

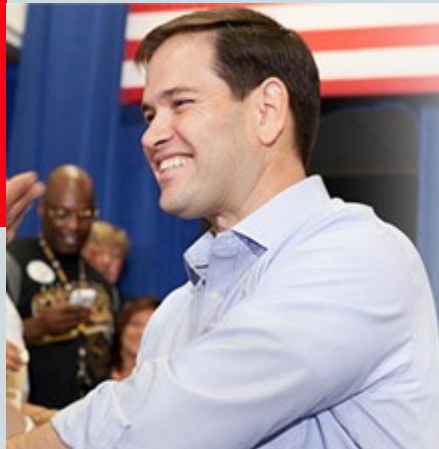
Today's Agenda

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- Iowa Caucus
- Civil Liberties vs. Civil Rights (again)
- History of Civil Rights (since the Civil War)
- Freedman's Bureau
- Modern Civil Rights movement (1950's & 60's)
- Other protected groups

Iowa Caucus

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marcorubio
A NEW AMERICAN CENTURY

Civil Rights vs. Civil Liberties

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- Civil Rights are the legal or moral claims that citizens are entitled to make on the government
 - Protections by government power; obligation imposed on government to take positive action on behalf of its citizens
- The equal protection clause of the Fourteenth Amendment has been the basis for the civil rights of African Americans, women, and other groups

The Story of U.S. Civil Rights

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- **Height of Slavery (1808-1865)**
 - Nearly 10% of U.S. population
 - Law ending slave trade enacted in 1808
- **Missouri Compromise**
 - Missouri petitioned Congress for admission as a slave state.
 - Matched MO's slave state with Maine as a free state.
 - Drew a border beyond which slavery could not extend.

Missouri Compromise

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Road to Civil War

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- California entered as a free state, ending the South's ability to filibuster legislation
- Dred Scott case overturns the Missouri Comp.
- SC ruled that the federal gov't could not prevent slavery in the territories.
- Lincoln gets elected in 1860
 - "free soil, free labor, free men"
 - The South seceded
 - Civil War
 - ✦ South loses. Northern troops occupy Southern states.

Reconstruction (1865-1877)

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- During Reconstruction, life was relatively good for African-Americans: parties (Republican party) appealed for their vote and the lives of African-Americans were far better than during slavery
- Freedman's Bureau
 - Made to aid former slaves enter society
 - W.E.B. Du Bois "The greatest success of the Freedmen's Bureau lay in the planting of the free school among Negroes, and the idea of free elementary education among all classes in the South."
 - Built Howard University, Fisk University, Hampton University
 - Southern resistance and the KKK

Freedman's Bureau

THE FREEDMAN'S BUREAU!

AN AGENCY TO KEEP THE **NEGRO** IN IDLENESS AT THE **EXPENSE** OF THE WHITE MAN.
 TWICE VETOED BY THE **PRESIDENT**, AND MADE A LAW BY **CONGRESS**.
SUPPORT CONGRESS & YOU SUPPORT THE NEGRO. SUSTAIN THE PRESIDENT & YOU PROTECT THE WHITE MAN

IN THE SWEAT OF THY FACE SHALT THOU EAT THY BREAD

Freedman's Bureau!

Negro Estimate of Freedom!

CONGRESS IN JULY, 1865, VOTED THE
NEGRO TROOPS \$300
 Each as a Bounty

THE SAME CONGRESS IN JUNE, 1864, VOTED THE
WHITE Veterans \$100
 Each as a Bounty.

THE NEGRO GETS 1000—THE WHITE SOLDIER 6000 & ALL OF THE WHITE ARMY AND NAVAL TROOPS TAKE A SHARE OF THE 100 GRICES AND TWO THOUS.

APPROPRIATED BY CONGRESS, JULY, 1865,
To Support the Freedman's Service \$6,944,500

Contingents and	\$700,000
Printing for Negroes,	20,000
Stores and Wood for	10,000
Negroes,	1,750,000
Food for Negroes,	3,000,000
Medicine for Negroes,	1,000,000
Railroad fare for Negroes,	1,000,000
Schools, Western & School	500,000
Misses for Negroes,	500,000
TOTAL,	\$6,944,500

APPROPRIATED BY CONGRESS FOR THE WHITE MAN, **HEAVY TAXES, HARD LABOUR**

What is the use for the to work, he long as they make these Appropriations.

THE WHITE MAN MUST WORK TO KEEP HIS CHILDREN AND PAY HIS TAXES

For 1864 and 1865, the **FREEDMAN'S BUREAU** cost the Tax-payers of the Nation, at least **ONE HUNDRED AND TWENTY MILLIONS OF DOLLARS.**

TWENTY-FIVE MILLIONS OF DOLLARS.

For 1866, **THE SHARE** of the Tax-payers of

Pennsylvania will be about **ONE HUNDRED AND TWENTY MILLIONS OF DOLLARS.**

is **FOR** the Freedman's Bureau.

CLYMER is OPPOSED to it.

Post-Civil War Amendments

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- **Thirteenth**
 - Granted formal emancipation
- **Fourteenth**
 - Granted full citizenship (and incorporation of the Bill of Rights)
- **Fifteenth**
 - Guaranteed right to vote

Southern Response: Jim Crow

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- Reconstruction ends in 1877
- Establishment of the one-party state led to a period known as “Jim Crow” (1877-1933)
- Southern states adopted a policy of apartheid.
 - All aspects of life were racially segregated
 - Electoral laws limited Blacks from voting
 - ✦ White Primary
 - ✦ Poll tax
 - ✦ Literacy tests
 - ✦ Grandfather clauses to protect poor/illiterate Whites.

Literacy Test Example

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- 1964 Louisiana
- Had 10 minutes to finish
- Had to score 100%

The Struggle for Civil Rights

- Just as the Court did not initially use the Fourteenth Amendment to impose the Bill of Rights on the states, the Court was slow to use the equal protection clause to enforce civil rights
- The 1875 Civil Rights Act was struck down on the grounds that it applied to private businesses while the Fourteenth Amendment refers to state action

Plessy v. Ferguson: “Separate but Equal”

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- In 1896, the Court went further by upholding a Louisiana statute that required segregation of the races on trolleys and other public carriers and, by implication, in all public facilities including schools
- Homer Plessy, a man defined as “one-eighth black,” had violated a law that imposed a fine for any black passenger sitting in a car reserved for whites

Plessy v. Ferguson cont.

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- In its ruling, the Court said the Fourteenth Amendment “could not have intended to abolish distinctions based on color, or to enforce ... a commingling of the two races upon terms unsatisfactory to either”
- This was the origin of the “separate but equal” rule, the doctrine that accommodations could be segregated by race but still be equal

Shifting Towards Civil Rights

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- **FDR's New Deal**
 - Rooted out racial discrimination in the distribution of relief aid
 - Appointed over 100 black administrators
 - Justice Department revives civil liberties division
- **Black voters switched allegiance from Republican to Democrat**
 - At least in the North where they could vote

Fighting Racial Discrimination

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- Starting in the late 1930s, the Court became more active in equal protection
 - Required admission to Missouri law school rather than paying for out-of-state tuition for African Americans (1938)
 - Rejected Texas's claim that its new law school for African Americans was an equivalent to the all-white U. of Texas (1950): Sweatt v. Painter
- But these rulings reinforced rather than struck down “separate but equal”

Brown v. Board of Education

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- Linda Brown was a third-grade African American child in Topeka, KS who was denied admission to the all-white school closer to her home
- The Court ruled “in the field of public education, the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal”

Outcome of Brown

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- Three problems with *Brown's* effects:
 - Delay in enforcing *Brown* by local officials
 - *Brown* only attacked de jure segregation but could do little about de facto segregation
 - *Brown* did not directly address discrimination in employment, voting, etc.
- The irony of *Brown* is that it gave great moral capital to the Court but did not change things much, at least initially
 - in 1962, less than 1% of black students attended desegregated schools.

Rise of the Civil Rights Movement

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- Ending discrimination would require more than the *Brown* decision
- The civil rights movement built slowly but surely after *Brown*, culminating with the March on Washington in 1963
- This required overcoming a collective action problem
 - Participation is costly...

The Civil Rights Movement

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- Strategy shifted from litigation to mass protest. (1960s)
 - Rosa Parks and the Montgomery bus boycott
 - Sit ins
 - Emergence of MLK
 - Non-violent resistance

The Civil Rights Movement

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- **Civil Rights Act of 1964**
 - Authorized national gov' t to end segregation in public education and accommodations
- **Voting Rights Act of 1965**
 - Federal suspension of states' restrictive electoral laws.
 - States have to obtain clearance from Justice Department before changing electoral laws.

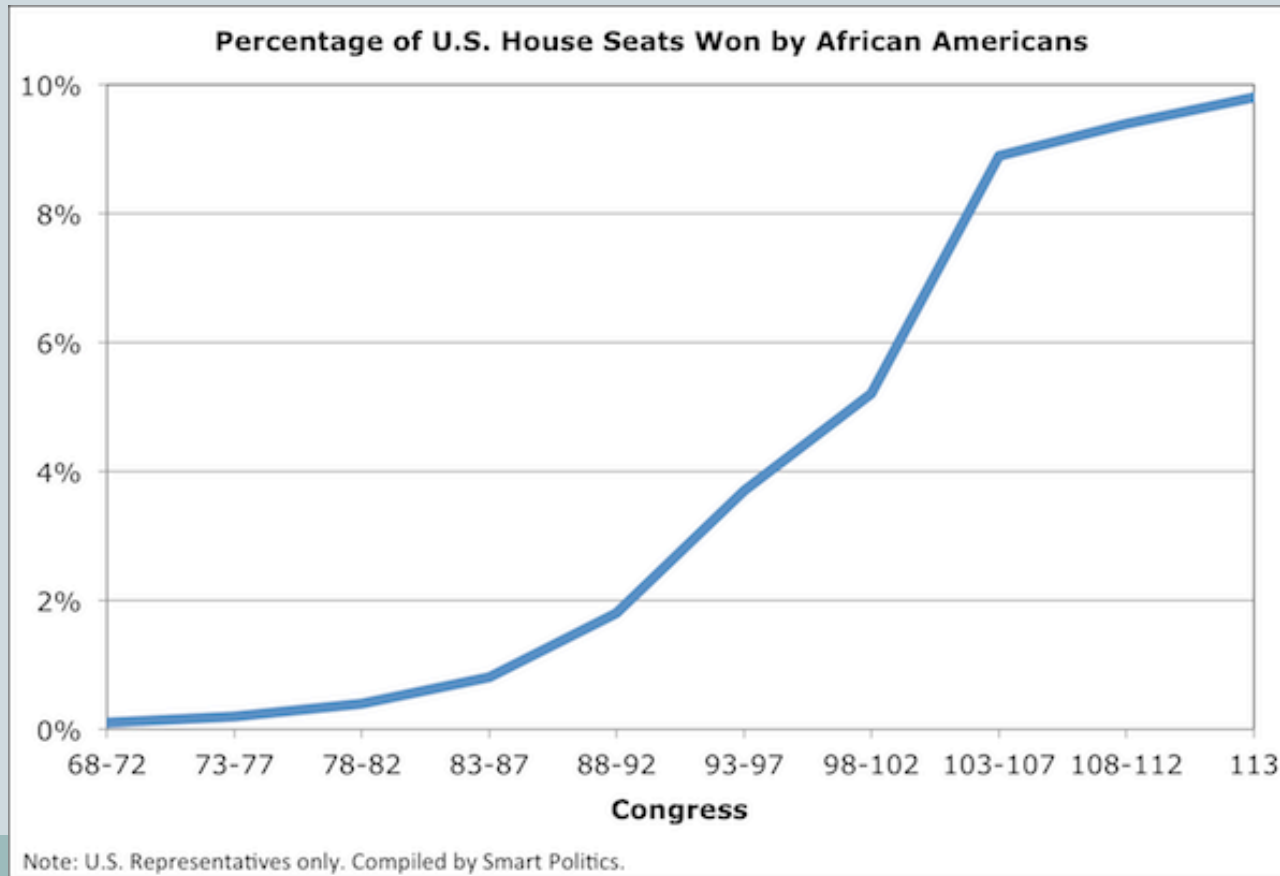
Discrimination in Employment

- Title VII of the Civil Rights Act of 1964 outlaws job discrimination by all private and public employers
- In *Griggs v. Duke Power* (1971), the Court put the onus on employers to show that employment policies that have a discriminatory *effect* put the burden of proof on employers to show the policy is a “business necessity”

African-Americans in Congress

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- Greater African-American representation in Congress over time



Gender Discrimination

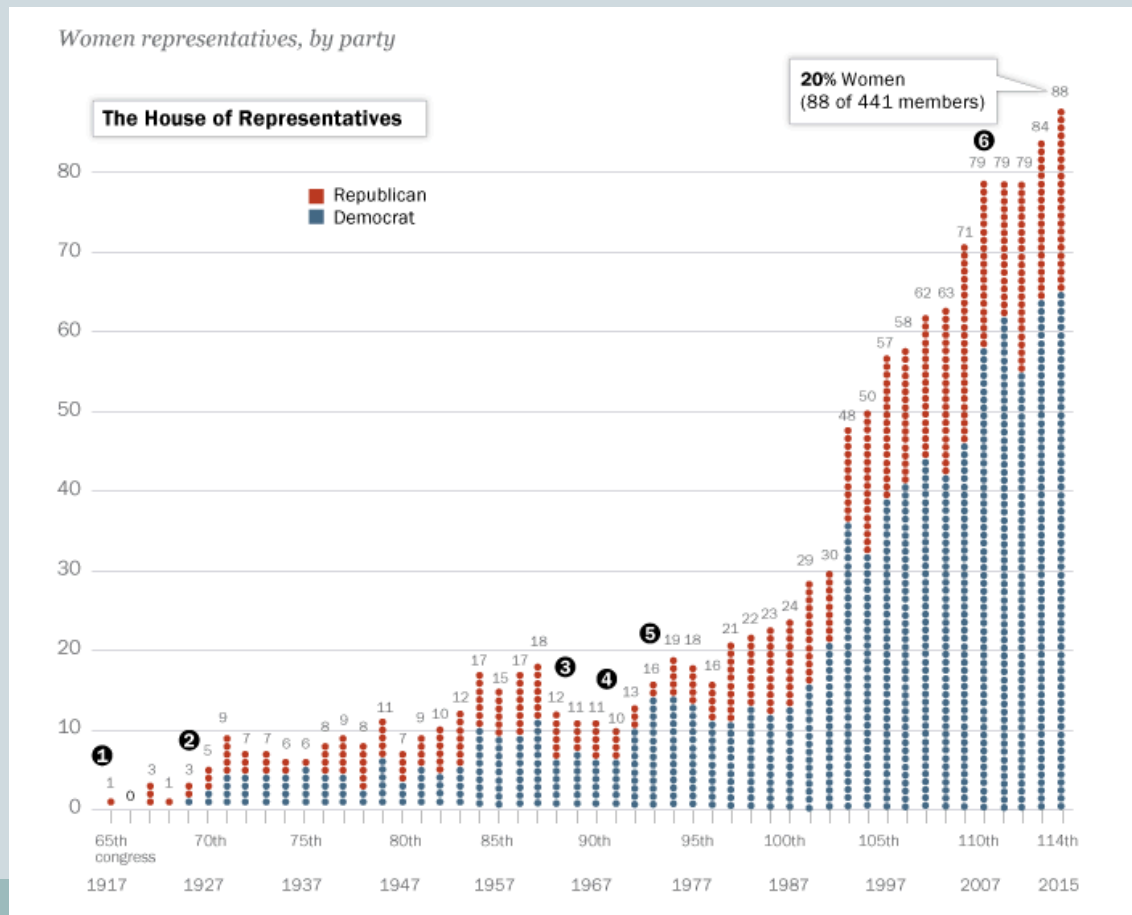
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- Seneca Falls Convention (1848)
- Nineteenth Amendment (1920) grants women the right to vote in federal elections
- Civil rights for women accelerates in the 1960s
- ERA falls just short of ratification in 1982
- Burger Court applies intermediate scrutiny to gender discrimination cases

Women in Congress

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- Greater women representation in Congress over time



Rights for Latinos

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- Latinos are among the fastest growing racial/ethnic groups
 - Congress passed extension of Voting Rights Act in 1970
 - ✦ Ballots also available in Spanish for districts with more than 5% Hispanic population
- Some recent setbacks, but prognosis is good for continuing expansion of rights
 - Increases in voting power/political office holding

Sexual Orientation

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- The gay rights movement has become one of the most important contemporary flashpoints for civil rights
 - Don't Ask Don't Tell (recently repealed)
 - *Romer v. Evans* (1996) prohibits discrimination based on sexual orientation
- Same-sex marriage upheld by SC.

Any Questions?

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