



# Civil Rights

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American National Government  
Topic Four

# Overview

- What are civil rights and why do they matter?
- What is the early history of civil rights in the United States?
- How did party politics contribute to the protection of Black Americans' civil rights?
- What strategies were used by the Civil Rights Movement?

I – What are civil rights and why are they important?

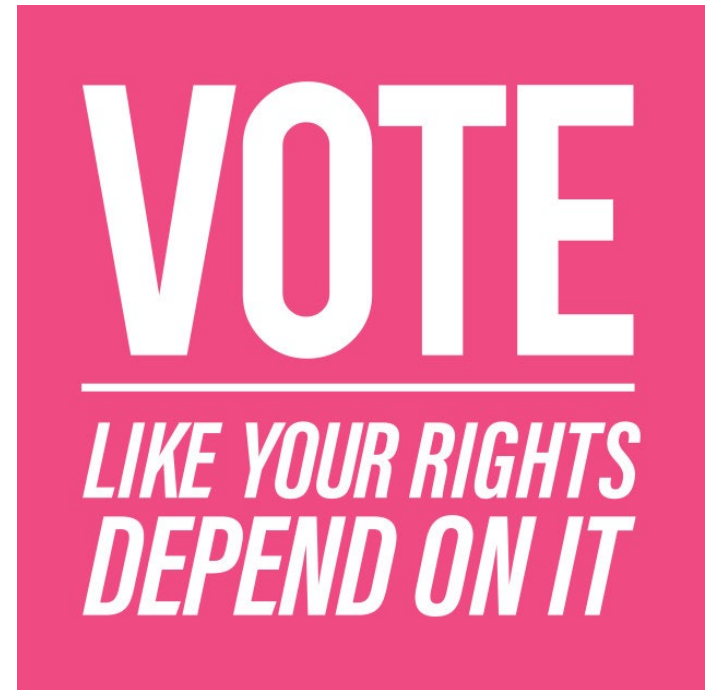
# What Are Civil Rights? (vs Civil Liberties)

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- Civil rights
  - Represent those protections **by government power**
    - Equal citizenship
    - Protection from discrimination
  - Require governments to act
    - Governments have to be strong and powerful to protect civil rights
- Civil liberties
  - Protections of citizens **from government power**
  - Generally well served when government does nothing

# Why do civil rights matter?

- Civil rights are important in a democracy because:
  - Civil rights include rights to participate in politics, especially voting rights, and democracy cannot function well without widespread participation
    - If a group is excluded, their rights and interests will be systematically harmed by politicians who don't need to fear being voted out of office by them



# Why do civil rights matter?

- Civil rights are important in a democracy because:
  - Those without civil rights protections are vulnerable to abuse, such as economic exploitation (e.g. sharecropping) and violence (e.g. lynching), which violates fundamental human rights



‘Strange fruit,’ euphemism for lynched Black Americans, title of a famous Billie Holiday song

# Why do civil rights matter?

- Civil rights are important in a democracy because:
  - Those without civil rights protections are second-class citizens
    - Denial of civil rights marks some as inferior
  - Protecting the civil rights of all constitutes treating everyone equally before the law



II – What is the early history of civil rights in the United States?

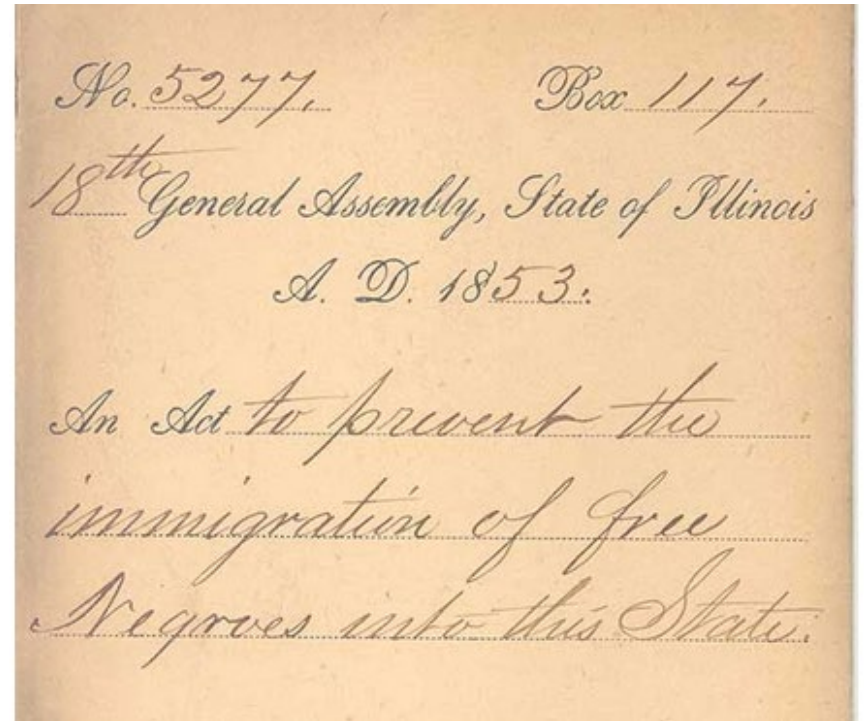


# Civil Rights of Black Americans

- History of civil rights in the United States largely begins with the struggle for Black emancipation
  - Later struggles for women's rights, American Indian rights, disabled rights, and LGBT rights followed its playbook
- The two main areas of civil rights denied African Americans in the Jim Crow era:
  - Voting rights
  - Social and economic segregation

# History of Civil Rights

- Black Americans' basic humanity was denied by the supreme law of the land prior to the Civil War
  - Almost all were enslaved
  - Free Black people faced immense prejudice and legal inequality
    - Ex: some Northern states (like Illinois) forbade Black people from entering the state
- *Dred Scott v. Sanford*: African Americans have "no rights which the white man is bound to respect."
  - The Supreme Court said Black people could not be citizens of the United States, and had no rights under the Constitution



# History of Civil Rights

- End of the Civil War brought great promise
- This period is sometimes called the Second American Revolution
  - Passage of the Reconstruction Amendments
    - 13<sup>th</sup> Amendment (1865)
      - Prohibits slavery and involuntary servitude
    - 14<sup>th</sup> Amendment (1868)
      - Guarantees each citizen equal protection of the laws
    - 15<sup>th</sup> Amendment (1870)
      - Right to vote regardless of race
  - Reconstruction
    - Federal gov't under Radical Republicans builds multi-racial democracy in South
    - Requires occupation of the South by Northern troops (1865-1877)
- This was a period of Black political empowerment (elected to House & Senate, state legislatures) and rising Black well-being

# History of Civil Rights

- End of Reconstruction & withdrawal of Northern troops unleashes southern whites to reimpose white supremacy
- Slowly, Black Americans lose many of their rights
  - First, they were stripped of political power
    - Southern whites *formally & informally* disenfranchised Black voters
      - Poll taxes
      - Literacy test
      - Grandfather clauses
      - All-white primary
      - Election fraud
      - Terrorist violence
    - Formal barriers were then enforced subjectively by white officials
    - This took years; not overnight
  - By disenfranchising Black Americans, southern whites were then able to institutionalize segregation
- Together, disenfranchisement and segregation constituted the social and political order of white supremacy called Jim Crow

# The Jim Crow Era

## The State of Louisiana

Literacy Test (This test is to be given to anyone who cannot prove a fifth grade education.)

Do what you are told to do in each statement, nothing more, nothing less. Be careful as one wrong answer denotes failure of the test. You have 10 minutes to complete the test.

1. Draw a line around the number or letter of this sentence.
2. Draw a line under the last word in this line.
3. Cross out the longest word in this line.
4. Draw a line around the shortest word in this line.
5. Circle the first, first letter of the alphabet in this line.
6. In the space below draw three circles, one inside (engulfed by) the other.

7. Above the letter X make a small cross.
8. Draw a line through the letter below that comes earliest in the alphabet.

Z V S B D M K I T P H C

9. Draw a line through the two letters below that come last in the alphabet.

Z V B D M K T P H S Y C

10. In the first circle below write the last letter of the first word beginning with "L".



11. Cross out the number necessary, when making the number below one million.

10000000000

12. Draw a line from circle 2 to circle 5 that will pass below circle 2 and above circle 4.



13. In the line below cross out each number that is more than 20 but less than 30.

31 16 48 29 53 47 22 37 98 26 20 25

# The Jim Crow Era

- Institutional factors enabling Jim Crow:
  - South transformed itself into a **one party system**
    - Guaranteed no competition for Black votes
  - Federalism
    - States traditionally have broad authority over areas of greatest oppression of Black Americans (elections and everyday social/economic life)
    - States learned new ways to oppress from each other
- Senate rules
  - **Filibuster** = unlimited debate
    - Filibuster enables Senate minorities to block legislation favored by the majority
    - Southerners used the filibuster to block consideration of civil rights legislation for more than half a century

# The Jim Crow Era

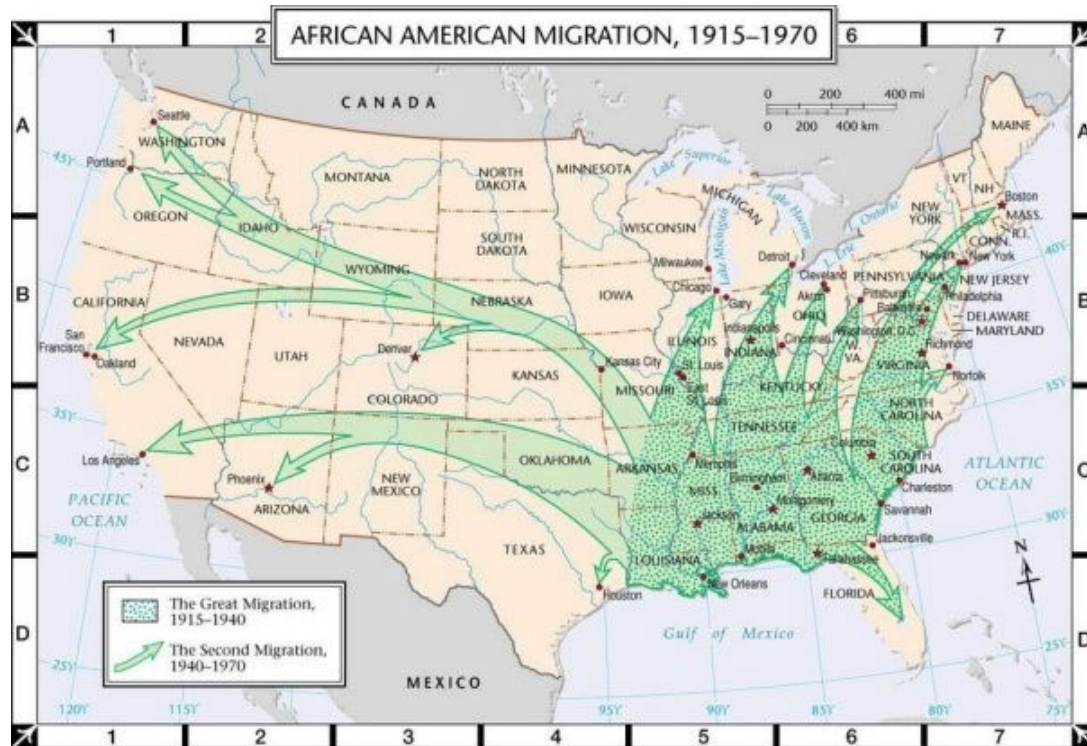
- Further enabling factor:
  - Supreme Court
    - Civil Rights Cases (1883)
      - Supreme Court rules Congress doesn't have power to regulate discriminatory conduct of private actors
    - *Plessy v. Ferguson* (1896)
      - Supreme Court argues the 14<sup>th</sup> Amendment only applies to political equality, not social equality, concluding that laws requiring "separate but equal" facilities are constitutional
  - The court prevents federal action to protect civil rights and blesses and protects segregation

III – What role did party politics play in protecting the civil rights of Black Americans?



# Civil Rights & Politics

- Change begins slowly. Seeds of change planted in early 20<sup>th</sup> century
- Party politics opens the door for change
  - **Great Migration** (1915-70)
    - Millions of Black Americans moved north and, later, west
    - Gained electoral power in key non-southern, non-Jim Crow states



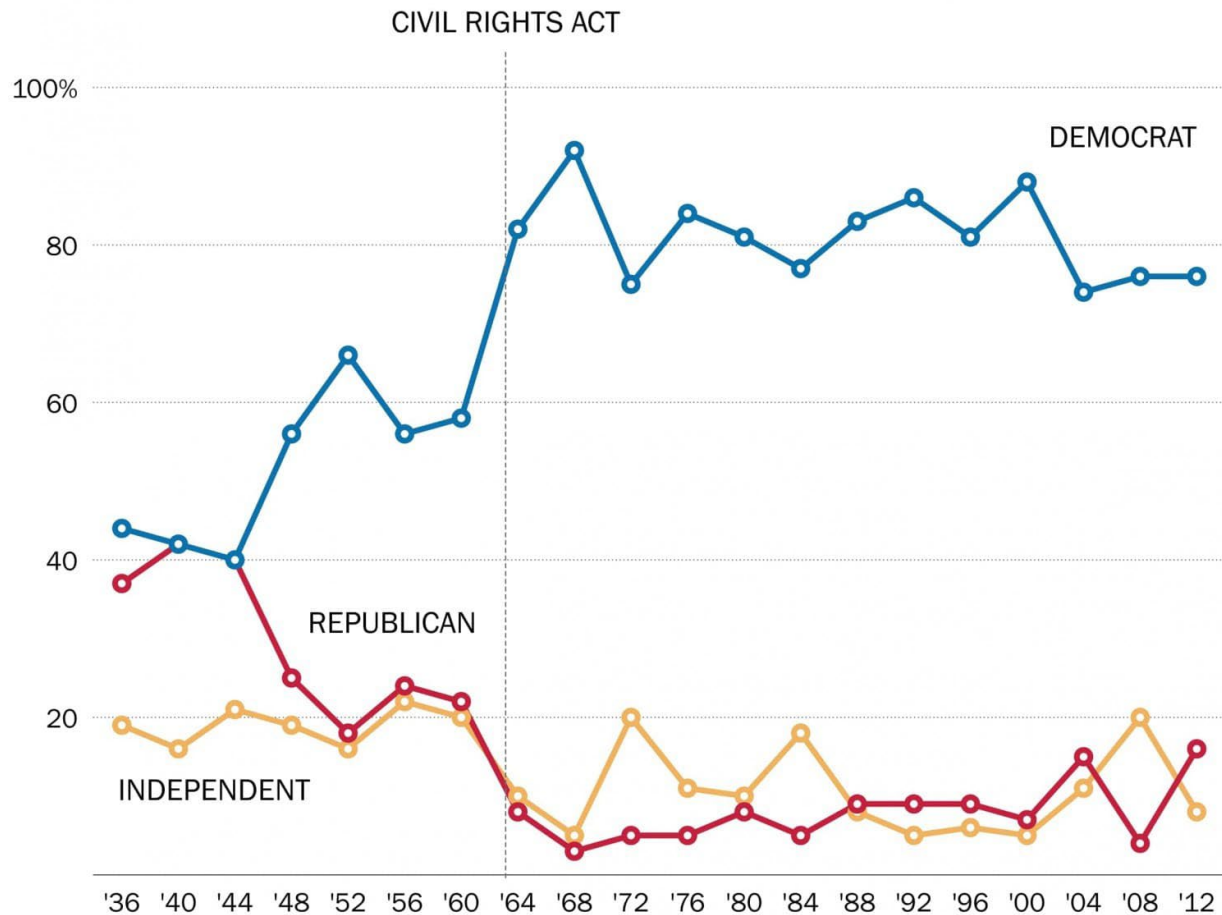
# Civil Rights & Politics

- Non-southern Democrats start to see Black Americans as potential supporters
  - FDR roots out racial discrimination in the distribution of Depression relief aid; bans it in federal agencies and defense industries; appoints over a hundred Black administrators (after Dem Prez Wilson purged them); revives civil rights division of Justice dept.
  - Truman desegregates the military
  - Black Americans are equally Republican and Democratic until Truman (late 1940s) and then in early 1960s come to heavily support the Democrats

# Civil Rights & Politics

## Black party identification

Data compiled by the Joint Center for Political and Economic Studies from a variety of sources.

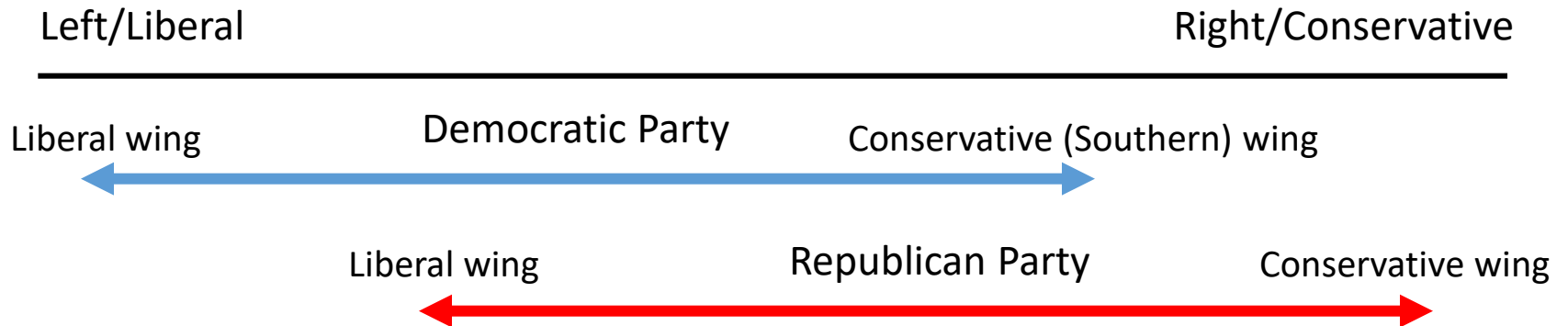


# Civil Rights & Politics

- Which party was the party of civil rights? The Democrats
  - Might seem strange since:
    - Jim Crow South was dominated by Democrats
    - GOP was the party of Lincoln, and many GOPers voted for civil rights legislation
- Both parties were very different back then
  - The transformation of the parties that started in this period created contemporary American politics
    - It's **hugely** important!

# Civil Rights & Politics

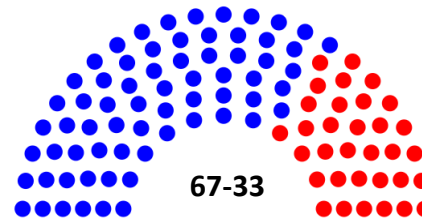
- Each party had liberals and conservatives
  - In the middle of the 20<sup>th</sup> century, the parties overlapped ideologically:



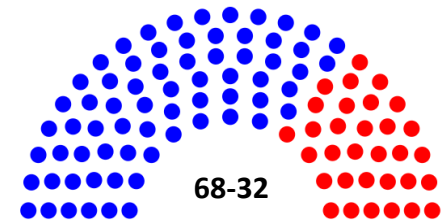
# Civil Rights & Politics

- Democrats controlled the Presidency and had huge majorities in both houses of Congress when civil rights arises in the 1960s
  - This means Democrats had **agenda control**
  - Civil rights legislation could only happen because Democrats wanted it to

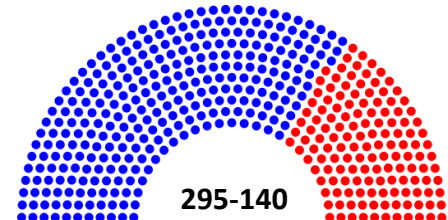
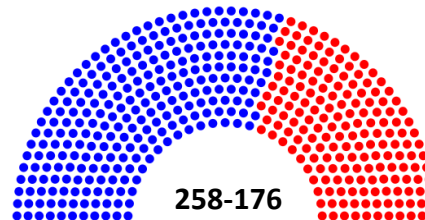
88<sup>th</sup> Congress (1963-65)



89<sup>th</sup> Congress (1965-67)



Senate



House of Representatives

Historically large Democratic majorities in the House and Senate

# Civil Rights & Politics

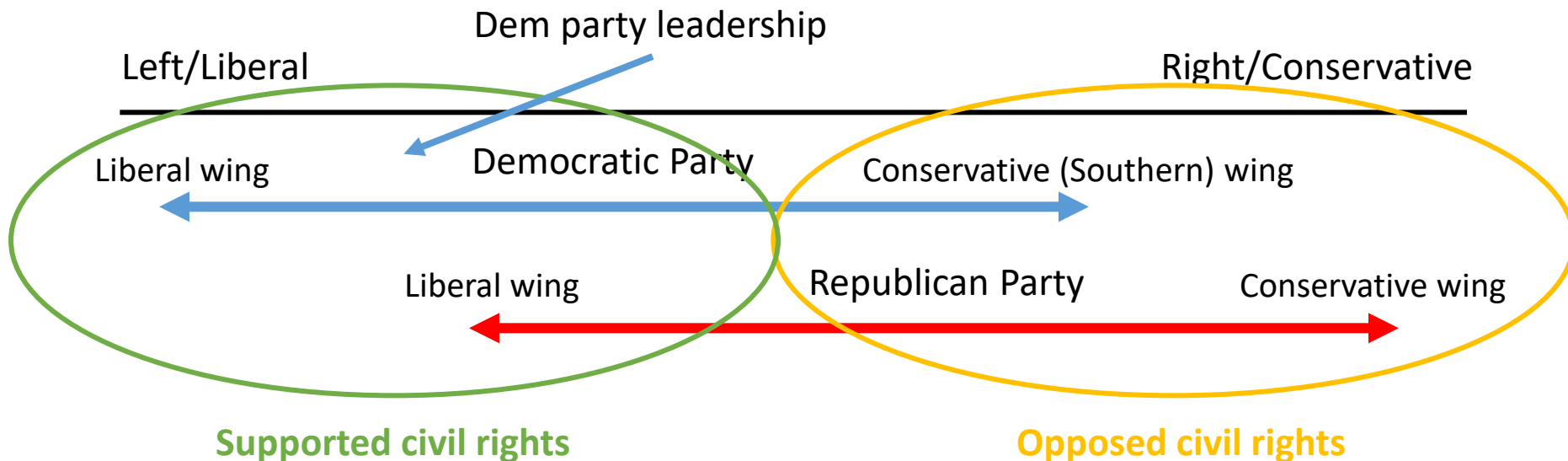
- Big majorities gave liberal wing of the Democratic party confidence that they could defeat the southern segregationist wing
  - Democratic party leadership supported action (LBJ)



Pres. Johnson faces off against Sen.  
Russell, leader of southern Democrats

# Civil Rights & Politics

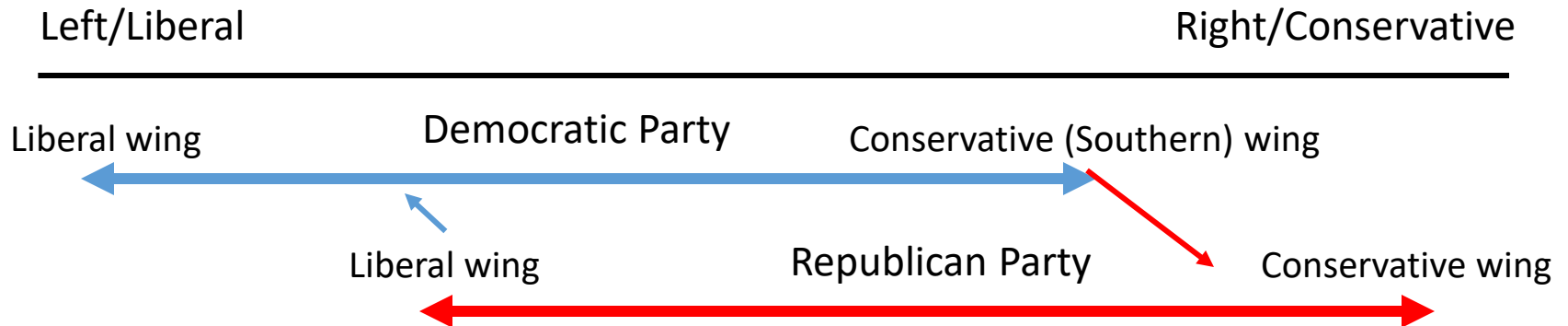
- *Liberals* supported civil rights; *conservatives* opposed it
  - But Democrats controlled all branches of government & were responsible for pushing civil rights laws through, so Dems became party of civil rights





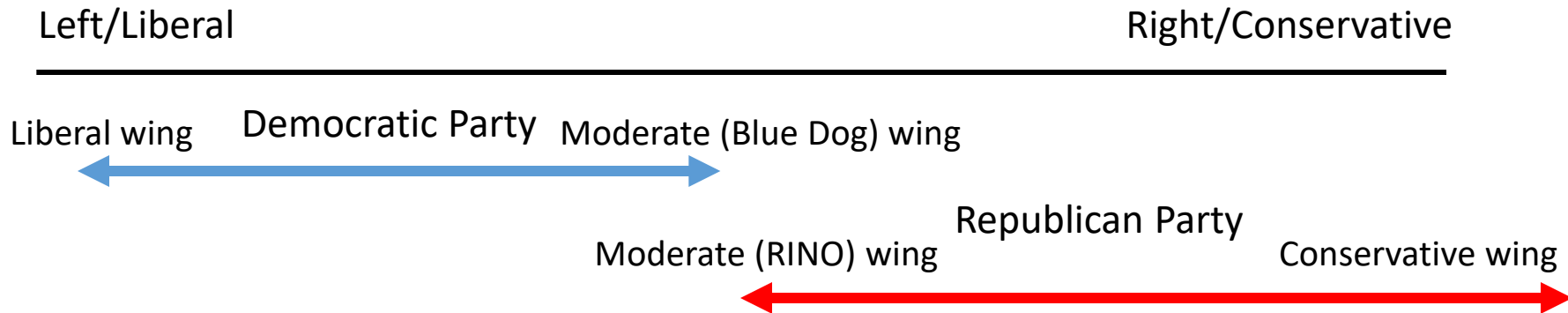
# Civil Rights & Politics

- Following civil rights, Southern whites, angry about it, gradually abandon the Democratic party for the Republican party
  - To a lesser extent, liberal Republicans, esp. in the Northeast, go Democratic
- This party realignment transforms American politics



# Civil Rights & Politics

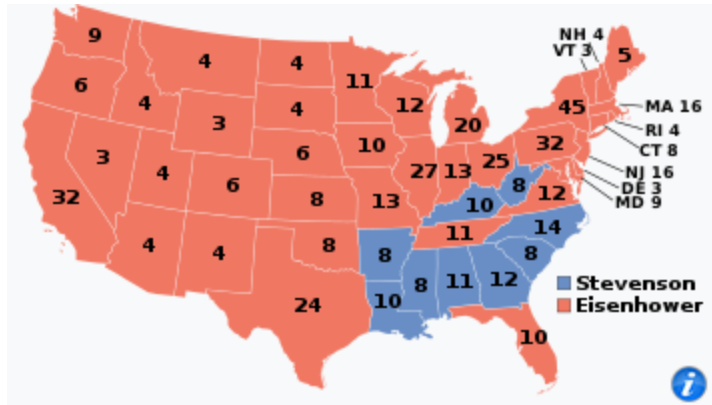
- Parties are ideologically distinct now, with no real overlap
  - This replaces conflict within parties' liberal and conservative wings with conflict between the parties
    - This is **polarization**
    - This is American politics today



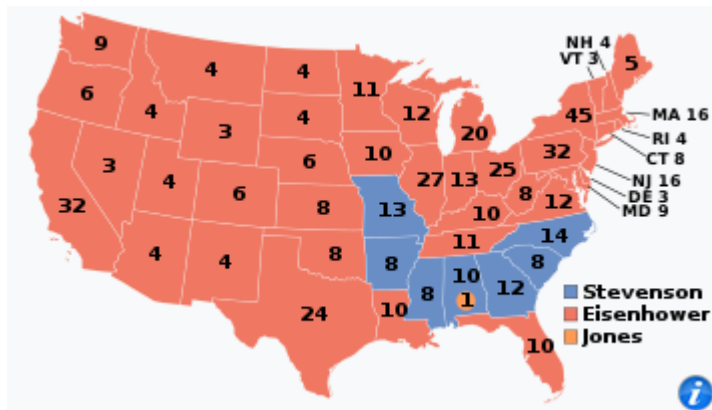
# Party Competition opens opportunity for Civil Rights

- In sum, when Black Americans move North during the Great Migration, competition between parties for their votes starts
  - Republican Party of the middle 20<sup>th</sup> century can no longer rely on having freed the slaves ninety years before. Can't take black votes for granted
  - Northern liberal Democrats want Black support & hate white supremacy, and so come to support civil rights
    - Take big public actions like Truman's desegregating the military
  - Huge Democratic majorities in Congress in the 1960s make Northern liberals willing to fight their own party's Southern conservative wing
    - Big majority made the intra-party fight less likely to lose the party control of Congress
  - Under pressure from the Civil Rights Movement, Democratic leadership in the House, Senate, and from President Johnson push through civil rights bills 'over the dead bodies' of the Southern Democrats
    - This wins the Democrats the allegiance of Black Americans, but loses them white Southerners to the present day

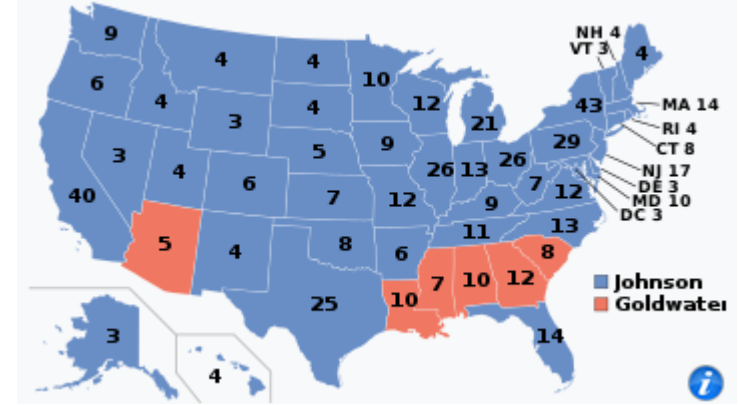
# Democrats Lose the South Because of Civil Rights



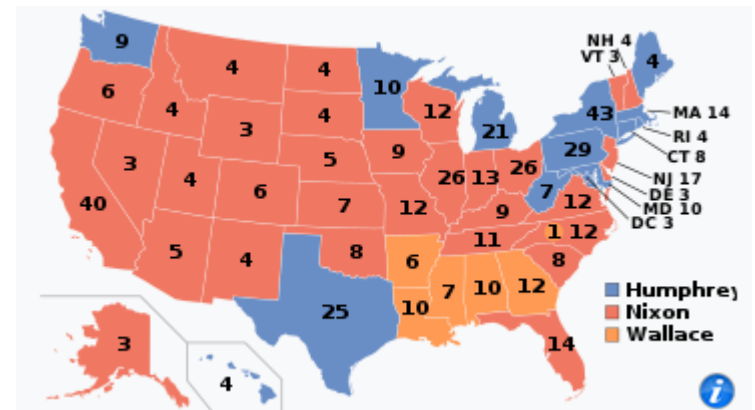
1952



1956



1964

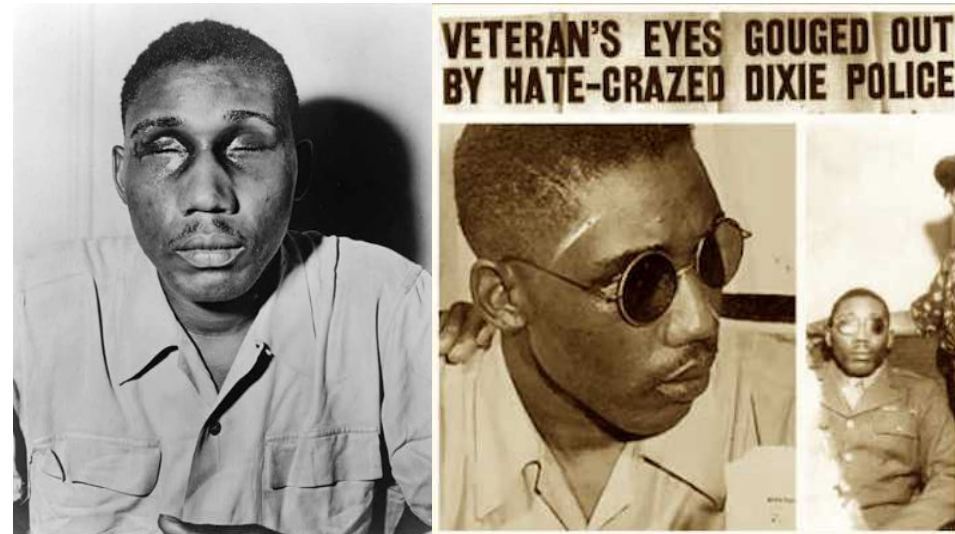


1968

IV – What strategies did the Civil Rights Movement use?

# Coming of the Civil Rights Movement

- Party politics was one important factor for civil rights but the central cause was the **Civil Rights Movement**
  - WWII creates a generation of disciplined young Black men who served their country honorably and refuse to submit to Jim Crow
  - Civil Rights Movement's initial strategy is to challenge Jim Crow **in the courts**
    - Not a broad based popular movement at first; mainly composed of the small, well-educated Black elite, like the NAACP



Isaac Woodard, in his US Army uniform, is beaten and has his eyes gouged out by South Carolina police in 1946, making national headlines

# Early Civil Rights Victories

- Supreme Court begins ruling in favor of Black civil rights as a result of the Civil Rights Movement's litigation strategy
  - *Shelley v. Kraemer* (1948) bans racial covenants in property deeds; *Bailey v. Patterson* (1962) bans segregation in transportation
  - *Brown v. Board of Education of Topeka* (1954)
    - Overturns *Plessy*
    - Separate is not equal
- Huge wins, but have little effect
  - Eight years (!) after *Brown*, only 0.5% of all southern black children attend desegregated schools
- So Civil Rights Movement changes from its successful but ineffective litigation strategy

# Civil Rights Movement and Civil Disobedience

- The new strategy
  - Using **civil disobedience** and non-violent tactics, Black activists raised the issue of civil rights into national spotlight
    - Aim to change public opinion





# Civil Rights Movement and Civil Disobedience

- Civil disobedience meant publicly breaking unjust laws and accepting consequences; i.e. getting arrested
  - Shows the world the injustice
  - Makes violence underlying Jim Crow & white supremacy visible
- Images and publicity key



# Civil Rights Movement and Strategy

- By winning public opinion, CRM wanted to force elected leaders to take action
  - Electeds are interested in people's votes, so will not want to be on the wrong side of an issue many people had come to care about due to pictures & stories of CRM activism
  - Also many elected leaders genuinely wanted to do something about civil rights!
  - LBJ to MLK: Make me do it



# Civil Rights & Government Power

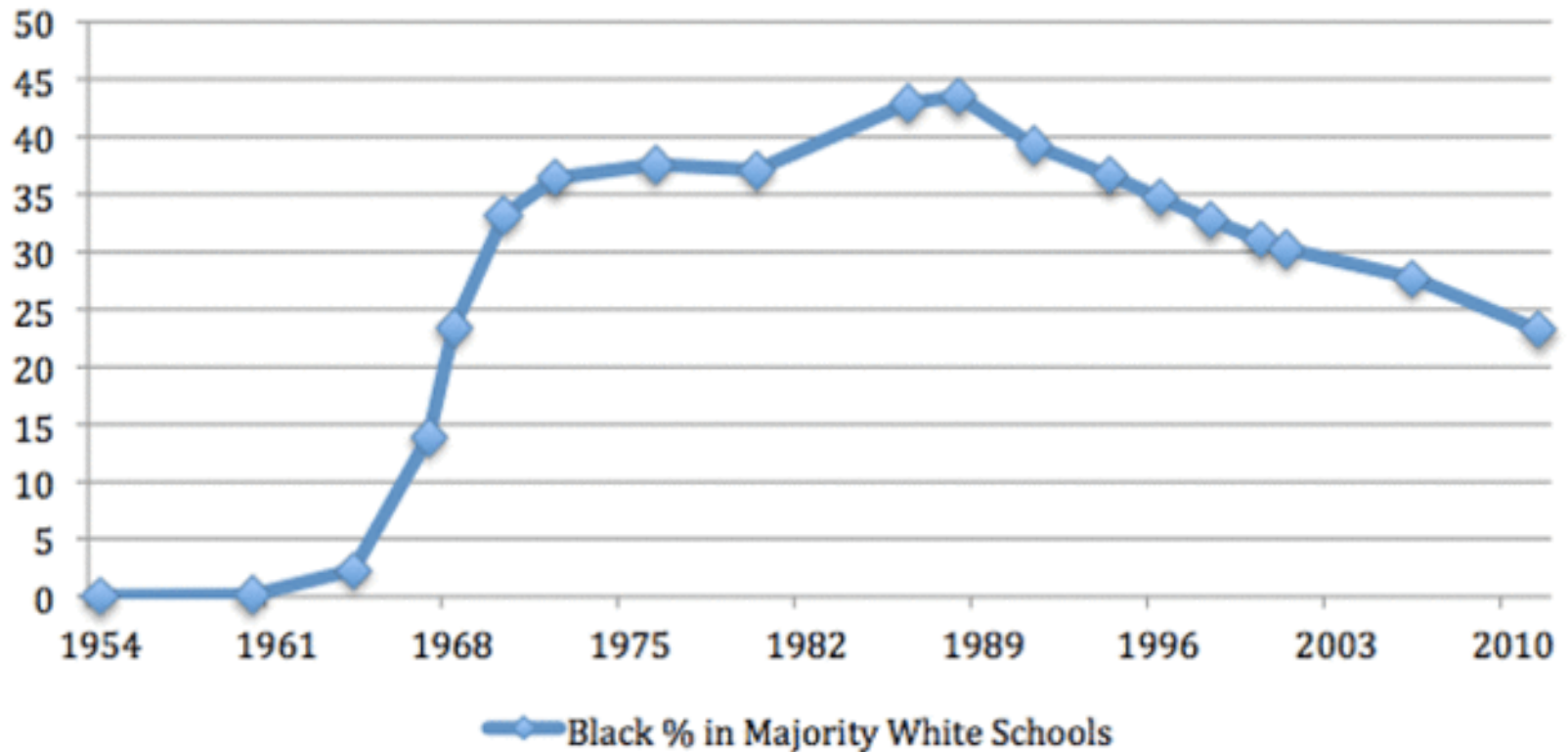
- Congress finally acts (after defeating historic Southern filibusters)
  - Civil Rights Act of 1964
    - Bans discrimination in employment and public accommodations
  - Voting Rights Act of 1965
    - Prohibits racial discrimination in voting
  - These laws give federal government (via the Justice Department) power to bring suit, review, and block state actions
  - School desegregation eventually brought about through threat of withholding newly available federal education dollars
- Overall, legislation moved responsibility for identifying and eradicating civil rights abuses to the federal bureaucracy
  - Strong action by government was needed to secure rights
  - Real change required institutionalization

# Civil Rights Today: Segregation

- White flight from urban centers to suburbs after 1970 helped reverse desegregation
  - Huge subsidies made this possible in form of tax breaks (ex: mortgage interest deduction) and infrastructure (ex: new interstate highway system)
- Redlining and housing discrimination (e.g. covenants) locked Black families out and created segregated communities & wealth inequality that persist today
  - Residential segregation is currently increasing as racially homogenous areas are created in both cities and suburbs
- Bussing of children to further away schools was used to desegregate schools
  - Has been opposed by parents and school districts, and often abandoned
- Desegregation peaked in 1988; we're back to late 1960s levels of racial segregation in schools

# Civil Rights Today: Segregation

## South Region 1954-2011



Source: *Brown at 60* UCLA Report

# Civil Rights Today: Voting Rights

- Voting rights are also under threat
  - Supreme Court
    - *Shelby v. Holder* (2013)
      - Strikes down Section 4 of VRA, crippling preclearance
    - As a result, numerous states erect new burdens to voting
      - Reduced early voting, closing polling places, onerous registration, voter roll purges
  - Voter ID laws
    - Raises costs of voting
    - Can only address in-person voter fraud, which does not exist
  - Exclusively GOP efforts that target Dem-leaning voters; poor, young, students, Black people and other ethnic minorities
- Cause? GOP less competitive with growing racial and ethnic minorities, so seek to suppress voting by these groups
  - African Americans lean the most Democratic of all major groups, so have become primary targets for this suppression
  - Move of some Latinos toward GOP in recent elections has not changed party's strategy

# Comparative Corner

- Civil rights have not been an enduring issue in most other democracies
  - Legal equality largely established in Europe with the abolition of feudal privileges of nobility and monarchy
- The US's unique history of African slavery and anti-Black legal inequality create enduring racial challenges for American democracy
  - **Any** policy recognizing Black people as equal or distributing goods to them on an equal basis has faced and continues to face substantial resistance
  - Racial animus has taken new, less explicit forms
    - Example: Racial conservatives want a weak federal government in part so it can't protect Black people from abuse that would keep them in a subservient position to white people
    - Example: Opposition to social safety net programs ("welfare")
      - Social Security originally excluded agricultural workers and domestic servants, which were the jobs of the majority of Black Americans

# Summary

- Progress and setback in civil rights; the struggle continues
- Key lesson: Strong national majorities needed to overcome local majorities
- Party politics played a big role!
- Institutionalization of victories secured real improvements
- Strategies of Civil Rights Movement emulated by many other groups
  - Women
  - Disabled
  - Elderly
  - Gays and lesbians