

CIVIL RIGHTS

January 9-18, 2007

Definition: Positive actions governments use to protect individuals against arbitrary or discriminatory treatment by other governments or persons based on categories.
Examples: race, gender, age, religion, nationality, sexual orientation, disability.
The U.S. Constitution and its Amendments will be the basis for all U.S. laws.

U.S. legal/political/governmental history (chronological narrative)...

- 1619: Slavery begins in Virginia as English settlers support the African slave trade.
- 1770: Boston Massacre (March 5th) included American black Crispus Attucks.
- 1776: 2nd Continental Congress rejects Thomas Jefferson's call for an end to slavery;
Declaration of Independence ratified without a declared end to slavery of blacks.
- 1787: Framers of U.S. Constitution allow states to continue enslavement of black Americans.

- 1799: George Washington dies – and frees his slaves on Mt. Vernon plantation in his legal will.
- 1815-60: Abolitionism = #1 reform movement (never more than ¼ of 1M out of 22M in North).
- 1826: Thomas Jefferson dies – and frees his slaves at Monticello in his legal will.
- 1931-1848: John Quincy Adams = #1 voice in Congress opposed to slavery of Americans.
- 1848: Seneca Falls Convention = 1st women's rights convention; calls for an end to slavery.

- 1850: Fugitive Slave Law = Congress requires police in free states to return run-away slave.
- 1852: Uncle Tom's Cabin by Harriett Beecher Stowe; moves Northerners to oppose slavery;
President Lincoln will say: "So you're the lady who started this great war..."
- 1854: Kansas-Nebraska Act, sponsored by Sen. Stephen Douglas, rips open slavery debate.
- 1857: Scott v. Sandford declares Compromise of 1820 was wrong to outlaw spread of slavery.

- 1858: In Illinois U.S. race, Abraham Lincoln debates Stephen Douglas; says slavery hurts U.S.
- 1859: John Brown w/ white/black evangelical/abolitionists attacks Fed. arsenal @ Harper's Ferry WVA;
is captured, has no regrets, & publicly hanged by Union troops led by Robert E. Lee.
- 1861-65: Civil War/War between States ("War of Northern Aggression") = #1 costly U.S. war.
North – 100,000+ blacks fight for N's 22M pop.; @ war's end, 1/10th Union troops = black.
South -- no blacks/slaves fight; 5M whites control 4M blacks during 4-year war in South.

- 1863: Emancipation Proclamation = Lincoln declares end to slavery in South if war continues.
- 1865: Lincoln assassination moves North to impose harsh peace on South; Lincoln = martyr.
- 1865-1877: "Reconstruction" = all observers agree that this Federal effort was a failure.
- 1865: Freedmen Bureau = post Civil War effort to begin employment of former slaves.
13th Amendment = formally/legally ends slavery in America (begun 246 years earlier).

- 1868: 14th Amendment circumvents Scott v. Sandford (1857) & gives blacks U.S. citizenship;
it applies "Due Process" Clause & "Equal Protection" Clause (Federal law) to states.
- 1870: 15th Amendment = male former slaves given right to vote – NOT black/white women.
- 1875: Civil Rights Act of 1875 = last law passed by Congress to guarantee full civil rights to
African-Americans until 1857 when Congress passed the 1st 20th century civil rights act.
- 1876: U.S. v. Cruikshank held 14th Amendment could not be used to protect former slaves

- who wished to vote from violent public harassment by private (white) individuals.
- 1877: Northern occupying troops removed from South; blacks become unofficial slaves; "Jim Crow" segregation laws reemerge (de jure segregation) throughout the South. e.g., inter-racial marriage, segregation in schools & transportation, restrictions in employment, and unequal punishments based upon race for violations of law.
- 1882: Pace v. Alabama holds states may impose more severe punishments for adultery and fornication between persons of different races than those of the same race.
- 1883: U.S. v. Harris holds 14th Amendment applies to discrimination by state governments – not to discrimination by private individuals.
The Civil Rights Cases held Congress could not punish discrimination by private persons – only discriminatory actions by states.
- 1895: Frederick Douglass dies – had been America's #1 black abolitionist for 60 years.
W.E.B. DuBois = calls for an end to Jim Crow laws (1st African-American to earn Ph.D.).
Booker T. Washington stresses moderation/cooperation with dominant white population.
- 1896: Plessy v. Ferguson (1896) = U.S. Supreme Court 8-1 opinion upholds Jim Crow laws; it established "separate but equal" legal doctrine which would be law for 58 years.
- 1903: Souls of Black Folk by W.E.B. DuBois argues blacks must act forcefully to become free.
- 1908: Berea College v. Kentucky held "separate but equal" doctrine applied to public schools.
- 1909: Nat. Assn. for the Advancement of Colored People (NAACP) organized to use the courts.
- 1910: Bailey v. Alabama held 13th & 14th Amendments deny states power to punish defaulting and/or "deserting" sharecroppers for "obtaining credit under false pretenses."
- 1912: The Man Farthest Down by Booker T. Washington urged moderation in seeking rights.
- 1913: President Woodrow Wilson (Democrat & Progressive) continues segregation.
- 1917-18: U.S. enters WWI -- 3 million American soldiers, with a segregated military.
- 1917: Buchanan v. Warley declared illegal state-and-city-imposed residential segregation.
- 1920: 19th Amendment gives all women – black/white – the right to vote in Fed. Elections.
- 1924: Congress, by statute, gives Native-Americans U.S. citizenship + Federal voting rights.
- 1927: Nixon v. Herndon held 14th Amendment denies states power to exclude blacks from the right to vote in elections – i.e., white-only elections deny "equal protection of the laws"
- 1933-45: FDR tolerates segregation, but allows his wife Eleanor to act against segregation.
- 1932: Powell v. Alabama held the 14th Amendment's Due Process clause is violated when a state fails to provide a defendant in a criminal case with adequate legal counsel.
- 1935: Norris v. Alabama held states cannot allow the systematic exclusion of possible jurors who are of the same race as the defendant(s).
- 1936: Brown v. Mississippi held that the use of a confession extorted from the accused by brutality and violence is a denial of the 14th Amendment's guarantee of Due Process.
- 1938: Missouri ex rel. Gaines v. Canada held a state cannot give cash grants to students who attend law school in non-segregated states as the Equal Protection clause is violated; plaintiff Lloyd Gaines soon disappeared mysteriously & was never heard from again...
- 1939: Marian Anderson allowed to sing at Lincoln Memorial, with aid of President's wife.
- 1941-45: U.S. fights WWII with a segregated military; black soldiers led by white officers.
- 1946: President Truman issued Executive Order 9809 created the Committee on Civil Rights that soon issued a 178-page report citing acts of racial discrimination in government.
- 1947: Jackie Robinson = 1st African-American to integrate major league baseball.
Republican-controlled Congress refuses to pass anti-lynching law of black Americans.
- 1948: Hubert Humphrey, keynote speaker at Dem. Nat. Conv., calls for an end to segregation.
Election of President Harry Truman; he had supported strong civil rights legislation.
Shelley v. Kramer holds 14th Amendment denies states legal power to enforce private restrictive housing covenants that deny "equal protection" to all persons of color.

President Harry Truman issues executive order to racially integrate U.S. military; Truman used presidential power to promote civil rights far more than other presidents. He issued Executive Order 9981 ordering equal treatment/opportunity in U.S. military.

- 1950: McLaurin v. Oklahoma State Regents held 9-0 14th Amendment "Equal Protection" clause prohibits states from providing substantially equal accommodations that are separate; Justices chose not to address constitutionality of the "separate-but-equal" doctrine. Sweatt v. Painter held 9-0 that separate law schools for whites and blacks violates the 14th Amendment's Equal Protection clause. Henderson v. U.S. Interstate Commerce Commission held 14th Amendment's Equal Protection clause requires all riders on federally-regulated trains be treated equally.
- 1950-53: Korean War waged as 1st U.S. conflict with a racially-integrated military.
- 1951: Executive Order 10308 ordered an end to discrimination in all government contracts.
- 1953: Earl Warren becomes Chief Justice of U.S. Supreme Court, & has Brown v. Bd. reargued District of Columbia v. John B. Thompson held 9-0 that the 14th Amendment's Equal Protection clause required "well-behaved persons of color" could not be denied service; Soon Washington's restaurants, hotels, motion picture theaters, swimming pools, & bowling alleys began opening their doors to African-Americans & other people of color.
- 1954: Brown v. Board of Education of Topeka, Kansas (1954) held 9-0 that separate-but-equal doctrine violates 14th Amendment's Equal Protection clause as applied to taxpayer-supported public schools; Brown directly overturned by name Plessy v. Ferguson (1896); Brown consolidated cases from Kansas & Delaware, So. Carolina & Virginia + Wash., D.C.
- 1955: Brown v. Board of Ed. of Topeka (Brown II) declared that public school officials could use "all deliberate speed" to comply with the Court's 1954 Brown ruling. Rosa Parks sits in "whites-only" seat on bus, & begins bus boycott in Montgomery, Alabama. Rev. Martin Luther King, Jr. (age 27) emerges as leading voice of non-violent protest. Emmett Till (black youth, age 14) murdered in Mississippi; white suspects gloat when the all-white jury finds them "not guilty." Many Americans feel ashamed/embarrassed.
- 1956: Browder v. Gayle upheld (9-0) a lower federal court case holding that 14th Amendment's Equal Protection clause outlaws segregated taxpayer-supported city bus systems.
- 1957: President Eisenhower sends troops to Arkansas & "federalizes" state national guard. Civil Rights Act = Civil Rights Commission/Sen. Strom Thurmond filibusters 24+ hours
- 1958: Cooper v. Aaron (1958) reaffirmed 9-0 Brown v. Bd (1954) outlawing "separate-but-equal." Cooper reasserted that the U.S. Constitution's "Supremacy Clause" (Art. VI, Section 2) declared a federal judge's ruling could not be ignored/overruled by a Governor of a state.
- 1960: 1st "Sit-ins" at lunch counters begin by non-violent student protestors. (John Lewis)
- 1961: 1st "freedom rides" begin with racially-integrated groups entering South; buses burned University of Georgia racially integrated (Charlene Hunter Gault).
- 1962: University of Mississippi racially integrated (James Meredith); some protestors killed. W.E.B. DuBois dies @ age 93 in Africa (Ghana); he had left the U.S. angry at racism.
- 1963: New Alabama Gov. George Wallace deplored federal laws to integrate; he declared in his acceptance speech "Segregation now, segregation tomorrow, and segregation forever." Birmingham, Alabama: violent police response to non-violent protestors persuades JFK to speak on national TV and call for Congress to enact a landmark Civil Rights law. University of Alabama racially integrated - after Gov. Wallace briefly blocks doorway; President Kennedy "federalized" Alabama state national guard to enforce court order.

Medgar Evers (NAACP Miss. St. Dir.) shot/killed in driveway of home after TV appearance.
Dr. King's "I Have A Dream" speech moves ¼M @ Mall in D.C. + nation & Congress.
Bombing of 16th Street Baptist Church in Birmingham, Ala., kills 4 young girls/KKK
JFK assassinated – VP (Texan) LBJ becomes President & will call for Civil Rights laws.
President Lyndon Johnson calls for new laws to outlaw discrimination based on race.

- 1964: 24th Amendment outlawed all poll taxes as anti-democratic and unfair to the poor.
Griffin v. School Board of Prince Edward County held government cannot close public schools to stop integration because 14th Amendment guarantees Equal Protection.
Civil Rights Act (Title VII) outlaws discrimination based on race and gender.
LBJ predicts his support of Civil Rights laws will end Democrats' control of "Solid South"
Heart of Atlanta Motel v. U.S. (1964) upholds 9-0 1964 Civil Rights Act; Commerce clause (Art. I, Sect. 8, clause 3) is cited – i.e., racial discrimination hurts U.S. business.
- 1965: LBJ, in State of Union Address, declares that "we shall overcome" racism/segregation;
LBJ declares need for "Affirmative Action"/using govt as a legal tool to end past wrongs.
Malcolm X assassinated in Harlem after speaking out for racial integration.
Selma, Alabama beatings by state troopers at Edmund Pettis bridge seen on U.S. TV;
March 7th beatings of non-violent protestors angers LBJ & moves Congress to action;
Civil Rights Act/Voting Rights Act enacted – and renewed in 2006 by Congress.
- 1967: Loving v. Virginia (1967) outlawed 9-0 17 state laws prohibiting inter-racial marriage as a violation of 14th Amendment's Equal Protection clause; 30 states once had such laws;
Utah repealed in 1963, Arizona repealed in 1962, and Nevada repealed in 1959.
Thurgood Marshall nominated by LBJ as 1st African-American Justice on U.S. Supreme Court.
- 1968: Dr. Martin Luther King, Jr. assassinated in Memphis; Congress quickly passes the 1968 Civil Rights Act which outlaws racial discrimination in nearly all housing. However, "de facto" segregation (socio-economic housing in neighborhoods) will continue.
Richard Nixon elected President – winning the South with his "Southern Strategy."
- 1969: President Nixon begins cutting LBJ's "Great Society" programs ("benign neglect").
- 1970s: Equal Rights Amendment approved by 35 states – 3 states short of ratification.
- 1972: Title IX of Federal Education Amendments to the 1964 Civil Rights Act requires substantially equal spending for young women in college and university sports.
- 1976: Craig v. Boren (1976) held liquor laws must require same age for men/women.
- 1978: Regents of U.C., Davis v. Bakke held 5-4 "affirmative action" legal – but not quotas.
- 1990: Americans With Disabilities Act (ADA) ends all discrimination against the disabled.
- 1991: Clarence Thomas confirmed as 2nd ever African-American Justice on U.S. Supreme Court.
- 1993: Harris v. Forklift Systems (1993) outlaws 9-0 sexual harassment in the workplace.
- 1996: Romer v. Evans declares a state cannot discriminate against an identified group.
- 1997: Olmstead v. L.C. upholds designation of "special accommodations" for the disabled.
- 2003: Lawrence v. Texas overturns 6-3 Bowers v. Hardwick (1986) & all "sodomy" laws.
- 2003: Gratz v. Bollinger overturns 5-4 Univ. of Michigan's admissions program with quotas.
- 2003: Grutter v. Bollinger upholds 6-3 Univ. of Michigan's law school admissions program.

