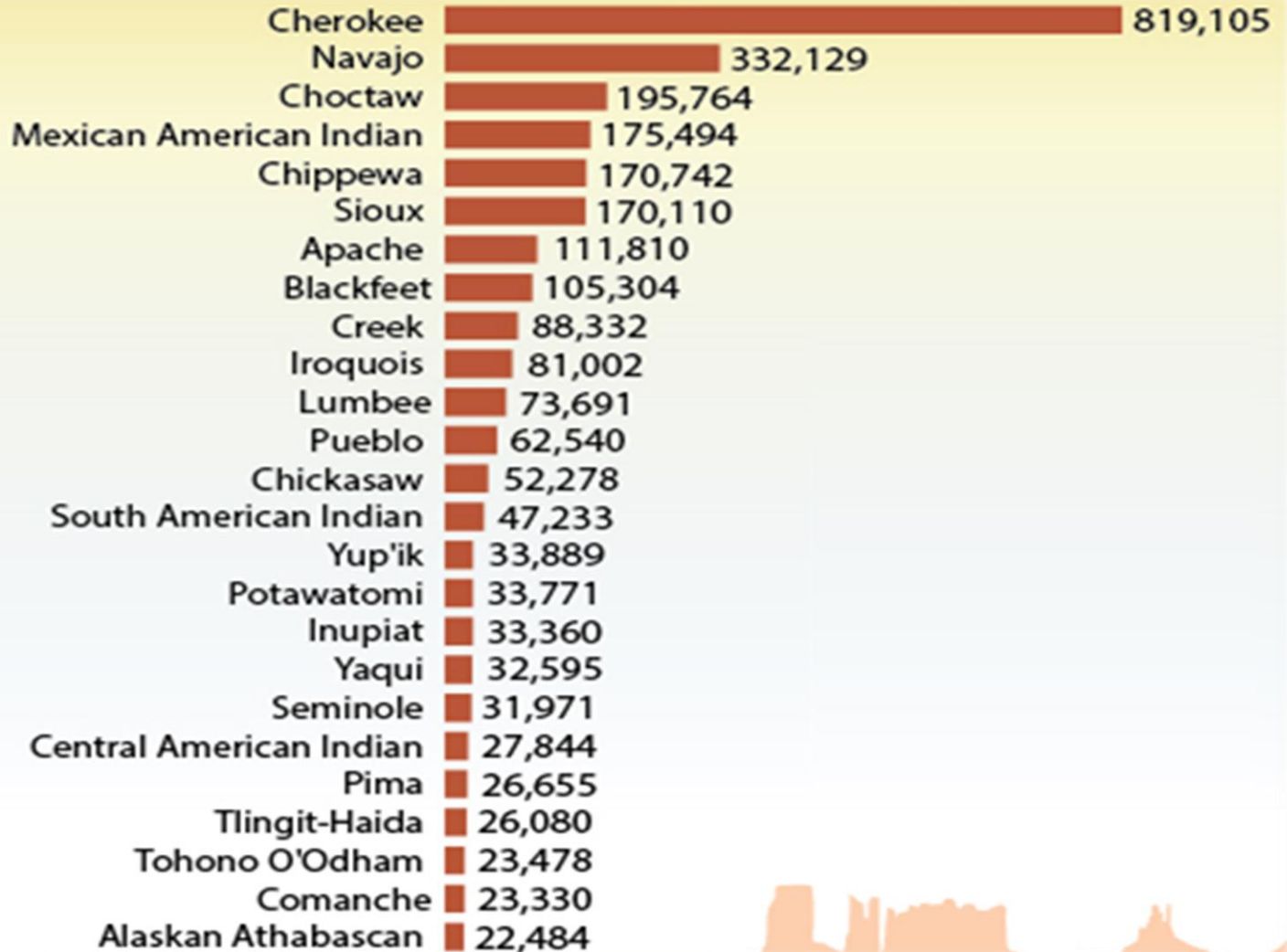
- home to estimated 10 to 16 million people ... hundreds of native tribes whose ancestors had been on the continent for at least 10,000 years



- Diseases from Europe decimated native peoples ... had no natural immunity to contagions like smallpox and measles.
- New settlers and the natives warred over territory and resources as whites embraced what they saw as **Manifest Destiny** to expand westward over the continent.
- As early as 1787, the new US government began a series of promises to Native Americans to guarantee them safety, sovereignty, resources and their homelands. The government seldom kept the promises.



Largest Tribal Groupings among Native Americans





Native American Civil Rights

- **Indian Removal Act (1830)**: resulted in the forced removal of the *Five Civilized Tribes* (Cherokee, Chickasaw, Creek, Seminole and Choctaw) from the southeastern US to Indian Territory in Oklahoma
- 1838: Cherokee Nation was forcibly relocated from Georgia to Oklahoma. During the journey, 4,000 Cherokees died on what came to be called **The Trail of Tears**.
- Many Native American children were shipped away to white boarding schools.
- Many families were relocated into growing urban areas.

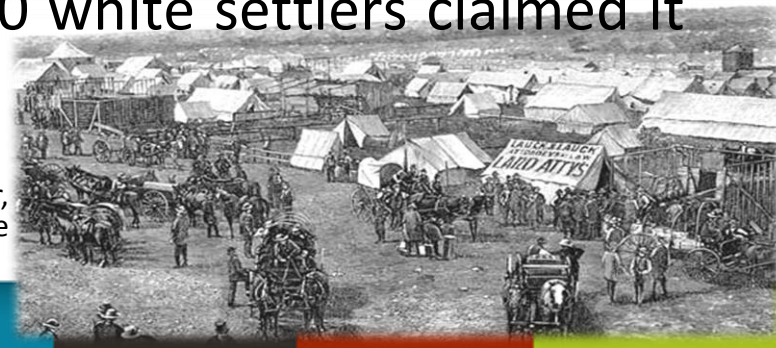




Native American Civil Rights

- Up until 1871, US had established treaties with different Native American tribes, recognized as independent nations. **Indian Appropriations Act** said that tribes were no longer considered nations and previous treaties with tribes were no longer valid.
- **Dawes/General Allotment Act** (1887): broke up land of most tribes into parcels to be distributed to Indian families ... any parcels remaining were auctioned off to white purchasers ... Indians who accepted a parcel and *became civilized* became American citizens ... disastrous for Indians, much tribal land was lost, cultural traditions destroyed ... when government made 2 million acres available in OK, 50,000 white settlers claimed it all in one day

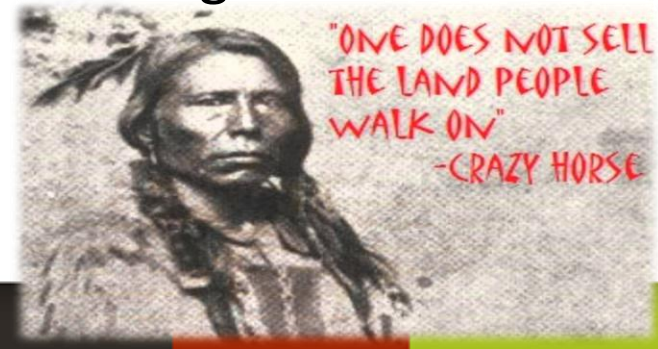
White settlers assembled at OK border, preparing to stake claims on land made available by the Dawes Act.





Native American Civil Rights

- Not legally US citizens until 1924, when Congress enacted the **Indian Citizenship Act** after 10,000 Native Americans had served in the military during WWI. Also meant Native Americans now subject to income tax and counted for US Congressional apportionment.
- Even as citizens, many continued to be barred from voting by state laws through the 1940s.
- **Indian Reorganization Act** (1934): reversed some of the issues with earlier laws and renewed the rights of the Indians to form their own governments





Native American Civil Rights

- The Native American civil rights movements sought to force the US to keep its promises to native peoples and to provide equal treatment and basic civil rights for Native Americans.



- **American Indian Movement** (AIM, 1968): advocacy group formed to address sovereignty, treaty issues, spirituality and leadership, while addressing incidents of police harassment and racism

- **Indian Civil Rights Act** (1968): granted Native Americans many civil rights ... guaranteed many of the same rights that are in the Bill of Rights such as free speech, a speedy and fair trial, the right to due process and a trial by jury, the right to an attorney, freedom of the press, and more ... This was an important law and a big step forward in the fight for Native American civil rights.



Native American Civil Rights

- Most rights in the Bill of Rights have been applied to members of tribes.
- **National Indian Education Association** (1969): formed to help improve the education of Native Americans
- **Duro Fix** (1990): recognized power of tribes to exercise criminal jurisdiction within reservations over all Indians, including non-members
- **US Commission on Civil Rights** (2003), bipartisan group set up by Congress, decried a *quiet crisis* for American Indians. They remain among the nation's poorest citizens with too little access to health care, education and economic opportunity, the Commission concluded, despite a *special relationship* of promises made to Indian nations through treaties and laws.



Native Americans and the US Government

- US government recognizes **562 tribal governments**, which have grassroots autonomy over many tribal affairs. Many operate casinos to generate income, fund school and health programs and work to preserve their traditional cultures.
- Most Indian land is held in trust by the US, and federal law still regulates the political and economic rights of tribal governments.

- In 1970s, Native American **self-determination** replaced Indian termination policy as official US policy toward Native Americans. Self-determination promoted the ability of tribes to self-govern and make decisions concerning their people.

Kiowa chief





US-Recognized Tribes



Alaskan tribes not shown



Native Americans and the US Government

- The idea that tribes have an **inherent right to govern themselves** is at the foundation of their constitutional status ... the power is not delegated by congressional acts. Congress can limit tribal sovereignty but unless a treaty or federal statute removes a power, the tribe is assumed to possess it.
- Tribal nations are characterized under US law as **domestic dependent nations**, a special relationship that creates a particular tension between rights retained via tribal sovereignty and rights that individual natives obtain as US citizens.



Native Americans and the US Government

- Governmental relations are governed by laws of Congress and treaties.
- Court treats them as binding.
- have certain rights and privileges not available to other groups
- Government maintains agencies to deal specifically with Native Americans, such as the [Bureau of Indian Affairs](#).





Native Americans and the US Government

- principles of US Indian law
 - territorial sovereignty: Tribal authority on Indian land is organic and is not granted by the states in which Indian lands are located.
 - plenary power doctrine: Congress, not the executive branch, has ultimate authority with regard to matters affecting Indian tribes. Courts give greater deference to Congress on Indian matters than on other subjects.
 - trust relationship: Government has a *duty to protect* the tribes, implying (courts have found) the necessary legislative and executive authorities to effect that duty.
- Native American Civil Rights Timeline



Court Response to Native American Civil Rights

- *Johnson v. M'Intosh* (1823): Private citizens could not purchase lands from Native Americans.
- *Cherokee Nation v. Georgia* (1831): held the Cherokee nation dependent, with a relationship to the US like that of a *ward to its guardian*
- *Worcester v. Georgia* (1832): laid out the relationship between tribes and the state and national governments, stating that the national government was the sole authority to deal with Indian nations





Court Response to Native American Civil Rights

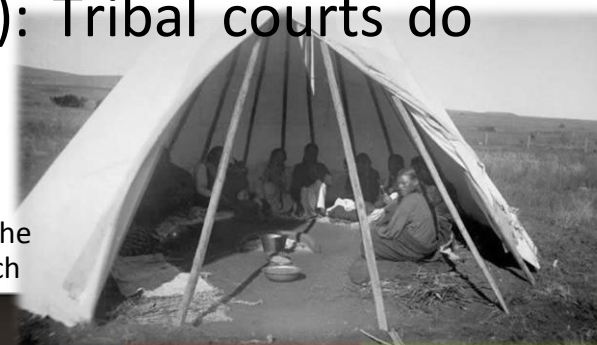
- *US v. Kagama* (1886): *The power of the general government over these remnants of a race once powerful ... is necessary to their protection as well as to the safety of those among whom they dwell. US government has the right and authority, instead of controlling them by treaties, to govern them by acts of Congress, they being within the geographical limit of the US. The Indians owe no allegiance to a state within which their reservation may be established, and the state gives them no protection.*
- *US v. Nice* (1916): Tribal relation may be dissolved and national guardianship brought to an end, but it rests with Congress to determine when and how this shall be done, and whether emancipation shall be complete or only partial.



Court Response to Native American Civil Rights

- *Iron Crow v. Oglala Sioux Tribe* (1956): Natives are not exempted from tribal justice system simply because they had been granted US citizenship.
- *Native American Church v. Navajo Tribal Council* (1959): First Amendment does not apply to Indian nations unless it is applied by Congress.
- *US v. Mazurie* (1975): Tribes are sovereign over tribal members and tribal land.
- *Oliphant v. Suquamish Indian Tribe* (1978): Tribal courts do not have jurisdiction over non-Indians.

Peyote Ceremony and the Native American Church





Court Response to Native American Civil Rights

- *Montana v US* (1981): Tribal nations possess inherent power over their internal affairs, and civil authority over non-members within tribal lands to the extent necessary to protect health, welfare, economic interests or political integrity of tribal nation.
- *Inyo County v. Paiute-Shoshone Indians* (2003) Tribal sovereignty may override the search and seizure powers of a state.
- Much Native American litigation has dealt with hunting, fishing, land rights, access to sacred places and religious freedom.



Contemporary Native American Civil Rights Issues

- There are many complex issues surrounding Native American civil rights. This is mostly because people that live on reservations are dual citizens. They are citizens of the United States, but also of a tribal nation. Current issues include...
- access to, control over, and integrity of sacred lands
- free exercise of religion in public correctional and educational institutions
- free exercise of religious and cultural practices prohibited by other realms of law: Controlled Substance Law, Endangered Species Law, Fish and Wildlife Law





Contemporary Native American Civil Rights Issues

- Current issues include...
 - repatriation of human remains held in museums and scientific institutions
 - repatriation of sacred objects/cultural patrimony in museums and scientific institutions
 - protection of sacred and other cultural knowledge from exploitation and unilateral appropriation





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