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FUGITIVE SLAVE LAW



SOUTHERNERS RESPOND

- Southerners threatened secession and war
- Believed it should be enforced because the Constitution protects property and Federal law is over State law.
- 5th Amendment
- Supremacy Clause



Dred Scott Decision (1857)



DRED SCOTT DECISION



- Slave from Missouri traveled with his owner to Illinois & Minnesota both free states.
- His master died and Scott wanted to move back to Missouri---Missouri still recognized him as a slave.
- He sued his master's widow for his freedom since he had lived in a free state for a period of time.
- Court case went to the Supreme Court for a decision-----National issue
- Can a slave sue for his freedom?
- Is a slave property?
- Is slavery legal?

DRED SCOTT DECISION

- Supreme Court hands down the Dred Scott decision
- North refused to enforce Fugitive Slave Law
- Free states pass personal liberty laws.
- Republicans claim the decision is not binding
- Southerners call on the North to accept the decision if the South is to remain in the Union.

- Slaves cannot sue the U.S. for their freedom because they are property.
- They are not citizens and have no legal right under the Constitution.
- Supreme Court legalized slavery by saying that
- Congress could not stop a slaveowner from moving his slaves to a new territory
- Missouri Compromise and all other compromises were unconstitutional

DRED SCOTT DECISION



Chief Justice Roger B. Taney (1777 to 1864) in the case of Dred Scott referred to the status of slaves when the Constitution was adopted.

"They had (slaves) for more than a century before been regarded as beings of an inferior order; and altogether unfit to associate with the white race, either in social or political relations; and so far inferior that they had no rights which the white man was bound to respect. This opinion was at that time fixed and universal in the civilized portion of the white race."

What happened to Dred Scott?

1857 The Blow brothers, his former master's sons and childhood friends of Scott, had helped pay Scott's legal fees through the years. After the Supreme Court's decision, they purchased Scott and his wife and set them free. Scott was 58 years old.

1858 Dred Scott died nine months after gaining his freedom. He is buried in St. Louis.





The American Civil War 1861 to 1865



13th 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 choose 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].



14th 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

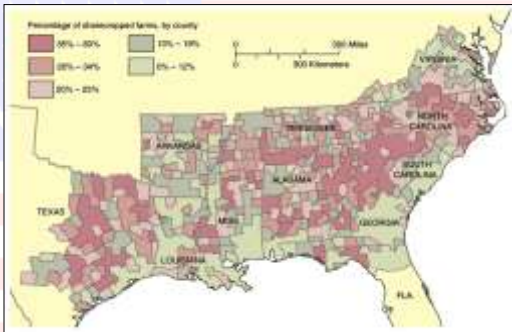


Sharecropper's cabin, North Carolina, 1914



Freedmen in Richmond, Virginia, 1865

Sharecropping



Tenancy & the Crop Lien System

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

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



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 15th Amendment guaranteed federal voting.

15th 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!

Smith v. Allwright, (1944)



Challenging all-white Democratic primary

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!

**After
Reconstruction
and the beginning
Segregation and
Jim Crow laws.**

SEGREGATION

• In 1870, **15th Amendment**, Black men and former were given the right to vote.

• After Reconstruction 1876, 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

Jim Crow Laws

Poll Taxes: Before you could vote, you had to pay taxes to vote. Most poor Blacks could not pay the tax so they didn't vote.

Literacy Test: You had to prove you could read and write before you could vote.... Once again, most poor Blacks were not literate. ☀

Grandfather clause: If your grandfather voted in the 1864 election than you could vote.....Most Blacks did not vote in 1864, so you couldn't vote....

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.
- 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 14th 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."



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.

- 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 14th 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 20th 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 20th 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



Improving Conditions for African Americans

Lynching – Ida Wells – The Red Record.



The Anti-Lynching Campaign

"No torture of helpless victims by heathen savages or cruel red Indians ever exceeded the cold-blooded savagery of white devils under lynch law. This was done by white men who controlled all the forces of law and order in their communities and who could have legally punished rapists and murderers, especially black men who had neither political power nor financial strength with which to evade any justly deserved fate...the Southerner ha[s] never gotten over his resentment that the Negro was no longer his plaything, his servant, and his source of income."

(Crusade for Justice, 1928)

Ida B. Wells



According to the Tuskegee Institute,

4,742 lynchings

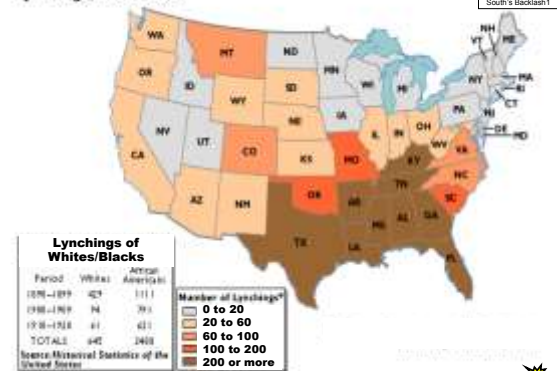
occurred between 1882-1968.

90% of the victims were **Southern**

73% of the victims were **black**

27% of the victims were **white**

Lynchings, 1890-1920



Lynching took the place of “the merry-go-round, the theatre, symphony orchestra” (H.L. Mencken)

For which crime was someone lynched?

For illegal crimes, such as murder, rape, or theft

But also, people were lynched for insulting a white person, buying a car...

Or even, especially if it was a black lynching, for no crime at all. Just to remind blacks to stay in their place.

Marion, Indiana -- 1930



ANTI LYNCHING LEGISLATION

- Look at the following Anti Lynching Legislation
 - What do you see?
 - Are there any common themes
 - How does Federalism apply?

Anti-Lynching Legislation

Dyer Bill (1921) Provisions:

- Lynching: "murder of a U.S. citizen by a mob of 3+ people
- Sheriff/official who fails to protect prisoner is guilty of felony
- U.S. government can prosecute lynchers if state government does not
- County in which lynching occurs must pay \$10,000 to victim's family

Passed in H.O.R./Filibuster in Senate

Anti-Lynching Legislation

Wagner-Costigan Bill (1934) Provisions:

- mob: 3+ persons
- State officer's neglect-->5 yr prison sentence and \$5,000 fine
- Conspirators-->5-25 yr prison sentence
- County where lynching occurs: \$2,000-\$10,000 fine (to family, or to federal government if there is no family)
 - ✓ To prove that summary execution does not save the public money

Does not openly condemn lynching-criminalizes negligence by officials

Was also defeated by Southern Senators in a filibuster

Anti-Lynching Legislation

Wagner-Van Nuys Bill + Gavagan Bill (1937)

- Pro-legislation senators willing to protest the filibuster, but faced strong dissent from Southern senators
- FDR decided not to speak out against the filibuster
- The anti-lynching movement had seventy senators and therefore, had the opportunity to challenge the filibuster and force a vote. But not all seventy were willing to challenge FDR's decision nor stir resentment in Southern senators because of their control over several committees

Presidential Reactions to Lynching

"loosening of the bonds of civilization"
black man's runaway sexual appetite
educated blacks could help eliminate the practice of lynching if they turned in fellow colored criminals to the state

Teddy Roosevelt

Any American "who takes part in the action of a mob...is no true son of this great democracy, but its betrayer"

Woodrow Wilson, as motivated by the NAACP

Lynching is a "very sore spot on our boast of civilization"

Congress ought to wipe the stain of barbaric lynching from the banners of a free and orderly, representative democracy" (1921)

Warren Harding

On Monday, June 12, 2005, the Senate passed a non-binding resolution apologizing for not enacting anti-lynching legislation.

The Senate "expresses the deepest sympathies and most solemn regrets of the Senate to the descendants of victims of lynching, the ancestors of whom were deprived of life, human dignity and the constitutional protections accorded all citizens of the United States."

African Americans 1930s and 1940s

Migration and the New Deal

- In the years between the Civil War and the 1940s, many African Americans migrated from the South to northern cities.
- During the Depression, Roosevelt and others courted black votes to support New Deal initiatives.
- Under Roosevelt, the number of African Americans working for the federal government rose significantly.

World War II and the NAACP

- A shortage of labor during World War II led many more African Americans to the North.
- As Americans fought a war against discrimination in Europe, many began to think about the discrimination taking place at home.
- The National Association for the Advancement of Colored People (NAACP) worked hard in the courts to challenge segregation laws.

Laying the Groundwork: The NAACP

- Although the civil rights movement had no one central organization, several groups formed to share information and coordinate activities. One of these was the National Association for the Advancement of Colored People (NAACP).
- The NAACP was founded in 1909 as an interracial organization, one with both African American and white American members. W.E.B. Du Bois, a founding member, helped define the NAACP's goals.
- During the 1920s and 1930s, the NAACP won many legal victories, especially in the areas of housing and education.
- Despite these victories, the NAACP received criticism from poorer African Americans, who claimed that it was out of touch with the issues of basic economic survival.

Other Civil Rights Organizations

The National Urban League

- Founded in 1911, the National Urban League helped African Americans who were moving to northern cities.
- The League helped African Americans find homes and jobs in the cities, and insisted that employers help them learn skills which could lead to better jobs.

The Congress of Racial Equality

- In 1942, the Congress of Racial Equality (CORE) was founded to help bring about change peacefully.
- Like the NAACP, CORE was an interracial organization which argued against discrimination and segregation.
- CORE came to have a major role in civil rights confrontations of the 1950s and 1960s.

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



Brown v Board of Education of Topeka, Kansas

- In 1951, Oliver Brown wanted his 8-year-old daughter to attend a Topeka, Kansas school, which only white children were permitted to attend.
- Brown sued the Topeka Board of Education, and his case reached the Supreme Court. Thurgood Marshall of the NAACP argued Brown's case.
- On May 17, 1954, the Supreme Court issued its ruling in the Brown v. Board of Education of Topeka, Kansas case. In this ruling, the court supported Brown's case for desegregation, stating that, "Separate educational facilities are inherently unequal."
- A year later, the Court ruled that local school boards should move to desegregate "with all deliberate speed."

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...

Early Civil Rights Legislation

• **President Eisenhower signed into law the following Civil Rights laws.**

Civil Rights Act of 1957

- Created the United States Civil Rights Commission
- Investigated and reported voter discrimination
- Gave the Attorney General the power to require federal courts to issue orders to prevent any interference with a person's right to vote

Civil Rights Act of 1960

- Created federal voting referees who helped correct conditions to prevent voter discrimination

CIVIL RIGHTS MOVEMENT




Members of the **Civil Rights Movement** used a variety of methods to get results. These included practicing non-violence and passive resistance (**sit-ins, boycotts, freedom rides, etc.**) as encouraged by Dr. King.

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

CIVIL RIGHTS MOVEMENT



African-American Civil Rights Law	
Civil Rights Act of 1964	Abolished the use of voter registration or a literacy requirement to discriminate against any voter.
24th Amendment (1964)	Banned the poll tax.
Voting Rights Act of 1965	Banned literacy tests in counties where over half of eligible voters had been disenfranchised.

• President Johnson meeting MLK discussing Civil Rights.

• President Johnson's support of Civil Rights was continuation of President Kennedy's stand on Civil Rights.

The Civil Rights Act of 1964

The Law

- More far-reaching than the **Civil Rights Acts of 1957 and 1960**, the **Civil Rights Act of 1964** abolished the use of voter registration or a literacy requirement to discriminate against any voter.
- Its enforcement relied on judicial action and the use of **injunctions**—court orders that either force or restrain specific acts.

The Aftermath

- The violent response of civilians and police and state troopers to a voter registration drive mounted by Dr. Martin Luther King, Jr. in Selma, Alabama showed that the Civil Rights Acts of 1957, 1960 and 1964 were still not enough to ensure voter equality.
- Led to the 24th Amendment and Voting Rights Act of 1965.

The Civil Rights Act of 1964

Johnson's Role

- After Kennedy was assassinated, President Johnson worked to build support for Kennedy's civil rights bill.
- The house passed the bill, but civil rights opponents in the Senate stalled it with a **filibuster**. This technique involved preventing a vote on a measure by taking the floor and refusing to stop talking.

The Act Is Passed

- Johnson countered the filibuster with a procedure called **cloture**, a three-fifths vote to limit debate and call for a vote.
- In June 1964, the Senate voted for cloture. Soon afterwards, the bill passed, becoming the **Civil Rights Act of 1964**.

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.



Provisions of the Civil Rights Act

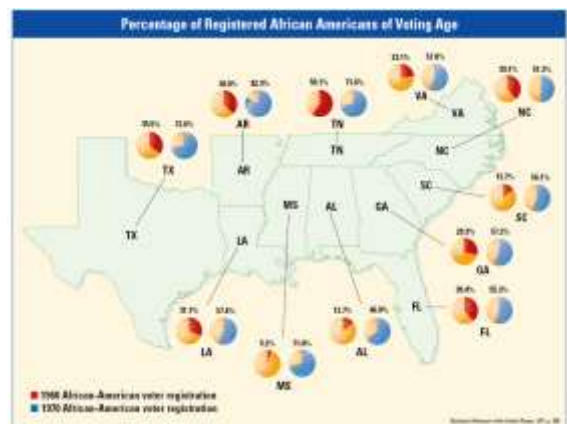
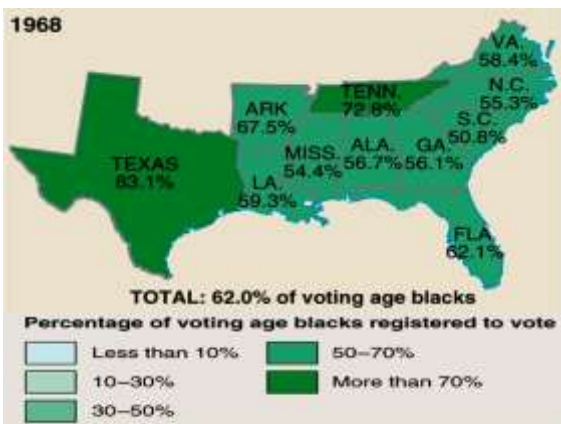
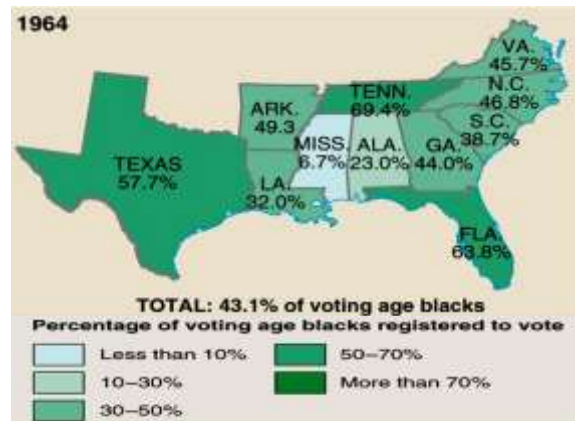
Some Provisions of the Civil Rights Act of 1964

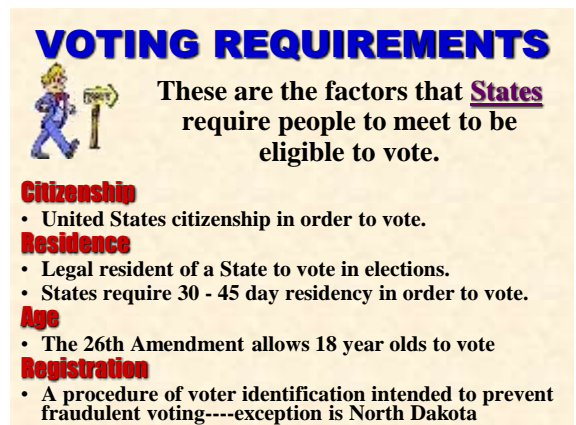
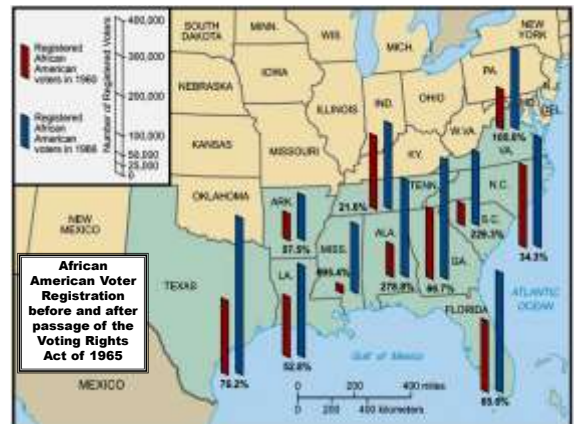
- **Title I** — Banned the use of different voter registration standards for blacks and whites
- **Title II** — Prohibited discrimination in public accommodations such as restaurants, hotels, and theaters
- **Title VI** — Allowed the withholding of federal funds from programs that practice discrimination
- **Title VII** — Banned discrimination on the basis of race, sex, religion, or national origin by employers and unions and created the Equal Employment Opportunity Commission (EEOC)

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.



"The future belongs to those who prepare for it today."
—Malcolm X

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CIVIL RIGHTS MOVEMENT

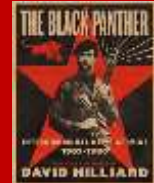


- **Liberation and segregation of Black people not integration was Malcolm X's message. Believed MLK was moving too slow.**
- **Malcolm X became a powerful force in the Nation of Islam movement. His fervor and charismatic personality helping to swell the ranks.**
- **Conflict with Elijah Muhammad eventually followed and Malcolm X left the NOI after a pilgrimage to Mecca, where he saw "sincere and true brotherhood practiced by all colors together irrespective of their color."**
- **Malcolm X was killed three months before his 40th birthday while giving a speech at the Audubon Ballroom in Harlem, NY on Feb. 21, 1965.**

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.

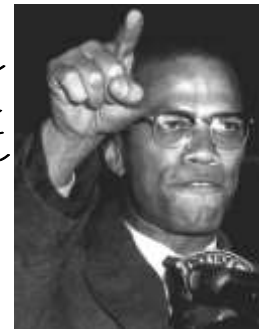


Tragically, on April 4, 1968, Martin Luther King, Jr. was assassinated.

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.



Martin Luther King



Consequences of Civil Rights Legislation

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

Riots in the Streets

- The early civil rights movement had focused on *de jure* segregation, racial separation created by law.
- As laws changed, however, *de facto* segregation remained. This separation was caused by social conditions such as poverty.
- Frustration and anger over *de facto* segregation, especially in ghetto neighborhoods, led to riots in several cities.
- The worst of these occurred in the Los Angeles neighborhood of Watts, where an encounter between a black man and the police touched off six days of rioting that left many killed or injured.
- In response to these riots, the federal government set up a special National Advisory Commission on Civil Disorders. In 1968, the Commission concluded that the riots were caused by issues that had been smoldering in ghettos for many years.



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.

