Chapter 16
Civil Rights: The Struggle for Political Equality

The History of American Civil Rights

• The Framers, who were not democrats, never totally anticipated what the impact of democracy would have on a culture.
• They knew conceptually and philosophically that the people were destined to rule themselves; but they did not comprehend the mechanics or the unanticipated dynamics.

Unanticipated Outcomes

• The rhetoric of the American Revolution had a life of its own.
• “All Men Created Equal” initially meant just white men, and in practice, propertied white men.
• As definitions changed with cultural changes, so did the scope of the powerful concept expressed by the rhetoric.

A War of Preservation

• The American Revolution was fought to preserve a way of life which had evolved.
• A American colonial way of life which evolved was based on an English concept of freedom not really practiced in England or most of its’ colonies.
• The frontier and the distance of the Atlantic Ocean allowed this English notion of freedom to be practiced in reality.

England Is Distracted

• England was consumed with wars elsewhere in Europe & the world.
• When the wars ended England would refocus on America and seek to collect taxes to pay for the wars.
• When England refocuses on the colonies it attempts to curb and take back the American freedoms which had evolved.
Revolt as a Grass Roots Action
• The first grass roots civil rights movement was the American Revolution itself.
• The fight against the English begins as the common man of Boston & New England rises in revolt.
• Early involvement of aristocracy and the colonial political elite change the dynamic.
• Washington & Franklin oppose war at first.

Abolitionism
• The second grass roots civil rights movement was abolitionism.
• Religious values shape political policy.
• The power of the argument of the minority of Americans who were Abolitionists results in the Civil War and the abolition of Slavery.
• One hundred years later it spawns Civil Rights; an attempt to complete the process

Important Judicial Cases
• Slaughterhouse Cases (1873) - Supreme Court rules that Constitution only applies to federal legal relationships not rights protected by states.
• Civil Rights Cases (1883) - Supreme Court rules that 14th Amendment only restricts state-based discrimination- did not apply to businesses or private citizens.
• Plessy v. Ferguson (1896) - Segregation is legal

Executive Action
• Franklin Roosevelt appoints African Americans to high level government positions.
• FDR doesn’t not defend them when racists treat them rudely.
• President Truman orders the integration of all armed forces (1948).
• Truman had lived & worked with Blacks.

Brown vs. Board of Education
• Supreme Court decision actually strengthens a grass roots movement.
• African American veterans who fought in Korea and WW II demanded an end to second class citizenship.
• Polite agitation which began in 1890s replaced with pro-active action against all forms of law-sanctioned discrimination.
Civil Rights Movement

- Civil rights floundering until given boost by the Supreme Court.
- Like Abolitionism, the Civil Rights Movement of the 1950s & 1960s will be based on religious principles.
- African American ministers will be the organizers and the leaders of a movement built on non-violent agitation & morality.

Little Rock school desegregation controversy. (1957)

- Black students denied access to public schools
- Arkansas governor refuses to enforce court ruling
- President Eisenhower federalizes Arkansas National Guard.
- Civil rights and integration covered by media and become part of national dialogue.

Montgomery Bus Boycott

- Rosa Parks is selected to oppose segregation in public transportation.
- Blacks refuse to ride public transportation.
- Blacks form car pools or walk miles to work
- Bus line depends on black riders--More than half the bus system’s riders are black.
- Peaceful action gains national attention.
- Television changes the dynamic.

Racial Violence (1958-1964)

- Police attacking peaceful marchers.
- 4 girls killed in bombing of black church.
- Medger Evers is assassinated
- 3 Civil Rights workers are murdered.
- Will the urban riots of the late 1960s be an outgrowth of generations of violence imposed on African Americans in the South?

Federal Legislation

- The Civil Rights Act of 1964 - Seeks to remove all biased applications in the public sector.
- The Voting Rights Act of 1965 - Attempts to remove all loop holes and obstacles to African Americans voting.
• The Old South does not remove obstacles until forced to by Federal government.

The Abortion Debate
• *Roe v. Wade* (1974) A woman’s right to have an abortion is based on the right of privacy not reproductive rights.
• The issue of privacy has been eclipsed by a “right” never anticipated by Founders.
• As the date a fetus can survive outside its’ mother’s womb is moved back, earlier, does this change the debate?

Reverse Discrimination
• *Regents of California v. Bakke* (1978) -racial quotas found to be unconstitutional.
• Race can be a factor in admission.
• Supports basic premise of affirmative action.
• The problem is that not all European Americans are connected to the elite.
• Most poor people in America are White!

Disabilities
• The Americans with Disabilities Act (1990)
• Prohibits any discrimination against disabled.
• Must provide equal access.
• Forces schools to deal with all disabilities.
• Due to an impasse between Democrats and Republicans, most of these mandates are not funded.

Disability Issues
• Physical obstacles to movement.
• Learning styles
• Is the Lancastrian method of instruction only good for 40-60% of learners?
• Special programs (special education)
• For at least two millennia instruction had been either totally individualized or in small groups—now groups less than 20 are considered “special.”
Due Process in Disability Decisions

• Can professional staff members employed by the local school board make decisions about special education which will cost the local board money it doesn’t have?
• Example: The school-employed psychologist decides a student is not learning disabled.
• Is there not a conflict of interest?

What’s Next?

• Imagined Problems: Gay Marriages - Public attention focused on the rights of 1/100th of 1%.
• Real Problems: Inequity in school financing within states is unconstitutional.
• Imagined Problems: Is Robert Blake guilty?
• Real Problems: Are corporations lawless?

Corporations

• Initially created in medieval Europe as an insulated legal entity to protect private, personal property from losses incurred in a business venture- that is, to encourage investment, promote trade & commerce.
• In the 21st Century it has become a means to avoid accountability, circumvent laws.
• Corporations are a “legal fiction” requiring different constraints than real persons.