


Civil Rights

- Civil Liberties: Constitution's protections *from* government power
- Civil Rights: protections by government power; obligation imposed on government to take positive action on behalf of its citizens



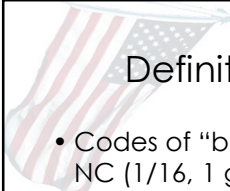
Civil Rights: Major Obstacles

- U.S. Constitution
 - reserves authority to the states (States' Rights)
 - separation of Powers (Southern filibusters)
- Politics based on self-interest
 - government controlled by "people" not "angels"




Protection Against What?

- Arbitrary/Discriminatory Treatment Based on Categorical Membership, e.g. race, sex, national origin, age, religion, or sexual orientation
- Groups that have operated under separate systems of laws



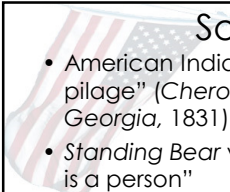
Definition of Groups

- Codes of "black blood:" From LA & NC (1/16, 1 great-great grandparent) to OR (1/4, 1 grandparent), with SC (1/8) in between
- From Census takers to self- (and multiple) designations



So What, I?

- Naturalization Act of 1790: Free white aliens who had lived in U.S. for two years & had good behavior became citizens
- All naturalization laws through 1854 included the phrase "free white persons"
- "in the sense in which that word [citizen] is used in the Constitution" Blacks, free or enslaved, "had no rights that the white man is bound to respect" (*Dred Scott v. Sanford* 1857, 454, 407)



So What, II?

- American Indians "are in a state of pupillage" (*Cherokee Nation v. State of Georgia*, 1831)
- *Standing Bear v. Crook*, 1879: "an Indian is a person"
- Piecemeal citizenship: Dawes Act, 1887; 5 "Civilized Tribes," 1901; Indian Citizenship Act, 1924)
- Treaty of Guadalupe Hidalgo, 1846
- Hispanic diversity
- Chinese Exclusion Act, 1882
- Immigration Quota Act, 1924 (targeting Japanese)



So What, III? Discrimination

- Jim Crow Laws: public accommodations, voting, education, employment, housing
- *Plessy v. Ferguson* (1896)
- *Cumming v. Bd. Of Ed.* (1899)
- *Plessy* effectively overturned by *Brown v. Board of Education* (1954; 1955)
- Antimiscegenation laws (struck down by *Loving v. Virginia* (1967))



Poll taxes

- Payment required as a condition for voting
- Discouraged disadvantaged African Americans from voting



Literacy tests

Two definitions:

1. reading and comprehension
 2. interpreting state and/or US constitutions (understanding clause)
- Intended to be applied differentially to discourage African Americans



White Primary

- States argued that the Democratic party was a "private club" & ergo limited membership to whites only
- Denied African American voting in primaries in the 1-party south



Grandfather clause

- Exemption given to voters if their grandfather had voted in 1867
- Stated to exempt white voters but actually excluded black voters
 - A citizen could not vote if their grandfather could not vote in 1867



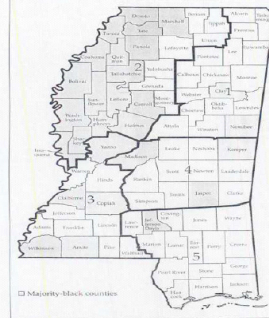
Election procedures

- Notification not made publicly
- Denied access to registration and polling booths

Dilution of voting Strength through Redistricting

- Drawing political district lines in such a way as to deny or limit African American representation
- the impact of vote was limited or excluded

Mississippi Districts, 1962



Map 2.3. Congressional Districts Adopted by the State Legislature in 1962. After the 1960 census, as a result of the reapportionment of congressional seats, Mississippi lost a seat in the U.S. House of Representatives. The Second and Third Congressional Districts were simply combined to form a new Second District, which included the Delta area and was almost 60 percent black in population.

Mississippi Districts, 1966



Map 2.4. First Congressional Redistricting Plan Adopted by the State House of Representatives in 1966. The House-passed plan would have divided the Delta among four of the state's five congressional districts, leaving all five districts majority-white in population.

THE CIVIL RIGHTS MOVEMENT

NAACP LDF's litigation strategy (1940s & '50s)

- Smith v. Allwright (1944)*: eliminates white primary laws
- Brown v. Board of Education (1954)*: trumps the *Plessy* decision

VICTORIES OF THE CIVIL RIGHTS MOVEMENT

- Civil Rights Act of 1964: authorized the national government to end segregation in public accommodations & laid groundwork to end it in education
- Voting Rights Act of 1965: authorized federal suspension of states' restrictive electoral tests (literacy tests) & federal officers to register voters directly

LEGACIES OF THE CIVIL RIGHTS MOVEMENT

- 1967: Age Discrimination in Employment Act
- 1990: Americans with Disability Act
- 2012: Washington State legalizes same-sex marriage