

# American Government and Politics Today

## Chapter 5 Civil Rights



## Civil Rights: Introduction

- Refer to those things that the government must do to provide equal protection and freedom from discrimination for all citizens.
- Traditionally, thought of as rooted in the Fourteenth Amendment to the Constitution.

## Civil Rights: Introduction (cont.)

- Early attempts at true protection were unsuccessful because the Supreme Court believed that it was not within its purview to stop non-governmental discrimination. Since the 1950s, the Court has enabled the government to offer broader protections to citizens' equality in social and economic life.

## 13<sup>th</sup> Amendment

- ★ Ratified in December, 1865.
- ★ *Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.*
- ★ *Congress shall have power to enforce this article by appropriate legislation.*

## Freedmen's Bureau (1865)



- ★ Bureau of Refugees, Freedmen, and Abandoned Lands.
- ★ Many former northern abolitionists risked their lives to help southern freedmen.
- ★ Called "**carpetbaggers**" by white southern Democrats.

## Freedmen's Bureau Seen Through Southern Eyes

*Plenty to eat and nothing to do.*



## Freedmen's Bureau School



## Mississippi Black Codes 1865

The Civil Rights of Freedmen in Mississippi

Section 1. Be it enacted by the legislature of the State of Mississippi, That all freedmen, free Negroes, and mulattoes may sue and be sued, implead and be impleaded in all the courts of law and equity of this state, and may acquire personal property and choses in action, by descent or purchase, any may dispose of the same, in the same manner, and to the same extent that white persons may: Provided that the provisions of this section shall not be so construed as to allow any freedman, free Negro, or mulatto to rent or lease any lands or tenements, except in incorporated town or cities in which places the corporate authorities shall control the same.

Sec. 2. Be it further enacted, That all freedmen, free Negroes, and mulattoes may intermarry with each other, in the same manner and under the same regulations that are provided by law for white persons: Provided, that the clerk of probate shall keep separate records of the same.

Sec. 3. Be it further enacted, That all freedmen, free Negroes, and mulattoes, who do now and have heretofore lived and cohabited together as husband and wife shall be taken and held in law as legally married, and the issue shall be taken and held as legitimate for all purposes. That it shall not be lawful for any freedman, free Negro, or mulatto to intermarry with any white person; nor for any white person to intermarry with any freedman, free Negro, or mulatto; any person who shall so intermarry shall be deemed guilty of felony and, on conviction thereof, shall be confined in the state penitentiary for life; and those shall be deemed freedmen, free Negroes, and mulattoes who are of pure Negro blood, and those descended from a Negro to the third generation inclusive, though one ancestor of each generation may have been a white person.

Sec. 4. Be it further enacted, That in addition to cases in which freedmen, free Negroes, and mulattoes are now by law competent witnesses, freedmen, free Negroes, or mulattoes shall be competent in civil cases when a party or parties to the suit, either plaintiff or plaintiffs, defendant or defendants, also in cases where freedmen, free Negroes, and mulattoes is or are either plaintiff or plaintiffs, defendant or defendants, and a white person or white persons is or are the opposing party or parties, plaintiff or plaintiffs, defendant or defendants. They shall also be competent witnesses in all criminal prosecutions where the crime charged is alleged to have been committed by a white person upon or against the person or property of a freedman, free Negro, or mulatto: Provided that in all cases said witnesses shall be examined in open court on the stand, except, however, they may be examined before the grand jury, and shall in all cases be subject to the rules and tests of the common law as to competency and credibility.

Sec. 5. Be it further enacted, That every freedman, free Negro, and mulatto shall, on the second Monday of January, one thousand eight

## Black Codes

### ★ Purpose:

- Guarantee stable labor supply now that blacks were emancipated.
- Restore pre-emancipation system of race relations.



- ★ Forced many blacks to become **sharecroppers** [tenant farmers].



## 14<sup>th</sup> Amendment

- ★ Ratified in July, 1868.
  - Provide a constitutional guarantee of the rights and security of freed people.
  - Insure against neo-Confederate political power.
  - Enshrine the national debt while repudiating that of the Confederacy.
- ★ Southern states would be punished for denying the right to vote to black citizens!

## The Balance of Power in Congress



State	White Citizens	Freedmen
SC	291,000	411,000
MS	353,000	436,000
LA	357,000	350,000
GA	591,000	465,000
AL	596,000	437,000
VA	719,000	533,000
NC	631,000	331,000

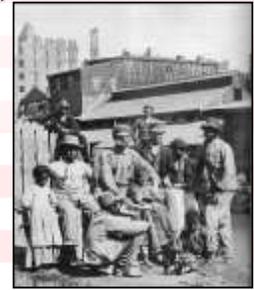
# Black "Adjustment" in the South

## CONGRESSIONAL RECONSTRUCTION in the South

- "40 acres and a mule"
- tenants
- Sharecroppers
- crop lien system

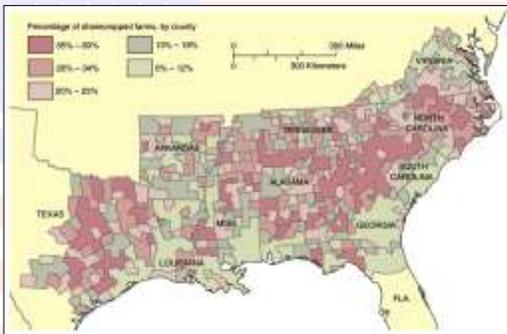


Sharecropper's cabin, North Carolina, 1914



Freedmen in Richmond, Virginia, 1865

## Sharecropping



## Tenancy & the Crop Lien System

Furnishing Merchant	Tenant Farmer	Landowner
<ul style="list-style-type: none"> <li>▪ Loan tools and seed up to 60% interest to tenant farmer to plant spring crop.</li> <li>▪ Farmer also secures food, clothing, and other necessities on credit from merchant until the harvest.</li> <li>▪ Merchant holds "lien" (mortgage) on part of tenant's future crops as repayment of debt.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Plants crop, harvests in autumn.</li> <li>▪ Turns over up to <math>\frac{1}{2}</math> of crop to land owner as payment of rent.</li> <li>▪ Tenant gives remainder of crop to merchant in payment of debt.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Rents land to tenant in exchange for <math>\frac{1}{2}</math> to <math>\frac{2}{3}</math> of tenant farmer's future crop.</li> </ul>

## SHARECROPPING & THE CYCLE OF DEBT

Poor whites & freedmen have no jobs, homes, or \$ to buy land

Sharecropper cannot leave farm as long as he is in debt to landlord.

Poor whites & freedmen sign contracts to work landlord's acreage for part of the crop.

At harvest, sharecropper owes more to landlord than his share of the crop is worth.

Landlord keeps track of the \$\$ that sharecroppers owe for housing and food.

## Black & White Political Participation



## Establishment of Historically Black Colleges in the South



## Black Senate & House Delegates



## Blacks in Southern Politics

- ★ Core voters were black veterans.
- ★ Blacks were politically unprepared.
- ★ Blacks could register and vote in states since 1867.



- ★ The 15<sup>th</sup> Amendment guaranteed federal voting.

## 15<sup>th</sup> Amendment

- ★ Ratified in 1870.
- ★ *The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.*
- ★ *The Congress shall have power to enforce this article by appropriate legislation.*
- ★ Women's rights groups were furious that they were not granted the vote!

## The "Invisible Empire of the South"



## The Failure of Federal Enforcement

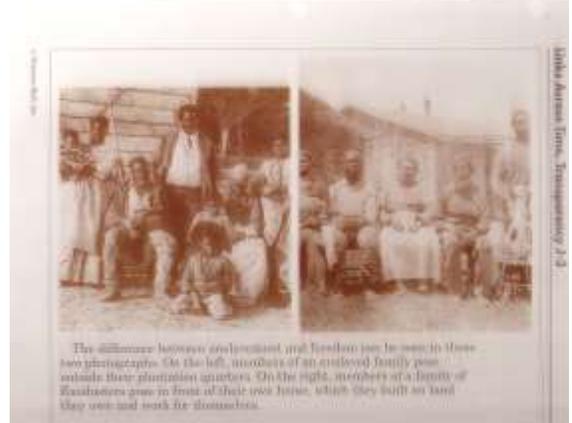
- ★ **Enforcement Acts** of 1870 & 1871 [also known as the KKK Act].



- ★ "The Lost Cause."
- ★ The rise of the "Bourbons."
- ★ **Redeemers** (prewar Democrats and Union Whigs).

## The Civil Rights Act of 1875

- ★ Crime for any individual to deny full & equal use of public conveyances and public places.
- ★ Prohibited discrimination in jury selection.
- ★ Shortcoming → lacked a strong enforcement mechanism.
- ★ No new civil rights act was attempted for 90 years!



## Slavery in the United States

- Ending servitude
  - The Thirteenth Amendment (1865) prohibits slavery within the United States.
  - The Fourteenth Amendment (1868) established that all persons born in the United States are citizens and no state shall deprive citizens of their rights under the Constitution.
  - The Fifteenth Amendment (1870) established the right of citizens to vote.

## Early Civil Rights Legislation

- The Civil Rights Acts of 1865 to 1875
  - Aimed at the Southern states.
  - Attempted to prevent states from passing laws that would circumvent the amendments
- The Civil Rights Cases (1883)
  - Invalidated much of the civil rights legislation in the *Civil Rights* cases.

## The Ku Klux Klan

- Certain angry whites were driven underground because of the presence of the federal "bluecoats". They started the "Invisible Empire of the South", better known as the "**Ku Klux Klan**" in Tennessee (1866).
  - The KKK thrived on fear - men (and their horses) were masked in order to ensure secrecy from reprisals by the federal military.
  - They burned ("purified") crosses, threatened blacks who didn't "know their place", and often lynched any who would defy them.
- Clearly, any fool or simpleton who could pull a sheet over his head could run around as a Klan spook, but despite its mean-spiritedness (and silliness), the Klan WAS rather effective.
- Racist whites used other tricks as well. To disenfranchise blacks, **literacy tests** to weed out illiterate blacks from voting, were put into effect.
  - Later, when many illiterate whites were also weeded out, "**grandfather clauses**" were put into place. In these, if your grandfather had voted, well, then you could too! Obviously, if you were a former slave, YOUR grandfather certainly had NOT voted!





## Challenges to Civil Rights Legislation

- *Plessy v. Ferguson*
  - Separate-but-Equal Doctrine
- Voting Barriers
  - White primary, the grandfather clause, poll taxes, literacy tests
- Extralegal Methods of Enforcing White Supremacy

## **PLESSY V. FERGUSON**

### Supreme Court Case 1896

**“ SEPARATE BUT EQUAL ”**

Power point created by Robert L. Martinez  
Primary Content: *The Americans*

- In 1892, Homer Plessy took a seat in the “whites only” car of a train and refused to move. He was arrested, and convicted for breaking Louisiana’s segregation law.



- Plessy appealed, claiming that he had been denied equal protection under the law. The Supreme Court handed down its decision on May 18, 1896.



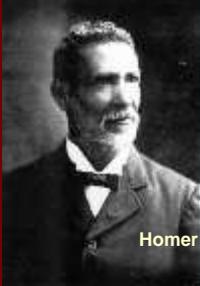
Homer Plessy

- The Supreme Court ruled that separate-but-equal facilities for blacks and whites did not violate the Constitution.



Miami, Florida

- Plessy claimed that segregation violated his right to equal protection under the law.



Homer Plessy

- Supreme Court Justice Henry B. Brown ruled, "the object of the 14<sup>th</sup> amendment ... could not have been intended to abolish distinctions based upon color... or a commingling of the two races."



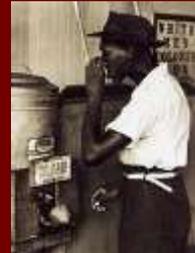
- Justice John Marshall Harlan dissented from the majority opinion, "In respect of civil rights, all citizens are equal before the law...the seeds of race hate...planted under the sanction of law...the thin disguise of 'equal' accommodations...will not mislead anyone, nor atone for the wrong this day done."



- In the decades following the Civil War, Southern states passed laws that aimed to limit civil rights for African Americans.



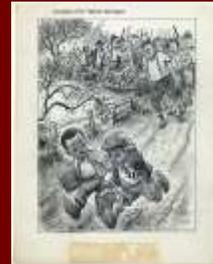
- The Black codes of the 1860s, and later Jim Crow laws, were intended to deny African Americans of their newly won political and social rights granted during Reconstruction.



- *Plessy* was one of several Supreme Court cases brought by African Americans to protect their rights against discrimination.



- In these cases, the Supreme Court regularly ignored the 14<sup>th</sup> Amendment and upheld state laws that denied blacks their rights.



- *Plessy* was the most important of these cases because the Supreme Court used it to establish the separate-but-equal doctrine.



- As a result, city and state governments across the South, and in some other states, maintained their segregation laws for more than half of the 20<sup>th</sup> century.



- These laws limited African Americans' access to most public facilities, including restaurants, schools, and hospitals.



- Signs reading "Colored Only" and "Whites Only" served as constant reminders that facilities in segregated societies were separate but not equal.



- It took many decades to abolish legal segregation. During the first half of the 20<sup>th</sup> century, the National Association for the Advancement of Colored People (NAACP) led the legal fight to overturn *Plessy*.



- It was not until 1954 in *Brown v. Board of Education* that the Supreme Court overturned any part of *Plessy*.



- In *Brown v. Board of Education*, the Supreme Court said that separate-but-equal was unconstitutional in public education.



- In later years, the Supreme Court overturned the separate-but-equal doctrine, using the *Brown* decision. For example, in 1955, Rosa Parks was convicted for violating a Montgomery, Alabama law for segregated seating on buses.



■ A federal court overturned Park's conviction, finding such segregation unconstitutional. The case was appealed to the Supreme Court, which upheld without comment the lower court's decision, signaling the end of *Plessy* in any fashion.



## The End of the Separate-but-Equal Doctrine

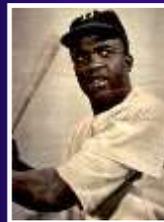
- *Brown v. Board of Education of Topeka*
  - Overturned *Plessy v. Ferguson*
- "With All Deliberate Speed."
  - States were ordered to eliminate segregation policies with all deliberate speed.

## School Integration

- *De facto segregation*—racial segregation that occurs because of past social and economic conditions and residential racial patterns.
- *De jure segregation*—racial segregation that occurs because of laws or administrative decisions by public agencies.
- Court-Ordered Busing
- The Resurgence of Minority Schools



## CIVIL RIGHTS



- African American WWII veterans returned to *Jim Crow* and *discrimination*.
- During *WWII*, Europeans treated Black soldiers as equals.
- 1948, President Truman signed into law the *Civil Rights Act of 1948*
  - *Integrated* the military
  - *Integrated* the federal government.
- Jackie Robinson broke the "*colored barrier*" and played major league baseball with the Brooklyn Dodgers.....1947 to 1956
- 1950's, begins the *Civil Rights movement* for equality in society.

## The Civil Rights Movement



- Martin Luther King's Philosophy of Nonviolence
  - Nonviolent marches and demonstrations
- Another Approach: Black Power.
  - Leaders such as Malcolm X advocated a more forceful approach than King. They also resisted the impulse to cultural assimilation that was implied by the integrationist philosophy.

## Civil Rights Background

- ◆ Post WWI & WWII movement to urban areas
- ◆ African Americans influencing party politics by the 1950s
- ◆ Conflicting feelings about Cold War message of freedom and democracy



## Civil Rights




- ♦ Montgomery Bus Boycott (1955)
  - Rosa Parks, MLK, Jr.
- ♦ Civil Rights Acts of 1957 & 1960
  - First since Reconstruction
- ♦ SCLC
- ♦ Greensboro sit-in
  - SNCC
- ♦ Landmark in Desegregation
  - *Brown v. Board of Education of Topeka* (1954)
- ♦ Federal troops uphold in Little Rock, Ark.
  - Little Rock 9

## CIVIL RIGHTS



December 1955, Rosa Parks, a 42 yr. old Black woman was ordered by a Montgomery bus driver to give up her seat to white passengers.



- Refused, arrested and fined \$10 for sitting in the white section.
- Blacks refused to ride buses until the law was changed.
- Begins the Civil Rights Era as a national movement to bring about equality for Black Americans.



## CIVIL RIGHTS



- Rosa Parks case led to the Montgomery Bus Boycott against segregation on public buses.
- Led by Martin Luther King, Jr.
- Montgomery City Government ended segregation.

### Martin Luther King, Jr.

- Leader for Black Civil Rights
  - End Jim Crow
  - Promote integration
  - Increase voting rights
- Bring about a true democracy
- Rights deprived since Civil War



## CIVIL RIGHTS





### Brown vs. Board of Education, Topeka, Kansas

- ✓ May 1954, the Supreme Court overturned *Plessy v. Ferguson* and the "separate but equal" doctrine.
- ✓ Segregation of children in public schools on the basis of race was unconstitutional and discrimination.
- ✓ States ordered to integrate their schools.

## LITTLE ROCK NINE



PRESIDENT SENDS TROOPS TO LITTLE ROCK, FEDERALIZES ARKANSAS NATIONAL GUARD

CENTRA

- Central High School in Little Rock, Arkansas was the first high school in the South to integrate.
- 1958, President Eisenhower sent Federal troops to accompany the nine black students attending an all white high school...

## The Climax of the Civil Rights Movement: Civil Rights Legislation

- The Civil Rights Act of 1964
  - voter registration
  - public accommodations
  - public schools
  - employment
- The Voting Rights Act of 1965
- Urban Riots
- The Civil Rights Act of 1968 and Other Housing Reform Legislation

## Battling for Black Rights

The 24th Amendment eliminated poll taxes, and in the "freedom summer" of 1964, both blacks and white students joined to combat discrimination and racism throughout the South by attempting to register black voters.



But in June of 1964, a black and two white civil rights workers were found murdered in Mississippi, and 21 white Mississippians were arrested for the murders. However, the all-white jury refused to convict the suspects.

Also, an integrated "Mississippi Freedom Democratic Party" was denied its seat.



Early in 1965, **Martin Luther King, Jr.** continued his peaceful resistance to unjust laws and resumed his voter-registration campaign in Selma, Alabama. He and his followers were assaulted with tear gas by state troopers.

LBJ's responded by calling for America to overcome bigotry, racism, and discrimination.

Johnson's Voting Rights Act of 1965 attacked racial discrimination at the polls by outlawing literacy tests and sending voting registrars to the polls.

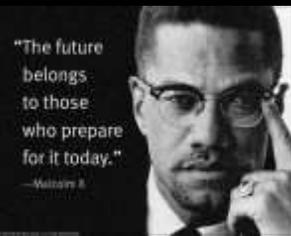
Interestingly, **the Voting Rights Act of 1965 resulted in white office-seeking southerners beginning to court black votes, as they realized they'd need their support.**



## Black Power

1965 began a period of violent black protests and riots in major cities (ex. Watts in LA). New black leaders such as **Malcolm X (born Malcolm Little)**, preached **black separatism** inspired by the Nation of Islam and its founder, Elijah Muhammed.

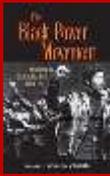
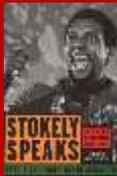
They urged action now, even if it required violence, to the tune of his battle cry, "by any means necessary." Malcolm X was killed in 1965 by a group of Black Muslims after he had broken ties with the Nation of Islam.



Stokely Carmichael had formerly led the Student Non-Violent Coordinating Committee (SNCC) and had a great appreciation for the two civil rights acts passed in '64 and '65, but because of the slow progress of the civil rights movement in bringing economic equality, he now urged an abandonment of peaceful demonstrations in order to more swiftly bring about GENUINE equality.

Carmichael's new creed, "**Black Power**," became a rallying cry by blacks seeking economic equality and equal cultural acknowledgement in American society, but just as they were slowly moving in that direction, more riots broke out, and nervous whites threatened with retaliation.

Plus, a new militant black political party known as the **Black Panthers** openly brandished weapons in Oakland, California, as a reaction against what they viewed as police brutality against blacks.



Tragically, on April 4, 1968, Martin Luther King, Jr. was assassinated.

As the years passed, thousands of blacks registered to vote and went into integrated classrooms, and they slowly built themselves into a politically powerful group.





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Martin Luther King

## Consequences of Civil Rights Legislation

- Political Participation by African Americans.
- Political Participation by Other Minorities.
- Lingering Social and Economic Disparities.

## The Seventies in Black & White

Race was still an explosive issue in the 70s despite the successes of the Civil Rights Movement, and in the 1974 *Milliken v. Bradley* case, the Supreme Court ruled that desegregation plans could not require students to move across school-district lines in order to have black/white equity in public schools.

-This reinforced the "white flight" to the suburbs that ended up pitting the poorest whites and blacks against each other, often with explosively violent results.



**Affirmative action**, where minorities were given preference in jobs or school admittance, was another burning issue, and some whites used this to argue "reverse discrimination."

In the *Bakke Case*, 1978, the Supreme Court ruled 5 to 4 that Allan Bakke (a white applicant claiming reverse discrimination) should be admitted to U.C.—Davis med school. But the decision was ambiguous proclaiming that (1) admission preference based on any race was not allowed, but conversely that (2) race **could** be factored into the admission policy.

The Supreme Court's first black justice, **Thurgood Marshall** (famed for his role in the *Brown v. Board of Education* decision amongst other important civil rights cases) warned that the denial of racial preferences might sweep away the progress gained by the civil rights movement.



## Women's Struggle for Equal Rights

- Early Women's Political Movements
  - Activism for women's rights began with the Seneca Falls convention in 1848.
- Women's Suffrage Associations
  - This struggle would continue until the ratification of the 19th Amendment to the Constitution that states "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex."



## Early 19c Women

1. Unable to vote.
2. Legal status of a minor.
3. Single --> could own her own property.
4. Married --> no control over her property or her children.
5. Could not initiate divorce.
6. Couldn't make wills, sign a contract, or bring suit in court without her husband's permission.

## “Separate Spheres” Concept

↓  
Republican Motherhood evolved into the “Cult of Domesticity”

- || A woman’s “sphere” was in the home (it was a refuge from the cruel world outside).
- || Her role was to “civilize” her husband and family.
- || An 1830s MA minister:  
*The power of woman is her dependence. A woman who gives up that dependence on man to become a reformer yields the power God has given her for her protection, and her character becomes unnatural!*

## Cult of Domesticity = Slavery

The 2<sup>nd</sup> Great Awakening inspired women to improve society.



Angelina Grimké



Sarah Grimké



Lucy Stone

- Southern Abolitionists
- American Women’s Suffrage Assoc.
- edited *Woman’s Journal*

R2-9

## Women’s Rights Movement

When abolitionists divided over the issue of female participation, women found it easy to identify with the situation of the slaves

1848: Feminist reform led to **Seneca Falls Convention**

Significance: launched modern women’s rights movement

Established the arguments and the program for the women’s rights movement for the remainder of the century

## What It Would Be Like If Ladies Had Their Own Way!



## Women’s Rights

1840 --> split in the abolitionist movement over women’s role in it.

London --> **World Anti-Slavery Convention**



Lucretia Mott



Elizabeth Cady Stanton

1848 --> **Seneca Falls Declaration of Sentiments**

## SENECA FALLS

The first Woman’s rights movement was in Seneca Falls, New York in 1849.....

- Educational and professional opportunities
- Property rights
- Legal equality
- repeal of laws awarding the father custody of the children in divorce.
- Suffrage rights

## SENECA FALLS



•The following is an excerpt from the Seneca Falls Declaration written by Elizabeth Cady Stanton.

•Notice that the language and wording is similar to the Declaration of Independence.

## SENECA FALLS

*We hold these truths to be self-evident that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed.....*

## SENECA FALLS

*The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world....*

- He has made her, if married, in the eye of the law, civilly dead.*
- He has taken from all right in property, even to the wages she earns.*

## SENECA FALLS

*He has made her, morally, an irresponsible being, as she can commit many crimes with impunity, provided they be done in the presence of her husband.*

*In the covenant of marriage, she is compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master; the law giving him power to deprive her of her liberty, and to administer chastisement.*

## Susan B. Anthony on Marriage and Slavery

*“The married women and their legal status. What is servitude? “The condition of a slave.” What is a slave? “A person who is robbed of the proceeds of his labor; a person who is subject to the will of another...”*

*I submit the deprivation by law of ownership of one’s own person, wages, property, children, the denial of right as an individual, to sue and be sued, to vote, and to testify in the courts, is a condition of servitude most bitter and absolute, though under the sacred name of marriage.*

## Preparing the Way for Suffrage

- American women activists first demanded the right to vote in 1848 at the Seneca Falls Convention in New York.
- The movement eventually split into two groups:
  - The National Woman Suffrage Association fought for a constitutional amendment for suffrage.
  - The American Woman Suffrage Association worked to win voting rights on the state level.
- In 1890, Wyoming entered the union and became the first state to grant women the right to vote.
- In 1872, in an act of civil disobedience, a suffrage leader, Susan B. Anthony, insisted on voting in Rochester, New York. She was arrested for this act.

# Suffragist Strategies

## NWSA

### Constitutional Amendment

- Winning suffrage by a constitutional amendment
- The first federal amendment was introduced in Congress in 1868 and stalled.
- In 1878, suffragists introduced a new amendment.
- Stalled again, the bill was not debated again until 1887. It was defeated by the Senate.
- The bill was not debated again until 1913.

## NWSA

### Individual State Suffrage

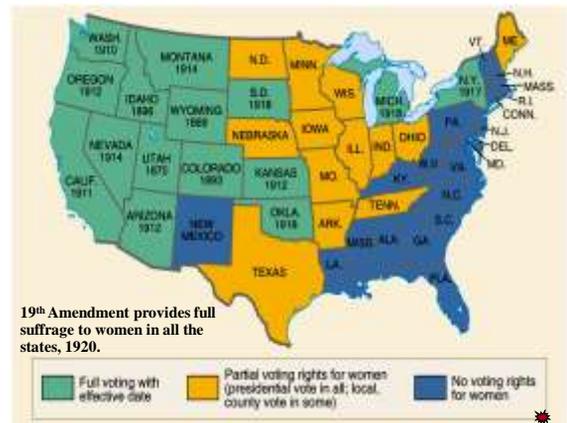
- Winning suffrage state by state
- State suffrage seemed more successful than a constitutional amendment.
  - Survival on the frontier required the combined efforts of men and women and encouraged a greater sense of equality.
- Western states were more likely to allow women the right to vote.

# A New Generation Women's Suffrage



- Susan B. Anthony and Elizabeth Cady Stanton, leaders of the suffrage movement, died without seeing the victory of women's suffrage.
- At the turn of the century, **Carrie Chapman Catt** became the leader of the **National American Woman Suffrage Association (NAWSA)**.
- She led the movement from 1900 to 1904 and again after 1915.
- In March 1913 Alice Paul and Lucy Burns organized a parade of 5,000 women in Washington, D.C.

# A New Generation Women's Suffrage



## Feminist Victories and Defeat

1. During the 1970s, the feminist movement became energized and took a decidedly aggressive tone.
 
2. Title IX prohibited sex discrimination in any federally funded education program.
  - It's largest impact was seen in the emergence of girls' sports in public schools.
3. The Supreme Court strongly entered the fray in the feminist movement.
  - The Court's decisions challenged sex discrimination in legislation and employment.
  - The super-controversial *Roe v. Wade* case legalized abortion, arguing that ending a pregnancy was protected under a right to privacy.

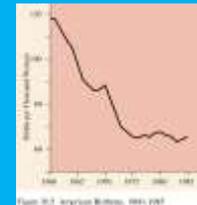
Even more ambitious was the ERA (Equal Rights Amendment) to the Constitution.

-The ERA sought to guarantee gender equality through the written word.

-Phyllis Schlafly led other women against ERA. Schlafly said ERA advocates were, "bitter women seeking a constitutional cure for their personal problems." She used the following arguments against the ERA amendment:

- It would deprive a woman's right to be a wife.
- It would require women to serve in combat.
- It would legalize homosexual marriage.

-38 state legislatures adopted the amendment, but 41 were necessary for ratification. Thus, the ERA ended.



## The Modern Women's Movement

- The Equal Rights Amendment
- Additional Women's Issues
  - domestic violence
  - abortion rights
  - pornography (divided the movement rather than united it).
- Discrimination in the Courts
- Expanding Women's Political Activities

## Women in Politics Today



- Women in Congress
- Women in the Executive and Judicial Branches
- Continuing Disproportionate Leadership

## Gender-Based Discrimination in the Workplace

- Title VII of the Civil Rights Act of 1964
  - This title prohibits gender discrimination in employment.
- Sexual Harassment
  - The Supreme Court also has held that Title VII includes prohibitions on sexual harassment.

## Gender-Based Discrimination in the Workplace (cont.)

- Wage Discrimination
  - Recent figures show a woman earns 76 cents for every dollar made by a man.
  - The Equal Pay Act of 1963.
  - The Glass Ceiling.

## Immigration, Hispanics, and Civil Rights

- Immigration rates today are the highest they have been since their peak in the early twentieth century.
- By 2050, minority groups collectively will constitute the majority of Americans.

## Illegal Immigration

- Mostly Latin Americans entering states bordering Mexico looking for work.
- Issues include:
  - Citizenship
  - Border Crime

## Bilingual Education

- Accommodating Diversity
- Controversy over Bilingual Education

## Affirmative Action

- Describes those policies that give special preferences in educational admissions and employment decisions to groups that have been discriminated against in the past
- *Regents of the University of California v. Bakke* (1978)
  - Quota systems that only considered the race of an applicant were unconstitutional
- *Adarand Constructors, Inc. v. Peña*
- State Ballot Initiatives

## Special Protection for Older Americans

- Age Discrimination in Employment
  - The Age Discrimination in Employment Act of 1967
    - prohibits discrimination by age in all but a limited number of occupations where age is considered relevant to the job.
  - Mandatory retirement has progressively been made illegal by laws passed in 1978 and 1986.

## Securing Rights for Persons with Disabilities

- The Americans with Disabilities Act of 1990
  - Prohibits job discrimination against individuals with physical or mental disabilities. Furthermore, it requires physical access to public buildings and public services.





## Securing Rights for Persons With Disabilities (cont.)

- Limiting the ADA. No longer covered are:
  - persons who wear eyeglasses.
  - carpal tunnel syndrome, a repetitive stress injury



## The Rights and Status of Gay Males and Lesbians

- Growth in the Gay Male and Lesbian Rights Movement
- State and Local Laws Targeting Gay Males and Lesbians



## The Rights and Status of Gay Males and Lesbians (cont.)

- The Gay Community and Politics.
  - Gay activists now play a role in both major parties. Eleven openly gay men or lesbians sit in the House.
- Gay Men and Lesbians in the Military
- Same-Sex Marriages
- Child Custody and Adoption



## The Rights and Status of Juveniles

- The presumption is that children are protected by parents
- Depending on the jurisdiction and the issue, children may be defined as those under ages that vary from sixteen to twenty-one.
- Voting Rights and the Young
- The Rights of Children in Civil and Criminal Proceedings



## The Rights and Status of Juveniles (cont.)

- Civil Rights of Juveniles. If a person is a minor, that person is not usually held responsible for contracts he or she may have entered into.
  - Child custody issues
- Criminal Rights of Juveniles
- Dealing with Juvenile Crime
  - Increasingly, minors who commit acts such as murder have been tried as adults. Another approach is to hold parents responsible for the crimes of their children.



## Questions for Critical Thinking

- Why was the Voting Rights Act necessary?
- Are there any obstacles today to the civil rights of various groups in society?
- Should affirmative action exist? If you do not favor affirmative action, how should society address the economic gap between men and women and whites and African Americans?



## SEGREGATION

After Reconstruction, there were several ways that Southern states kept Blacks from voting and **segregated**, or **separating people by the color of their skin in public facilities**.

**Jim Crow laws**, laws at the local and state level which segregated whites from blacks and kept African Americans as 2nd class citizens and from voting.

- ❖ poll taxes
- ❖ literacy tests
- ❖ grandfather clause

## SOCIAL REALITY



### **Plessy vs. Ferguson, 1896**

Supreme Court legalized segregation throughout the nation.

- **"Separate but Equal"** as long as public facilities were equal
- **Problem:** Black facilities never equal to White facilities

## SOCIAL REALITY

### **Plessy vs. Ferguson, 1896**



*US would be segregated until the 1960's.*



## PHILOSOPHIES OF BLACK LEADERS

### Booker T. Washington

How do Black Americans overcome segregation?

#### Southern Perspective

- Former slave
- Wrote a book/ ***Up From Slavery***
- Don't confront **segregation** head on
- Before you are considered **equal** in society-- must be self sufficient like most Americans
- Stressed **vocational education** for Black Americans
- **Gradualism** and economic **self-sufficiency**
- Founder of **Tuskegee Institute**

## ATLANTA COMPROMISE

Speech given by Booker T. Washington in Atlanta, Sept. 18, 1895, at the Atlanta World Exposition.

- Booker T. Washington, founder of **Tuskegee Institute**, was a black leader in education in the South.
- Many of those who viewed this speech saw it as a willingness on the part of Washington to accept **social inequality** in return for economic equality and security for the southern blacks.



## PHILOSOPHIES OF BLACK LEADERS

### W.E.B. Dubois

How do Black Americans overcome segregation?

#### Northern Perspective

- Fought for immediate Black equality in society
- **Talented 10%:** Demanded the **top 10%** of the talented Black population be placed into the **"power positions"**
  - Gain equality by breaking into **power structure**
  - Founder of **NAACP**
- \* **National Association for the Advancement of Colored People**

## NIAGARA MOVEMENT

Begins in 1906 in a meeting at Niagara Falls, Canada in opposition to Booker T. Washington's philosophy of accepting segregation.

1. Encourage of **Black pride**
2. Uncompromising demand for full political and civil equality
3. No acceptance of segregation----opposed Booker T. Washington's "gradualism".
4. Gain acceptance of white reformers.
5. Formation of the **NAACP** in 1906 with Dubois as the editor of the NAACP's journal, **The Crisis**
6. Other Black groups formed to support Dubois, **National Urban League** in 1911

# Marcus Garvey

- Born in Jamaica
- Pan-African philosophy to inspire a global mass movement focusing on Africa known as Garveyism
- Universal Negro Improvement Association (UNIA)



# Improving Conditions for African Americans

Lynching – Ida Wells – The Red Record.



Photograph from Bettmann/Corbis

Lynchings, 1890-1920

